

# AFTER RATIFICATION: PROMISING PRACTICES TO ADVANCE IMPLEMENTATION OF THE ISTANBUL CONVENTION



**Council of Europe Project  
"Combating Violence against Women  
in Ukraine – Phase II" (COVAW-II)**

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# AFTER RATIFICATION: PROMISING PRACTICES TO ADVANCE IMPLEMENTATION OF THE ISTANBUL CONVENTION

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## List of Abbreviations

BiH	Bosnia and Herzegovina
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CMU	Cabinet of Ministers of Ukraine
CoE	Council of Europe
CPC	Criminal procedure code
CSO	Civil society organisation
DV	Domestic violence
EU	European Union
FGM	Female genital mutilation
FRA	Fundamental Rights Agency
GBV	Gender-based violence
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
HUDOC	Human Rights Documentation
IC	The Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as “the Istanbul Convention”
LAVI	Law of 1993 on Support for Victims of Crime
MIA	Ministry of Internal Affairs
MIPROF	Interministerial mission for the protection of women against violence and the fight against human trafficking
NAP	National Action Plan
NGO	Non-governmental organisation
NSSU	National Social Service of Ukraine
OSCE	Organisation for Security and Co-operation in Europe
VAW	Violence against women
UMV	Violence medicine unit
UNODC	United Nations Office on Drug and Crime
WAVE	Women Against Violence Europe
WHO	World Health Organisation

# Foreword

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**T**he Council of Europe (CoE) Convention on preventing and combating violence against women and domestic violence – [the Istanbul Convention \(IC\)](#) is the first legally binding treaty and the most comprehensive one to date on violence against women and domestic violence. The purpose of the convention is to ensure the protection of women and girls, in all of their diversity, from all forms of violence including domestic violence, to eliminate discrimination against women and promote equality between women and men. Ukraine ratified the Istanbul Convention in July 2022, and with it, active work on the implementation of this human rights standard has begun.

The Council of Europe champions human rights, democracy, and the rule of law through its "strategic triangle": setting clear standards, monitoring progress, and, crucially, co-operating with member states to translate these standards into local improvements. Technical co-operation on the implementation of the Istanbul Convention is supported by the project ["Combating Violence Against Women in Ukraine – Phase II" \(COVAW-II\)](#), through which this report presents promising practices in the implementation of the four pillars of the Istanbul Convention, as identified through GREVIO monitoring.

The promising practices identified in this publication can be used as a tool by Ukrainian institutions and non-governmental organisations (NGOs) involved in preventing and combating violence against women and domestic violence, and also by other member states of the Council of Europe. This study will be useful for policy makers, as well as professionals working in the field of violence against women and domestic violence.

# Introduction

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## Global prevalence of violence against women

**V**iolence against women (VAW) and domestic violence (DV) stand as prevalent infringements on human rights globally. These acts constitute severe violations of fundamental rights, including the right to life, safety, and security, freedom from torture and inhumane treatment, and freedom from discrimination. The repercussions of such violence transcend mere physical and psychological harm, impacting the overall health of victims, the stability of families, and the economic landscape of entire nations.

Violence against women and domestic violence are widespread phenomena, which are still shrouded in silence and underreported. According to the World Health Organization (WHO)<sup>1</sup>, approximately 1 in 3 women worldwide have experienced physical or sexual violence by an intimate partner in their lifetime. The United Nations Office on Drugs and Crime (UNODC)<sup>2</sup> estimates that nearly 30% of women globally have experienced physical or sexual violence from an intimate partner.

Within the European Union (EU), violence against women and domestic violence remains a pressing concern. The European Union Agency for Fundamental Rights (FRA) reports that around 1 in 3 women in the EU have experienced physical and/or sexual violence since the age of 15. The report emphasises that 55% of women in the EU who have experienced violence did not contact the police or any other service, illustrating significant underreporting and barriers to seeking help.<sup>3</sup>

The Organization for Security and Co-operation in Europe's (OSCE) report on the Well-being and Safety of Women<sup>4</sup> published in 2018, which studied violence



against women in Albania, Bosnia and Herzegovina, Kosovo\*, the Republic of Moldova, Montenegro, North Macedonia, Serbia and **Ukraine**, concluded that 70% of women had experienced some form of sexual harassment, stalking, intimate partner violence or non-partner violence since the age of 15. One in three women (33%) in the EU has experienced physical and/or sexual violence by a partner or non-partner since the age of 15. One in 10 women has experienced some form of sexual violence since the age of 15, and one in 20 has been raped. More than two in five (43%) have experienced psychological violence by a partner since the age of 15, and 55% have experienced sexual harassment. More than one in five women (23%) in the region covered by the research had experienced intimate partner physical and/or sexual violence.

## The Istanbul Convention

The Council of Europe (CoE) Convention on preventing and combating violence against women and domestic violence – [the Istanbul Convention \(IC\)](#) – opened for signatures in May 2011 in Istanbul and came into force on 1 August 2014 following its 10<sup>th</sup> ratification. It is the first legally binding treaty and the most comprehensive one to date on violence against women and domestic violence. The purpose of the convention is to ensure the protection of women and girls, in all of their diversity, from all forms of violence including domestic violence, to eliminate discrimination against women and promote equality between women and men. It seeks to do so through a “comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence” (Article 1c). The convention defines and criminalises the various forms of violence against women, including domestic violence, which affects women disproportionately. Insofar as the convention seeks to protect from and eliminate domestic violence, it also recognises that men and boys can be victims of such violence.

The Istanbul Convention acknowledges that the key to eliminating violence against women and domestic violence is taking a comprehensive, holistic and gender-sensitive approach, based on the recognition that such violence is structural and a manifestation of historical inequality between women and men.

The Istanbul Convention requires parties to offer a holistic response to violence against women, through its four pillars (4 Ps):

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\* All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244 and without prejudice to the status of Kosovo.

■ **prevention** of violence through measures addressing its root causes and aiming at changing attitudes that make violence against women acceptable. This includes awareness-raising campaigns, training the professionals responding to violence and developing treatment programmes for perpetrators;

■ **protection** of women and girls through creating specialised support services for victims and their children (shelters, telephone helplines, day centres, rape crisis centres), as well as through the introduction of emergency barring orders and long-term protection orders;

■ **prosecution** of perpetrators through the criminalisation of all forms of violence against women, efficient criminal investigations and proceedings and seeking to end impunity;

■ **integrated policies** applied state-wide that are holistic, co-ordinated and comprehensive including all relevant measures to prevent and combat all forms of violence against women, implemented through effective co-operation among all stakeholders and centred around the needs of the victims.

