



## GREVIO's working methods

---

### Baseline evaluation procedure

15. In line with Article 68, paragraph 3, of the convention and Rule 30 of GREVIO's Rules of Procedure, GREVIO launched its first (baseline) evaluation procedure in 2016. It covers the convention in its entirety, leaving aside only Chapter VIII of the convention, and consists of a comprehensive analysis of states parties' level of compliance. The evaluation process of each state party, from the first transmission of the questionnaire (see under letter b. below) to the publication of GREVIO's findings in the baseline evaluation report, can take up to 18 months. The baseline evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its reports.

16. To maintain the rate of evaluation procedures underway, bearing in mind the limited financial and human resources and the increase in the number of states parties, adjustments to GREVIO's working methods were decided during its 13th meeting held in Strasbourg from 20 to 23 February 2018. For example, instead of considering the state report with the representatives of the state party concerned at a GREVIO meeting in Strasbourg, GREVIO decided to carry out the consideration of the state report foreseen in Article 68, paragraph 3, of the convention at a round table opening meeting with high-level state representatives in the framework of its evaluation visits. The round table opening meetings that were held during the subsequent evaluation visits were considered very useful by all interlocutors because of their inclusive approach.

17. The main steps of the baseline evaluation procedure are thus the following:

- ▶ **Reporting to GREVIO and information gathering.** A state party under review is expected to submit to the Secretary General of the Council of Europe a report based on the GREVIO baseline questionnaire. This report presents information on existing measures in law and policy covered by the scope of the convention. GREVIO may, in addition, receive confidential information from civil society organisations and national institutions for the protection of human rights. GREVIO also screens all other available sources, in particular the work of other regional and international treaty bodies of relevance.
- ▶ **Evaluation visits: Consideration of the state report and other information.** With a view to arriving at an in-depth understanding of the efforts made in the implementation of the comprehensive provisions of the convention, GREVIO decided, at its first meeting, to carry out evaluation visits to all parties undergoing the first baseline evaluation procedure. The evaluation visit allows GREVIO to meet with all relevant state representatives, including where appropriate at regional and local level, and it offers room for exchanges with civil society representatives, in particular women's rights organisations and specialist support service providers. A round table opening meeting with high-level state representatives allows GREVIO to consider the state report as foreseen in Article 68, paragraph 3.
- ▶ **Preparation of the first draft baseline evaluation report.** A draft report containing GREVIO's findings and conclusions from the evaluation procedure is drafted by the appointed rapporteurs with the support of the Secretariat and then approved by GREVIO in plenary. This draft report is treated as confidential and sent to the state party concerned for comments that are taken into account in the drafting of the final report, if they have been submitted within the time limit set by GREVIO.
- ▶ **Preparation and adoption of GREVIO's baseline evaluation report.** GREVIO's final reports are adopted by consensus, or otherwise by a two-thirds majority of votes cast. Once adopted, the baseline evaluation report is sent to the state party under review for final comments that have to be submitted to GREVIO within one month.
- ▶ **Publication and dissemination of GREVIO's baseline evaluation report.** Together with any final comments submitted by the state party under review, GREVIO's evaluation baseline reports are made public and subsequently transmitted to the Committee of the Parties.
- ▶ **Recommendations by the Committee of the Parties.** Pursuant to Article 68, paragraph 12, of the convention and Rule 2, paragraph 2, of its Rules of Procedure, the Committee of the Parties may adopt, on the basis of the report and conclusions of GREVIO, recommendations addressed to the state party concerning the measures to be taken to implement the conclusions of GREVIO, if necessary setting a date for submitting information on their implementation, and aiming at promoting co-operation with that party for the proper implementation of the convention.

## Questionnaire

18. The need to base GREVIO's monitoring of the convention on a standardised questionnaire stems from the convention itself (Article 68, paragraph 1). GREVIO adopted the questionnaire for its (first) baseline evaluation round on 11 March 2016, less than six months after its first meeting organised in September 2015. GREVIO's main objective was to render the provisions of the convention meaningful by developing standardised approaches to reviewing their implementation. Another core objective was the desire to avoid duplication with the work of other monitoring bodies. The GREVIO questionnaire thus highlights novel aspects of the convention such as, *inter alia*, its **emphasis on an integrated approach, the need to avoid women's secondary victimisation, victims' access to justice and women's empowerment**. Additionally, GREVIO also requests states parties to provide **intersectional up-to-date statistics**, in particular any available administrative and judicial data disaggregated by sex, age and type of violence as well as the relationship of the victim to the perpetrator, geographical location and any other relevant factors (e.g. disability).

19. During the period covered by this report, GREVIO received **15 state reports**, further to requests sent to the relevant states parties.<sup>7</sup> No significant delays have been incurred in this process, and all state reports have been published on the convention's website in accordance with Rule 33 (6) of GREVIO's Rules of Procedure.

