

Committee of the Parties

Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Luxembourg

IC-CP/Inf(2023)16

Adopted on 5 December 2023

The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Luxembourg on 7 August 2018;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Luxembourg adopted by GREVIO at its 30th meeting (23-26 May 2023), as well as the comments of the Government received on 7 July 2023;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency cooperation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and nongovernmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the Luxembourg authorities to implement the convention and noting in particular:

- the determined action taken since 2003 to prevent and combat domestic violence, particularly the new procedure for the eviction of perpetrators from their homes and the mechanism for systematic support in this context for victims and perpetrators of domestic violence, including children exposed to violence; the setting up of a committee for co-operation between professionals to combat violence, tasked with co-ordinating the activities of the various stakeholders;
- the financing of a robust network of specialist services for victims of domestic violence;
- the setting up of a Unit for Medical-Forensic Documentation of Injuries (UMEDO), which enables victims of violence who do not wish to file a complaint to have forensic evidence collected and stored;
- the efforts made in the area of education to promote gender equality and combat sexist stereotypes; the adoption of a national action plan on sexual and emotional health;
- the revision of criminal legislation to cater for certain offences covered by the Istanbul Convention; amendments made to the legislation on rape and sexual violence to clarify the definition of consent.

- A. Recommends in the light of the considerations set out in the preamble above, that the Government of Luxembourg take the following measures identified in GREVIO's baseline evaluation report¹ for immediate action to:
1. ensure that policies and measures for the implementation of the Istanbul Convention include a gender perspective, based on an understanding of the link between violence against women, gender stereotypes and the structural inequalities between women and men, in order to address the specific needs of women victims and counteract negative gender stereotypes against women (paragraph 19); develop a comprehensive long-term strategy to prevent and combat all forms of violence against women covered by the Istanbul Convention (paragraph 27);
 2. provide sufficient funding to enable the development of specialised projects and services for women victims of all forms of violence covered by the Istanbul Convention; ensure that funding is available for various measures to prevent and combat all forms of violence against women (paragraph 32);
 3. continue regular co-operation with civil society organisations involved in combating violence against women, including through institutionalised consultation mechanisms and fully acknowledge the crucial role played by independent women's rights organisations (paragraph 35);
 4. strengthen the ability of the national co-ordinating body to perform its tasks under Article 10 of the Istanbul Convention, by ensuring that it operates on the basis of clear policy guidelines that identify the objectives to be achieved and state, measure by measure, the bodies responsible for implementing them, the timeframe, the resources allocated and the performance indicators; ensure that the functions of the national co-ordinating body are exercised in close consultation with the relevant civil society stakeholders; provide for regular independent monitoring and evaluation, using comparable indicators (paragraph 38);
 5. improve data collection so that it can be disaggregated by the sex and age of the victim and the perpetrator, their relationship, geographical location and the different forms of violence covered by the Istanbul Convention, and include information on the presence of children exposed to violence; harmonise data collection between law enforcement agencies and the judiciary to enable an analysis of the movement of cases through the criminal justice system; collect data on asylum claims motivated by gender-related persecution and applications for autonomous residence permits in cases of domestic violence; introduce data collection in the health-care sector on all forms of violence against women (paragraph 50);
 6. support further research in areas relating to all forms of violence covered by the Istanbul Convention and on violence affecting women exposed to intersectional discrimination (paragraph 55);
 7. provide for a national, 24/7 specialist helpline for women victims of violence, run in close co-operation with NGOs specialising in response to violence against women and domestic violence and employing staff with specific training in all the forms of violence covered by the Istanbul Convention (paragraph 115);

¹ The number of the paragraph setting out GREVIO's proposals and suggestions in the report is indicated in brackets.

8. set up crisis centres accessible to victims of rape and sexual violence, meeting all their needs and including immediate medical care and forensic examinations regardless of the victim's desire to file a complaint, psychological and legal assistance, and referral to specialist organisations (paragraph 118);
 9. ensure that when determining custody and visitation rights and introducing measures affecting exercise of parental authority, all incidents of violence against women and domestic violence are taken into account; take measures to regulate co-operation between courts; promote appropriate training alerting the relevant professionals to the harmful effects of violence on children and the lack of any scientific basis for "parental alienation syndrome"; ensure that safe spaces are available during supervised visits; analyse case law on custody and visiting rights when violent incidents have occurred so as to assess progress in this respect (paragraph 143);
 10. collect full data on judicial proceedings including disaggregated data on the number of complaints, the initiation of proceedings and convictions, and analyse relevant case law to be able to assess the effectiveness of the criminal justice response to all forms of violence against women (paragraph 187);
 11. ensure that a standardised and gender-sensitive risk assessment and safety management procedure is used systematically in all cases of violence against women; remove all obstacles to the communication of essential information for the safety of victims reporting on perpetrators of violence to the bodies in charge of risk assessment and regulate the sharing of victims' personal data through clear protocols, with a view to securing their safety (paragraph 196).
- B. Requests the Government of Luxembourg to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 5 December 2026.
- C. Recommends that the Government of Luxembourg take measures to implement the further conclusions of GREVIO's baseline evaluation report.