As of April 2024, the Istanbul Convention has been signed by 45 out of 46 members of the Council of Europe and ratified by 38 countries. It was also ratified by the European Union on 28 June 2023 and entered into force on 1 October 2023. Ukraine ratified the Istanbul Convention on 18 July 2022, and it came into force in Ukraine on 1 November 2022.

## Scope of the report

This report has been prepared under the framework of the Council of Europe project ["Combating Violence against Women in Ukraine - Phase II" \(COVAW-II\)](#) (2023 -2024). It builds on a previous CoE project ["Awareness-raising activities on the Istanbul Convention in the Republic of Moldova"](#) (2020), through which a similar study was prepared and published, called "Advancing towards the ratification and implementation of the Istanbul Convention: good practices from states parties".

This updated version of the report provides examples of promising practices under each of the pillars of the Istanbul Convention. These practices have been selected to respond to the current challenges and gaps in Ukraine as identified through consultations with the Ukrainian institutions and NGOs but can also be used as a tool by other parties to the convention. The report is based on all published GREVIO reports, the GREVIO mid-term horizontal review and the Focus

sections of the annual GREVIO General Reports on activities, published from 2020 through 2023. The research process for this publication especially benefited from the [library of resources](#) compiled by the Gender Equality Division, which offers support on many aspects of the Istanbul Convention in several languages.<sup>5</sup>

While it is hoped that the examples of practices presented in this report will provide useful ideas to support Ukraine and other states to ratify and implement the Istanbul Convention and identify ways for improving responses to violence against women and domestic violence in general, the Council of Europe does not endorse any particular promising practice and does not consider any country to represent a promising practice as a whole. In addition, it does not preclude the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) from evaluating these country practices within its monitoring mandate. This report is not intended as a monitoring exercise.

Finally, this report does not look into all requirements set forth in the Istanbul Convention but rather provides handpicked examples that could best fit the Ukrainian context.

## Methodology

In undertaking the methodology for this study, meetings with stakeholders were conducted in December 2023 to identify priority areas for implementing the Istanbul Convention in Ukraine. Consultations were held with various entities in Ukraine, including the Ministry of Social Policy, the Police, the Office of the Prosecutor General, the Co-ordination Centre for Free Legal Aid Provision and Civil society organisations (CSOs). The stakeholders identified key issues and questions for each of the four pillars of the Istanbul Convention, as relates to the situation in Ukraine. These questions and issues formed the basis for the desk research.

GREVIO reports were systematically analysed to assess the compliance of various countries with different articles of the Istanbul Convention. The analysis focused on four key themes: prevention, protection, prosecution and integrated policies. The researchers organised GREVIO findings under these categories to extract essential information regarding what the reports specifically commend or welcome. Subsequently, the authors synthesised these key ideas to ensure their inclusion in the comprehensive database, providing a consolidated overview of the commendable aspects highlighted by GREVIO across the evaluated countries.

The findings are presented in four sections following the four pillars of the Istanbul

Convention. For each section, promising practices were selected based on the specific needs identified in Ukraine. Therefore, not all articles of the Istanbul Convention were analysed, but rather the priority areas. For each issue, there is a general explanation of the requirements set out in the Istanbul Convention and its explanatory report, followed by a description of the current approach in Ukraine, and finally examples of promising practices from parties.

## **Violence against women and domestic violence in Ukraine**

Preventing and combating violence against women and domestic violence has been in the focus of public authorities following Ukraine's independence. Civil society organisations working with vulnerable groups have also taken an active position in protecting human rights and freedoms. Since 2001, Ukraine has been actively developing a legislative framework for preventing and combating violence against women and domestic violence, taking steps to create a system of agencies and services, a network of shelters for victims, increasing the number of educational and information events, and providing training for various professionals. The number of requests for assistance from victims to the police and the number of registered cases of domestic violence in the Unified Register of Pre-trial Investigations has also increased.

According to the results of the work of the National Police of Ukraine to prevent and combat domestic violence, in 2022, 244 381 reports from citizens were registered in the Unified Register of Applications and Reports of Criminal Offences and Other Events Related to Domestic Violence, and in 2023, 291 428 such reports were registered. According to the Office of the General Prosecutor, in 2022, 3 942 criminal offences related to domestic violence were registered, including 2 080 under Article 126-1 of the Criminal Code of Ukraine (domestic violence). In 2023, 8 349 such reports were registered, including 3 634 under Article 126-1 of the Criminal Code of Ukraine. In Ukraine, as in other countries, women are most affected by violence against women and domestic violence, with 80% of all reports coming from women, while children have been identified as victims in 4% of the cases.

Before ratifying the Istanbul Convention, Ukraine already had legislation in place that allowed for the implementation of certain provisions of the Istanbul Convention. The main legal acts related to violence against women and domestic violence in Ukraine are The Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", the Law of Ukraine "On Preventing and Combating Domestic Violence", and the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Interaction of Entities Implementing

Measures to Prevent and Combat Domestic Violence and Gender-Based Violence". CSOs, together with public authorities, began an active process of training various specialists at both the central and local levels.

In addition, the Government of Ukraine has adopted several strategies and state programmes to prevent and combat domestic and gender-based violence (GBV)\*\*. Among them are the State Social Programme for Preventing and Combating Domestic and Gender-Based Violence for the period up to 2025<sup>6</sup> and the State Strategy for Ensuring Equal Rights and Opportunities for Women and Men for the period up to 2030 and the approval of the operational plan for its implementation for 2022-2024<sup>7</sup>. The documents focus on improving the mechanism for preventing and combating domestic violence and gender-based violence in the context of decentralisation, taking into account international standards, and the effective functioning of the national mechanism for ensuring equal rights and opportunities for women and men.

Similarly, the justice system has taken a more active stance in protecting the rights of victims of domestic violence and gender-based violence. Every year, the number of court decisions to bring perpetrators to criminal liability for domestic violence is increasing, and judges are increasingly granting applications for restraining orders. Two cases against Ukraine were won in the European Court of Human Rights: "Levchuk v. Ukraine"<sup>8</sup> and "Ivashkiv v. Ukraine"<sup>9</sup>.