## Evaluation visits

20. By virtue of the convention, GREVIO may carry out evaluation visits in the territory of the state party under review where additional information is needed to monitor the implementation of the convention. In adopting its Rules of Procedure, GREVIO decided to include, as a mandatory step in the first baseline evaluation procedure, an on-site visit (Rule 39 (1)). In view of the complex task of monitoring the implementation of the convention as a whole, GREVIO considered this additional step essential for its initial country assessment. It allows a more in-depth understanding of the normative framework in place, its implementation in practice and for valuable direct exchanges with state and non-state actors around gaps and challenges. It is also an occasion for GREVIO to visit services provided to victims such as domestic violence shelters, counselling services, rape crisis centres or other types of specialist services. GREVIO may also request to visit facilities for the reception of asylum seekers and refugees in order to assess states parties' level of implementation of Articles 60 and 61. Moreover, exchanges with representatives of civil society active in the field of violence against women (NGOs, lawyers, academics, journalists) and other relevant interlocutors such as ombudsman institutions and/or national human rights institutions form a significant part of the visit's programme.

21. At its sixth meeting (23 to 25 May 2016), GREVIO adopted internal guidelines for visits and its relations with the media while on visits, offering valuable guidance to the

---

7. Austria, Monaco, Denmark, Albania, Turkey, Montenegro, Portugal, Sweden, France, Finland, Serbia, the Netherlands, Italy, Spain, Belgium.

members of GREVIO. These guidelines, which are confidential, are intended to be living documents, capable of evolving on the basis of the experience gained by GREVIO.

22. During the period covered by this report, GREVIO conducted 13 evaluation visits.<sup>8</sup> Their duration varied from three to eight days depending on the size of the state party under review. In 2016, GREVIO conducted two baseline evaluation visits, to Austria and Monaco, followed by visits to Albania, Denmark, Turkey and Montenegro in 2017. In 2018, four evaluation visits were organised, to Sweden, Portugal, Finland and France, and an additional three, to Serbia, the Netherlands and Italy, in early 2019.

### Other sources of information

23. In joining the ranks of international and regional monitoring bodies, GREVIO is expected to take into consideration, as much as possible, information made available to and by other monitoring bodies (Article 68 (6) of the convention). Moreover, it may request these bodies to provide it with information on complaints presented to them and their outcome, or any other information related to the implementation of the convention in the states parties (Article 68 (8)).

24. GREVIO has collected information, as appropriate, from various United Nations (UN) instruments and bodies, including the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the UN Convention on the Rights of the Child (CRC), the United Nations Convention on the Rights of Persons with Disabilities (CRPD), the UN Refugee Agency (UNHCR), the UN Development Programme (UNDP), and the UN Special Rapporteur on violence against women, its causes and consequences. It has also consulted studies from bodies of the European Union such as the Fundamental Rights Agency (FRA) and the EU Institute for Gender Equality (EIGE), or studies requested by the European Parliament's Committee on Women's Rights and Gender Equality (FEMM). GREVIO may also consider information and reports from other European organisations such as the Organization for Security and Co-operation in Europe (OSCE). Additionally, GREVIO has taken into account information from the European Court of Human Rights (the Court), the Parliamentary Assembly of the Council of Europe (PACE), the Commissioner for Human Rights, the European Commission against Racism and Intolerance (ECRI), the Gender Equality Commission (GEC) and other treaty-based Council of Europe bodies such as the Group of Experts on Action against Trafficking in Human Beings (GRETA), the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) and the European Committee of Social Rights and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

25. GREVIO also examines information published by European networks of NGOs (for example, Women Against Violence Europe (WAVE), the European Women's Lobby, the End FGM Network and the Platform for International Cooperation on Undocumented Migrants (PICUM)), and national NGOs working in the field of violence against women. GREVIO also pays attention to published articles and research from

---

8. Austria, Monaco, Albania, Denmark, Turkey, Montenegro, Portugal, Sweden, Finland, France, Serbia, the Netherlands, Italy.

other civil society organisations, academia and other practitioners. This conscientious review of existing information provides a solid basis for conducting GREVIO's baseline evaluation visits and devising GREVIO's baseline evaluation reports.

### Civil society's contribution to the evaluation procedure

26. Civil society organisations, in particular independent women's rights organisations, are an important source of information for GREVIO. GREVIO maintains close ties with NGOs that are relevant to any of the provisions covered by the convention. This inclusive approach is provided for under Article 68 (5) of the convention. On this basis, GREVIO has established its practice of reaching out to national and regional NGOs and their networks, inviting them to contribute to the evaluation procedure by submitting information on the implementation of the convention. This information may be provided in the form of "shadow reports" or "alternative reports" and may be drawn up on the basis of GREVIO's questionnaire to states parties under review.