In parallel, support services for victims are being created. According to the State Report submitted to GREVIO, as of the end of 2022, a network of specialised support services (760 units) has been established and is functioning in Ukraine to provide social services to victims of domestic and/or gender-based violence: 520 mobile teams of social and psychological assistance; 46 shelters providing round-the-clock accommodation (up to 90 days); 46 crisis rooms providing round-the-clock accommodation (up to 10 days); 46 day care centres for social and psychological assistance; 71 specialised services for primary social and psychological counselling for victims of domestic violence and/or gender-based violence; 19 hotlines on preventing and combating domestic violence, gender-based violence and violence against children; 15 other institutions and facilities

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\*\*The Government of Ukraine refers to gender-based violence, whereas the Istanbul Convention prefers the term 'violence against women.' Although often used interchangeably, the two terms are in fact different. Gender-based violence (GBV) encompasses violence where the victim's gender is the primary motive. Violence against women (VAW) falls within GBV, targeting women and girls specifically. The Istanbul Convention prioritises preventing VAW to promote gender equality. It highlights that women and girls are at a higher risk of GBV. The term „gender-based violence against women” underscores violence's disproportionate impact on women. Implementers of the convention emphasize „violence against women” to align with its gender equality goals. For the purposes of this report, when referring to the situation and legislation in Ukraine, the term 'gender-based violence' is used, while when referring to the Istanbul Convention and promising practices, the term 'violence against women' is used.

designed to provide assistance to victims (social apartments, centres for social and psychological assistance, a resource centre for reconciliation and correctional and restorative programmes, emergency anonymous medical and psychological assistance for victims of domestic violence).<sup>10</sup>

Ukraine is the only country to have ratified the Istanbul Convention in the face of war. Conflict broke out in 2014, with the Russian Federation's attack on eastern Ukraine and Crimea, and on 24 February 2022, the Russian Federation launched a full-scale war on Ukraine. Undoubtedly, the war has hurt the process of formulating and implementing state policy to prevent and combat domestic and gender-based violence. At the beginning of the full-scale aggression, the work of many agencies and services was paralysed, law enforcement agencies were reoriented to protect the country, and specialised support services were deprived of the opportunity to assist victims due to shelling and hostilities. The decision below demonstrates the impact of the war in a single case of domestic violence, of which there are thousands in Ukraine:

By the decision of the Desnianskyi District Court of Chernihiv on 27 September 2022 (case No. 750/2973/22), a man was convicted of beating his wife, which caused her death. According to the convict's testimony: *"He offered [the victim] to call an ambulance, but she did not want to. Later, she became very ill, he tried to call an ambulance and the police, but failed, possibly because of the hostilities nearby. Then PERSON\_6 [the victim] died."* The head of the village council also gave the following testimony: *"She called the police, but no one could come right away because of the fighting near the village. The ambulance also did not come then, there was no way to get there, the bridges were blown up."*

According to the report "Domestic Violence in Ukraine: Response in the Context of War (First Half of 2022)" prepared by the JurFem Analytical Centre<sup>11</sup>, during the first half of 2022 (January-June 2022), compared to the first half of 2021 (January-June 2021), 27.5% fewer reports of domestic violence were received by law enforcement agencies. During the first half of 2022 (January-June 2022), compared to the first half of 2021 (January-June 2021), 52% fewer criminal proceedings were registered under Article 126-1 of the Criminal Code of Ukraine (Domestic Violence).

Another challenge faced by Ukraine due to the war is conflict-related sexual violence. According to the Office of the General Prosecutor, as of 31 December 2023, since the beginning of the full-scale military aggression of the Russian Federation, prosecutors have recorded 258 cases of conflict-related sexual violence (men - 96, women - 162, 13 of them minors, including 12 girls and one boy

[another type of sexual violence not related to rape]), including rape, mutilation or violence against genitals, forced nudity, threats and attempts to rape, forcing victims to watch sexual violence against loved ones, etc. Currently, the highest number of cases of sexual violence has been recorded in the Kherson region (79), Kyiv region (53), Donetsk region (65), Kharkiv region (25), Zaporizhzhia region (16), Chernihiv region (6), Luhansk region (3), Mykolaiv region (9), and Sumy region (2).

As of late Autumn 2023, settlements in five regions of Ukraine are under partial occupation by the Russian Federation: Luhansk (98% of the territory), Zaporizhzhia (73%), Kherson (72%), Donetsk (57%), Kharkiv (2%), and the fully occupied Crimean Peninsula. In these territories, cases of violence are not recorded, and authorities and services are deprived of the opportunity to function properly and help the victims.

Another consequence of the war is that a large number of specialists were forced to evacuate to safer areas, and the number of internally displaced persons increased, which increased the burden on the authorities and services of the regions where people were forced to evacuate. In the de-occupied territories, it is also difficult to respond to incidents of violence promptly due to systematic shelling. For example, in the de-occupied Kherson city, there is no judicial practice to bring perpetrators to justice for domestic violence, and the city is under daily shelling.

In 2022, La Strada Ukraine conducted a survey<sup>12</sup> of victims of gender-based violence, including domestic violence, who sought assistance from the National Hotline for the Prevention of Domestic Violence, Human Trafficking, and Gender Discrimination. The results indicated that 75.5% of respondents (with 97% being women) had endured domestic violence before the full-scale invasion, and 53% reported a deterioration in their situations post-invasion. One of the women interviewed said:

” I live in my ex-husband's apartment. My apartment was destroyed by cluster shells and now I have nowhere to go. My husband takes advantage of this and commits violence against me. Recently, he brought home a grenade, I called the police, they seized the grenade, but did nothing else. I'm very scared because now my husband has become more aggressive and wants his mother to come and help him discharge me and kick me out of the apartment.

## Path to ratification of the Istanbul Convention

Ukraine's path to ratification of the Istanbul Convention took 11 years since its signature in 2011. As a result, Ukraine ratified the Istanbul Convention in July 2022 and became part of a community that shares the values enshrined in the Istanbul Convention.

For many years, the main opponent of the ratification of the Istanbul Convention was the All-Ukrainian Council of Churches. The first attempt to ratify the Istanbul Convention was made in 2016. The majority of MPs did not want to consider the ratification because of the concept of "gender" throughout the document. In 2019, there was a second attempt to ratify the Istanbul Convention.

On 14 May 2020, an electronic petition for the ratification of the Istanbul Convention on the website of the President of Ukraine received more than 25 thousand votes. In response, on 21 September 2020, the President of Ukraine adopted a Decree "On Urgent Measures to Prevent and Combat Domestic Violence, Gender-based Violence, and Protect the Rights of Victims of Such Violence", which identified urgent measures in the field of preventing and combating domestic violence, gender-based violence, aimed at protecting the rights and interests of victims of such violence.<sup>13</sup>

On 8 March 2021, another Women's March took place in Kyiv, Kherson, Kharkiv, Zaporizhzhia, Poltava, Kramatorsk, Lviv, and Ivano-Frankivsk with the main demand being the ratification of the Istanbul Convention. Similarly, in 2021, the petition for ratification of the convention (the second in a row) again gained the required 25 thousand votes. In response, the President of Ukraine expressed his official position:

” Currently, the Ministry of Foreign Affairs of Ukraine has been asked to finalise the package of documents on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence for further submission to the President of Ukraine in accordance with the established procedure, together with a draft statement, taking into account existing international practice. Upon completion of these procedures, I will be ready to submit this draft law to the Verkhovna Rada of Ukraine as a legislative initiative.<sup>14</sup>



On 18 June 2022, after the full-scale invasion of the Russian Federation and the advancement of Ukraine's European integration, President of Ukraine Volodymyr Zelenskyy registered a draft law on the ratification of the Istanbul Convention. On 20 June 2022, the convention was approved by the Ukrainian Parliament (259 MPs voted to approve while 8 voted against) and ratified on 18 July 2022.

Ukraine ratified the Istanbul Convention with a reservation:

” In accordance with Article 78, paragraph 2, of the convention, Ukraine reserves the right not to apply the provisions of Article 30, paragraph 2, of the convention until the national legislation is brought into conformity with the said provisions of the convention.

Ukraine has reserved the right not to award state compensation to victims of serious bodily injury or health impairment in connection with crimes covered by the Istanbul Convention. Currently, victims may seek compensation directly from the offender by filing a civil action as part of criminal proceedings. The ratification law also states:

” Ukraine declares that, as a result of the large-scale armed aggression of the Russian Federation, the fulfilment by Ukraine of its obligations under the convention in the temporarily occupied territories, in the Autonomous Republic of Crimea and the city of Sevastopol cannot be guaranteed until the constitutional order of Ukraine is fully restored in these territories. Any bodies, their officials and officers in the temporarily occupied territories, in the Autonomous Republic of Crimea and the city of Sevastopol are illegitimate and their activities are illegal if these bodies are established or persons are elected or appointed in a manner not provided for by the Constitution and laws of Ukraine, and any acts (decisions, documents) adopted by them are invalid and do not create any legal consequences.<sup>15</sup>

## Implementation of the Istanbul Convention in Ukraine

With the ratification of the Istanbul Convention, active work on the implementation of the Istanbul Convention has begun. The basis of the implementation process is to bring national legislation in line with the provisions of the Istanbul Convention.

The Ministry of Social Policy of Ukraine has developed a draft Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Mechanism for Preventing and Combating Domestic and Gender-Based Violence"<sup>16</sup>. The Draft Law proposes to amend the Family Code of Ukraine, the Laws of Ukraine "On Preventing and Combating Domestic Violence", "On Ensuring Equal Rights and Opportunities for Women and Men", "On Childhood Protection", "On Mediation" in terms of bringing them in line with Articles 2, 7, 10, 48 of the Istanbul Convention.

In addition, the Verkhovna Rada of Ukraine has registered other draft laws that provide for amendments to various legal acts aimed at implementing the provisions of the Istanbul Convention, namely:

- ▶ Draft Law "On Amendments to the Code of Ukraine on Administrative Offences in connection with the Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)"<sup>17</sup>;
- ▶ Draft Law "On Amendments to the Criminal Procedure Code of Ukraine on Conclusion of Reconciliation Agreement and Criminal Proceedings in the Form of Private Prosecution in connection with the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)"<sup>18</sup>;
- ▶ Draft Law "On Amendments to the Criminal Code of Ukraine and the Code of Ukraine on Administrative Offences in terms of regulating liability for unlawful acts that may be defined as gender-based violence in connection with the ratification of the Istanbul Convention"<sup>19</sup>;
- ▶ Draft Law "On Amendments to Certain Legislative Acts on Ensuring Equal Rights and Opportunities for Women and Men and Combating Domestic Violence in terms of Harmonizing the Terminology with the Istanbul Convention"<sup>20</sup>.

In order to improve the effectiveness of co-operation between law enforcement agencies, public authorities, international, and non-governmental organisations

in combating criminal offences related to domestic violence, and to develop proposals for improving work in this area, an interagency working group was established by Order of the Prosecutor General No. 134 of 25 May 2023.

This working group includes entities involved in preventing and combating domestic violence and NGOs. The members of the group developed joint measures to combat domestic violence in criminal proceedings, including preparing training programmes for investigators, detectives and prosecutors on the specifics of pre-trial investigation of criminal proceedings in this category to help them acquire practical skills.

In order to change approaches to victim-oriented work, prosecutors have been specialised to provide procedural guidance to pre-trial investigations of criminal proceedings in this category.

# Promising practices on implementation of the Istanbul Convention

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**W**ithin the ten years of its coming into force (2014), the Istanbul Convention has had a significant positive impact in the countries that have ratified it. It has succeeded in bringing the issue of violence against women and domestic violence to the forefront of the political agenda, increased the level of public debate and made it clear that this is not a private, but a public issue.

In its first General Activity Report (2020)<sup>21</sup>, GREVIO commended the parties for making improvements and it also identified valuable practices in the course of its baseline evaluation procedure. It recognised the general improvement in the criminalisation of all forms of violence against women, particularly sexual violence, stalking, female genital mutilation (FGM) and forced marriage. GREVIO also noted the development of national action plans, establishment and financial support of shelters and 24/7 telephone helplines, and systematic initial and in-service training of relevant professionals.