27. Through these reports, civil society organisations are able to share their practical expertise that frequently lies in the provision of specialist support services, including legal advice and representation. This intimate knowledge of the practical implementation of law and policy provides an essential input to the evaluation procedure – both in planning the evaluation visit and in drawing up the report.

28. GREVIO treats information received from civil society as confidential, with the exception of formally submitted information in the form of shadow or alternative reports, which will be published if so requested.

### Reservations

29. The possibility for states parties to enter reservations to the convention is strictly regulated under its Article 78. Under this article, reservations may only be entered with respect to the following provisions of the convention:

- ▶ Article 30 (2) related to **state compensation**;
- ▶ Article 44 (1.e), (3) and (4) related to **jurisdiction**;
- ▶ Article 55 (1) regarding **ex parte and ex officio proceedings** and with respect to **minor offences only**;
- ▶ Article 58 regarding the **statute of limitation** with respect to the offences of Articles 37 (forced marriage), 38 (female genital mutilation) and 39 (forced abortion and forced sterilisation);
- ▶ Article 59 on the right of migrant victims to an **autonomous residence status**.

30. Moreover, states parties may reserve the right to provide for **non-criminal sanctions** instead of criminal sanctions, for behaviours referred to in Article 33 on psychological violence and Article 34 on stalking.

31. To promote uniformity in states parties' implementation of their obligations, the convention aims at encouraging them to consider withdrawing and/or reviewing their reservations. Besides foreseeing the possibility for states parties to withdraw their reservations at any time by a declaration addressed to the Secretary General

of the Council of Europe (Article 78 (4)), Article 79 subjects reservations to a limited period of validity (five years from the entry into force of the convention in respect of the party concerned) and to a system of compulsory renewal (Article 79 (1) and (2)).

32. Moreover, the convention provides that any state party that makes a reservation is under the duty to provide GREVIO with an explanation on the grounds justifying its continuance, before its renewal or upon request (Article 79 (3)).

33. As of May 2019, 21 states parties had submitted reservations to the convention (see Table 1).

**Table 1. Reservations made by parties to the convention as of 31 May 2019**

State parties	Article 30 (2) (State compensation)	Article 44 (1.e, 3 and 4) (Jurisdiction)	Article 55 (1) (Ex parte and ex officio proceedings)	Article 58 (Statute of limitation)	Article 59 (Residence status)	Articles 33 and 44 (Non-criminal sanctions for offences under Articles 37, 38 and 39)
Andorra	X					
Croatia	X					
Cyprus	X	X			X	
Czech Republic		X				
Denmark		X				X (with respect to Article 34)
Finland			X			
France		X				
Georgia	X					
Germany					X	
Greece		X				
Ireland	X	X				
Latvia			X			
Malta	X	X			X	
Monaco	X	X			X	
North Macedonia	X	X	X		X	
Poland	X	X	X	X		
Romania	X	X	X	X	X	X
Serbia	X	X				
Slovenia	X	X	X	X	X	
Sweden		X		X		
Switzerland		X	X		X	

34. It should be noted that the declaration made by Poland upon its ratification in April 2015, stating that it will apply the convention “in accordance with the principles and the provisions of the Constitution of the Republic of Poland” has prompted objections from a number of states parties (Austria, Finland, the Netherlands, Norway, Sweden and Switzerland) who consider that this declaration might be tantamount to a reservation.

35. During the evaluation procedure, GREVIO considers whether states have reserved the right not to apply, or to apply only under certain conditions, the provisions of the convention and adapts its assessment accordingly. At the same time, the evaluation procedure offers an opportunity for GREVIO to enter into a dialogue with the countries under evaluation regarding the impact of reservations on their response to violence against women.

36. Denmark, for example, has made a reservation to Article 34 (non-criminal sanctions for stalking) and offers protection to stalking victims on the basis of the Danish Act on Restraining Orders. In light of the high number of breaches and the possibility of granting exceptions to contact bans for communication around shared parental responsibilities, GREVIO has questioned the level of effectiveness of such a restraining order regime as well as the dissuasiveness of non-criminal sanctions, encouraging the authorities to analyse and address the underlying causes of the high number of breaches of such orders.

37. In their report to GREVIO, the Monegasque authorities explained that their reservation to Article 59 on autonomous residence permits for migrant women reflected “the specific nature of residence status as granted in Monaco, whereby having a Monegasque spouse has no direct impact on entitlement to a residence permit”. GREVIO nevertheless observed that, in practice, if a marriage or a relationship is dissolved, a foreign woman may run the risk of being unable to renew her residence permit if she finds herself without the means to prove sufficient financial resources. It therefore invited Monaco to ensure that the conditions governing the right of residence and renewal of residence permits are enforced so as to take into account the difficulties, particularly financial, that foreign women who are victims of violence may experience when they no longer have the resources of their spouse or partner.