In its second General Activity Report (2021)<sup>22</sup>, GREVIO examined the role of specialist support services as a lifeline for victims of violence against women. It specifically looked at the challenges these services experienced as a result of the Covid-19 pandemic. The limitations on movement and social isolation measures enforced by governments due to the Covid-19 pandemic resulted in a significant rise in violence against women, including instances of domestic violence, sexual violence, rape, and an escalation in gender-related killings of women. Despite these challenges, the pandemic has prompted certain countries to devise innovative solutions, particularly in the realm of specialist support services and information provision. However, it has also illuminated pre-existing gaps in this area, as previously identified by GREVIO, exacerbating them and sometimes giving rise to new deficiencies.

The third General Activity Report (2022)<sup>23</sup> delved into the link between domestic violence, child custody, and visitation arrangements (Istanbul Convention Articles

26, 31, and 45). It exposed the challenges of post-separation abuse, emphasising the impact of child contact decisions on the safety of women and children. The section identified gaps and promising practices and highlighted 12 crucial intersecting actions from GREVIO's evaluations to improve the situation for domestic violence victims regarding child custody and visitation rights.

The fourth General report on GREVIO's activities (2023) examined the theme of rape and how this crime is regulated in different countries. It revealed that although a considerable number of parties still mandate the inclusion of violence/coercion as integral components of sexual offences, ongoing law reform endeavours in numerous countries suggest a shift toward the "only yes is yes" model.<sup>24</sup>

In its Mid-term Horizontal Review of baseline evaluation reports<sup>25</sup>, GREVIO has emphasised that the Istanbul Convention's ratification has spurred policy and legislative advancements beyond domestic violence, encompassing various forms of violence against women outlined in the convention. GREVIO, after 17 baseline evaluations, noted public recognition of civil society's role, especially women's organisations, in providing specialised services and prevention efforts. Many parties show progress with established multi-agency co-operation structures and efforts to integrate violence against women into social welfare services. However, GREVIO identified a persistent challenge: a more robust network of support services for domestic violence victims than for victims of other forms of violence. Post-convention, there's increased support for victims, with awareness of the impact on children. Yet, shortcomings persist in legal frameworks and implementations across all convention parties concerning victim and child safety in custody and visitation decisions. GREVIO underscores the imperative to address these issues for more effective efforts against various forms of violence.

In their General Recommendation No. 1 on the Digital Dimension of Violence against Women adopted on 20 October 2021<sup>26</sup>, GREVIO points out that the Istanbul Convention offers an important legal framework to prevent and combat the digital dimension of violence against women and domestic violence. The Recommendation emphasises the insufficiency of existing laws, frequently concentrating on immediate safety issues while overlooking the social, economic, and psychological consequences, along with the cumulative impact of gender-based violence. Despite the widespread occurrence of online gender-based violence, discussions and reactions, both on a national and international level, frequently fall short of acknowledging this dimension.

The sections below provide examples of the implementation of the four pillars of the Istanbul Convention by different parties. For each pillar, a brief explanation of

the requirements of the convention is provided. This is followed by a description of the situation, including specific shortcomings or challenges in Ukraine linked to the standards of the convention. Lastly, a selection of examples of implementation by parties is provided. The examples are chosen to illustrate how parties have addressed the provisions of the convention. It should be emphasised that not all requirements under each pillar are shown in this study.

## Prevention

Preventing violence against women and domestic violence requires far-reaching changes in the attitude of the public at large, raising awareness of the negative consequences of violence against women and domestic violence and the critical role of gender stereotypes in generating such violence. Prevention work aims to reach the hearts and minds of individuals who, through their behaviour, contribute to perpetuating different forms of violence. Prevention must therefore include actions at individual, community and social levels and must target the root causes of violence against women and domestic violence. The Istanbul Convention recognises violence against women as a result of historical power imbalances, emphasising the need for gender equality. Prevention, a crucial pillar in the convention, demands political commitment, legislation for gender equality, awareness-raising, and support for civil society.

## Awareness-raising

The Istanbul Convention requires parties to put forward measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or stereotyped roles for women and men (Article 13). To raise awareness, parties should support, promote or conduct regular awareness-raising campaigns and programmes, including in co-operation with national human rights institutions, equality bodies and civil society, particularly women's NGOs.

### Awareness-raising campaigns in Ukraine

Various information campaigns on preventing and combating domestic violence are conducted in Ukraine by both state authorities and NGOs, but such information campaigns are conducted according to the vision of a particular state authority (mostly implementing general prevention measures) and the capabilities of an

NGO. There is no single approach to conducting information campaigns at the national level on a systematic basis. Similarly, neither national nor local budgets allocate sufficient or sustainable funds for information campaigns.

Usually, information campaigns are held to coincide with a specific date, such as the "Children's Rights Day" on 1 June or the "16 Days Against Violence" campaign, which runs from 25 November to 10 December.

At the same time in Ukraine, new approaches to informing the public are being developed to raise awareness of domestic violence, eradicate discriminatory attitudes, and promote zero tolerance attitudes toward violent behaviour, among other things. A *mobile application* with a hidden interface was launched for women who have suffered from domestic violence and gender-based violence or are at risk. To raise public awareness of the availability of this additional tool, the Ministry of Internal Affairs (MIA) developed and distributed brochures and business cards "Your Safety at Your Fingertips" (200 000 copies). An information campaign "[It's Not OK](#)" was also launched, within the framework of which visual and textual materials (posters, message boxes, narratives, content plan and coverage schedule) were developed. The purpose of the information campaign is to draw attention to the problems of overcoming domestic violence, raise public awareness of the forms of violence, and promote the algorithm of action for victims and mechanisms for bringing perpetrators of domestic violence to justice. The MIA chatbot *#ActAgainstViolence* and "*Stay Safe*" were launched in messengers (Telegram, Viber) and a safety plan "Domestic Violence in War" (45 000 copies) was created and distributed for victims of domestic violence, containing information on how to protect themselves from domestic violence during the war; and an information brochure "*Where to go for help in case of domestic violence*" was developed and distributed (100 000 copies).

At the same time, ordinary citizens who face the consequences of domestic violence are not sufficiently aware of where to turn to for help and information for fear of public condemnation or distrust of law enforcement agencies. The results of a survey on the effectiveness of responding to cases of sexual violence conducted in 2023 by the Association of Women Lawyers "JurFem" indicate that according to the respondents (94.5% women), victims do not seek help or go to the police because of the belief that the police will ignore their appeals (78.4%), fear of public condemnation (72.6%), and do not know how to act (58.4%).<sup>27</sup>

### Promising practice examples

An exemplary initiative from **Sweden** is an [online portal](#), providing crucial

information for young migrants on sexuality, family, marriage, and violence, available in six languages.<sup>28</sup> The Swedish police "[Come to us](#)" campaign (2015) disseminated information in 18 languages, encouraging reporting of crimes like domestic violence and forced marriage. The campaign provided information on how to report such crimes, how a criminal investigation on such crimes is conducted as well as providing information to the victims. Indeed, GREVIO noted that such efforts at raising awareness may positively impact the number of reported cases.

Another promising practice observed by GREVIO was **Portugal's** strategy for raising awareness about the harmful practice of [FGM](#)<sup>29</sup>. This involved distributing leaflets and posters during school holidays at airports, particularly in departure areas for flights heading to several African countries where FGM continues to be practised. Simultaneously, preventive measures were implemented at Guinea Bissau airports, considering the majority of FGM victims in Portugal come from the migrant community originating from this country. This approach recognises that many girls and women in Portugal experience FGM while on holidays in their country of origin.

During the Covid-19 pandemic, authorities in **Ireland** launched the "[Still here](#)" campaign, focused on informing victims about the continuity of specialist support services for domestic and sexual violence despite pandemic-related restrictions.<sup>30</sup> Simultaneously, it aimed to alert perpetrators that these forms of violence would be prioritised by civil and criminal courts. This campaign, co-designed with civil society and community organisations, proved successful, as evaluated through a report. GREVIO appreciates another police campaign running parallelly, assuring victims of assistance despite pandemic restrictions.

GREVIO particularly appreciated the initiation of a national awareness campaign in November 2022 addressing sexism in **Luxembourg**. This campaign aligns with the Recommendation of the Committee of Ministers of the Council of Europe on preventing and combating sexism and utilises the tools from the campaign "[Sexism: See it. Name it. Stop it.](#)"<sup>31</sup>

In **Georgia**, significant efforts have been undertaken to raise awareness about various forms of violence against women among the general population and professionals, including local community leaders — an initiative welcomed by GREVIO<sup>32</sup>. At the national level, the Inter-Agency Commission developed a comprehensive communication strategy spanning 2018 to 2020, outlining specific awareness-raising activities. This strategy provides a framework for line ministries and state agencies to engage in the national response, promoting zero tolerance



for violence against women and domestic violence while increasing awareness of available state services. GREVIO commends the execution of campaigns in 2018 and 2019, addressing violence against women as a national priority. Additionally, the Prosecutor's Office actively participated in these campaigns, organising information-sharing meetings across Georgia to raise awareness about violence, discrimination, hate crimes, and state measures. This engagement also extended to regional awareness-raising campaigns by the Ministry of Internal Affairs, with a focus on preventing domestic violence and disseminating information about legal mechanisms and support services. Notably, during the Covid-19 pandemic, the Inter-Agency Commission developed a communication strategy addressing increased risks of violence against women and domestic violence. GREVIO commends the use of a countrywide SMS system and collaboration with international organisations and NGOs to disseminate information through various channels and languages, ensuring citizens are informed about alternative reporting methods and available support services. Georgia developed a monitoring tool to assess the prevention of violence against women and domestic violence as part of the Council of Europe project "Promoting an Integrated Approach to End Violence against Women and Enhancing Gender Equality in Georgia".<sup>33</sup> Alongside evaluating awareness-raising initiatives and educational campaigns concerning gender equality, non-violent interpersonal relationships, human rights, violence against women, and domestic violence, the monitoring tool integrates administrative data, research findings, and surveys about these topics.

### **Why these constitute promising practices:**

- providing information and encouraging reporting of violence against women in various languages (Sweden);
- addressing specific forms of violence against women and tailoring the campaign to specific target group (Portugal);
- adapting to crisis situations and working in partnership with NGOs (Ireland);
- addressing underlying causes of violence against women, such as sexism (Luxembourg);
- taking a structured, strategic, long-term and holistic approach to raising awareness and providing information to the victims, adapting to crisis situations through innovation and including all relevant stakeholders, as well as ensuring systematic monitoring to assess the effectiveness of prevention efforts (Georgia).

## Training of professionals

Professionals working with cases of violence against women, including domestic violence, must be trained to prevent and identify these cases, assess and manage risks, identify and respond to victims' needs, and refer victims to other specialist services, when necessary (Article 15). The topics of the training should include co-ordinated multi-agency response.

### Strengthening capacities of professionals in Ukraine

The professional development of specialists who respond to cases of gender-based violence against women is the focus of attention for key partners. With the support of international organisations, training is provided for police officers, judges, prosecutors, lawyers and psychologists.

In 2023 within the framework of the Council of Europe project "Combating Violence against Women in Ukraine – Phase II" ([COVAW-II](#)) a 4-day professional training was conducted for practising psychologists, social work specialists, hotline operators on the provision of services to victims of sexual violence in conflict with particular focus on women and girls. It was aimed at supporting professionals to ensure access to gender-sensitive and victim-centred social, psychological, medical and legal assistance to victims of sexual violence, with particular focus on women and girls including internally displaced persons.

In Ukraine, with the support of UNICEF, a pilot project is underway to involve psychologists in criminal proceedings involving minors through regional/interregional free legal aid centres. The register includes 113 psychologists who have undergone specialised training. In 43 per cent of cases, psychologists are involved in proceedings involving a child as a victim, mainly in cases of domestic and sexual violence against children.

Similarly, the opportunity to participate in free training on the [HELP platform](#) raises the level of training for various professionals on the protection of women's rights, including domestic violence. The courses "[Access to Justice for Women](#)"<sup>34</sup>, "[Violence Against Women and Domestic Violence](#)"<sup>35</sup>, and "[Violence Against Women and Domestic Violence for Law Enforcement](#)"<sup>36</sup> are available in Ukrainian. An adaptation of the course "Violence against women and domestic violence" has been launched in 2024 for lawyers, judges and prosecutors.

Special attention is currently being paid to the issue of the specialisation of investigators and prosecutors. On 24 October 2023, a joint meeting was held

under the chairmanship of the Prosecutor General with the participation of law enforcement and state bodies on combating criminal offences related to domestic violence and the issue of introducing the specialisation of investigators and prosecutors to conduct pre-trial investigations in criminal proceedings on criminal offences related to domestic violence, procedural guidance and organisation of specialised training. There is no separate specialisation for judges and lawyers for now in Ukraine.

### Promising practice examples

**Monaco**, despite some noted limitations in its baseline evaluation report, has a legal provision (Law No. 382) requiring regular training for professionals dealing with violence victims.<sup>37</sup> This provision aims to enhance their ability to address victims' issues within their respective areas of expertise. Implementation involved consultations between representatives from the Ministry of Health and Social Affairs, the Police Department, the Department of Justice, the fire brigade, and the sole public hospital. This collaboration led to the development of new teaching modules on victim support, using a multi-agency approach.

In its evaluation report on **Austria**, GREVIO observed that domestic violence, including its gender-based dimension, is integrated into the two-year basic initial training for law enforcement officers.<sup>38</sup> Given that domestic violence cases and emergency barring orders constitute a significant part of law enforcement agencies' work, imparting knowledge on the specific nature of this violence and relevant police measures is a crucial component of basic training. Depending on the grade and job profile, certain officers receive more extensive training. Moreover, mandatory in-service training occurs every three months, covering various subjects, including domestic violence, with seminars typically led by specialists from support services.

In **Denmark**, GREVIO emphasised the well-rounded training and considerable expertise of professionals in specialised support services, including shelters, perpetrator programmes, and services for victims of sexual violence.<sup>39</sup> This ensures the respectful consideration of the rights and needs of both victims and perpetrators. GREVIO also commended the practice where these specialised professionals frequently conduct training for other entities, including law enforcement agencies, the State Administration, and municipal social services.

**Georgia** has made significant strides in training and raising awareness among professionals regarding the various forms of violence covered by the convention.<sup>40</sup> Combatting domestic violence is a key focus in the Police Academy's training programme. The Ministry of Internal Affairs collaborates with local NGOs and

international organisations, resulting in the development of a textbook and guidebook on domestic violence for police officers. Additionally, a five-day course on domestic violence was conducted for investigators, and a course on violence against women and domestic violence was offered to patrol inspectors and district officers. The High School of Justice includes topics on gender equality and violence in its curriculum, with ongoing in-service training for judges covering violence against women and domestic violence, discrimination prohibition, and children's rights. Despite information gaps on the mandatory nature of this training, the judiciary stays informed on significant decisions from the European Court of Human Rights regarding violence against women and domestic violence.

Although **Turkey** withdrew from the Istanbul Convention in 2021, it has benefited from years of its implementation, as reflected in GREVIO's baseline report on Turkey. Turkey was praised for its commendable efforts in professional training, particularly post-Law No. 6284 enactment, which made training obligatory.<sup>41</sup> The co-ordinating body played a pivotal role in ensuring effective implementation by providing regular in-service training on gender equality and violence against women to state employees and university students, including Şönims (Violence Prevention and Monitoring Centres) staff. Protocols have been established to sustain training for key ministries and agencies, including the Council of Higher Education, Ministry of Health, and General Command of Gendarmerie. The health sector has developed high-quality training in compliance with the Istanbul Convention, emphasising victim-centred care, gender equality, and prevention of secondary victimisation. Forensic reporting, risk assessment, and multi-agency co-operation are also covered for healthcare and emergency service professionals. Gendarmerie personnel and police officers across the country have received training on the new legislation, aiming to instil an understanding of gender equality principles. Senior officials underscored the training's importance in eliminating outdated practices.

### **Why these constitute promising practices:**

- training is planned within an integrated policy document with the involvement of a co-ordinating body (Monaco and Turkey);
- training is planned and delivered through a multi-agency approach (Monaco);
- training is extensive, covering relevant professional groups in all regions (Denmark);
- there are guidelines and benchmarks for training which aim at professionalising support services for victims (Georgia and Turkey);

- training is detailed and highly specialised (Austria and Turkey);
- trainings include a reference to gender equality and deconstructing gender stereotypes (Georgia).

## Preventive intervention and treatment programmes for perpetrators

In accordance with Article 16 of the Istanbul Convention, parties must enact legislative or other measures to establish or support programmes instructing domestic violence perpetrators in adopting non-violent behaviour, aiming to prevent further violence and alter aggressive patterns. The second paragraph addresses the obligation to establish or support treatment programmes for perpetrators of sexual assault and rape, aiming at minimising recidivism through diverse models and approaches. Additionally, parties are mandated to implement measures for creating or supporting treatment programmes to prevent re-offending, particularly for sex offenders. These intervention programmes should be based on best practices, encouraging perpetrators to take responsibility and examine attitudes towards women. Co-operation with women's support services, law enforcement, judiciary, probation, and child protection offices is crucial. The decision on programme implementation is left to parties and service providers, with the ultimate goal of preventing re-offending and ensuring successful community reintegration.

### Working with perpetrators in Ukraine

According to Art. 24 of the Law of Ukraine "On Preventing and Combating Domestic Violence," referring a perpetrator to a programme for perpetrators is one of the measures to combat domestic violence. A perpetrator can be enrolled in such a programme only by court order. The partners responsible for implementing programmes for perpetrators are local state administrations and local self-government bodies. Programmes for perpetrators are conducted by social work specialists in accordance with the Model Programme for perpetrators, which was approved by Order No. 1434 of the Ministry of Social Policy on 1 October 2018. However, there is an insufficient number of specialists in the regions who have undergone special training and can conduct programmes for perpetrators. In many regions of Ukraine, programmes for perpetrators still do not work at all, or judges refer only a small number of perpetrators to these programmes, and there are some court decisions where judges indicate that it is inappropriate to refer

a person to a programme for perpetrators without giving any reason for their decision. In addition, the same specialists conduct programmes for perpetrators and work with the victim, which may affect their objectivity.

On 27 June 2023, the Ministry of Justice adopted Order No. 2362/5, which approved two probation programmes: 1) the Probation Programme "Overcoming Domestic Violence" for adult probationers and 2) the Probation Programme "Overcoming Domestic Violence" for juvenile probationers. The adopted probation programmes expand the possibilities of working with perpetrators of domestic violence to change their behaviour.

Work with perpetrators who have been in the combat zone is organised in the same way as with other perpetrators: they can be sent to a programme for perpetrators and preventive work is carried out with them. No additional measures are provided for persons who were in the combat zone and then committed domestic violence.

### Promising practice examples

In **Italy**, Relive, with 24 member organisations concentrated mainly in northern and central regions, leads perpetrator programmes, prioritising women's and children's safety in domestic violence cases.<sup>42</sup> Relive promotes co-ordinated work with perpetrators adhering to international quality standards and a gender-sensitive perspective. Legislative changes under Law No. 119/2013 encourage responsible institutions, such as enforcement agencies and courts, to support these programmes. Ongoing efforts by authorities, highlighted in the third National Action Plan (NAP) on gender-based violence, involve addressing identified issues, including promoting standard intervention models, introducing funding eligibility criteria, and fostering synergies between statutory agencies and perpetrator programmes.

**Portugal's** Rehabilitation Programme for Domestic Violence Perpetrators<sup>43</sup> is overseen by the Directorate General for Reintegration and Prison Services. It is a court-ordered programme, pertaining to those accused or convicted of domestic violence crimes. The programme, spanning at least 18 months, features a risk assessment to safeguard the victim during its phases. Combining individual and group sessions, it is structured to compel the perpetrators to acknowledge responsibility for their violent actions.

Since the enactment of the 2003 Domestic Violence Law, **Luxembourg** has prioritised engaging with domestic violence perpetrators.<sup>44</sup> The "Riicht Eraus" service, established in 2004 and entirely publicly funded, is welcomed by GREVIO.

It requires evicted perpetrators to attend counselling sessions and extends its services to other offenders under various mandates. In 2021, Riicht Eraus worked with nearly 500 perpetrators, with an emphasis on accountability and dismantling gender stereotypes. The therapy, lasting months without a time limit, prioritises victim safety and collaborates with specialised services, with potential reporting to authorities in imminent danger situations. Riicht Eraus contributes to training programmes for law enforcement and legal entities.

In **Sweden**, the Relationships and Cohabitation programme is available in all six correctional institutions housing adult male sex offenders.<sup>45</sup> Additionally, non-custodial support, treatment, and counselling are provided for individuals at risk of offending. The Centre for Andrology, Sexual and Transgender Medicine (ANOVA) at Karolinska University Hospital offers nationwide treatment for adults self-identifying as at-risk for sexual offences. Karolinska University Hospital/ ANOVA manages an anonymous national helpline (PrevenTell) for men prone to committing sexual offences.

After ratifying the Istanbul Convention, **Andorra** implemented a programme advocating for non-violent relationships as a crucial element in a comprehensive approach to addressing violence against women.<sup>46</sup> This approach considers the connections between victims, perpetrators, children, and the broader social context. GREVIO observed the programme's noteworthy inclusion of boys who may replicate violent behaviour they were exposed to or directly experienced, illustrating an effort to break the cycle of violence through targeted intervention.

In **Belgium**, agreements have been reached between the federal government and the Walloon Region, the Flemish Community, and the French Community Commission of the Brussels-Capital Region to establish programs for sex offenders.<sup>47</sup> Three regional support centres, operating mainly outside of prisons, are present in Flanders, the Walloon Region, and Brussels. These centres collaborate with multidisciplinary teams specialising in the guidance and treatment of sex offenders. Additionally, there is an extensive network of specialised psychosocial teams within prisons and federal-level institutions or sections focused on "social defence". Furthermore, various service networks operate across the French Community and in Flanders.

### Why these constitute promising practices:

- Programmes that prioritise women's and children's safety and integrate a gender-sensitive approach (Italy);
- programmes are of sufficient length (Portugal and Luxembourg);

- programmes include risk assessments to protect the victim (Portugal);
- programmes include collaboration with specialised services (Luxembourg);
- programmes include the participation of boys in efforts to break the cycle of violence (Andorra);
- programmes include working in prisons and outside of prisons, through networks and collaboration (Belgium).

## Protection

The Istanbul Convention contains the general obligation of taking legislative or other measures for the protection of all victims within their territory from any further acts of violence covered by the convention. Addressing the intricate interplay of legal, social, and psychological dimensions, the protection chapter establishes a robust foundation for the well-being of victims. It implies taking the necessary legislative and other measures to ensure that victims have access to general and specialist services facilitating their recovery from violence. These measures should include services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment. Importantly, the chapter recognises the necessity of a co-ordinated response, fostering collaboration among various stakeholders, including law enforcement, judicial bodies, and social services.

### Sustainable shelters and specialist services for victims

Specialised support services are pivotal in the Istanbul Convention's protection framework, dedicated to shielding victims from recurring violence, aiding their recovery, and empowering them to rebuild their lives. These services, tailored to diverse needs, particularly those of women facing multiple discriminations or residing in rural areas, employ a victim-centred, gender-sensitive approach. The convention recognises the effectiveness of women's organisations and support services from experienced local authorities in ensuring comprehensive service provision.

Article 22 of the convention requires parties to deliver short and long-term specialist services, including shelter, medical assistance, forensic support,



psychological counselling, trauma care, legal guidance, advocacy, and outreach initiatives. Many of these services are provided by women's organisations through women's centres, which provide counselling, psychological, and practical support to women before, during and after the process of separation from the violent situation. They are vital in providing information, legal assistance and support to women who have not yet decided to leave the violent partner, but also to women after separation and after leaving the shelter. The explanatory report to the IC states that there should be one rape crisis centre per 200 000 women. While different types of specialist support services, usually provided by women's organisations, are not quantified in the explanatory report, the CoE task force to combat violence against women, including domestic violence, recommends that one women's counselling centre should be available for every 50 000 women capable of crisis intervention and offering long-term support to women victims of all types of violence, as well as to special groups such as migrant and ethnic minority women, refugees, and others; and proactive outreach services available in all regions. All services for women victims of violence should also extend adequate support to their children.<sup>48</sup>

Article 23 emphasises establishing sufficient shelters aligned with actual needs, prioritising quality over quantity, and addressing specific protection and support requirements for victims of various forms of violence. Shelters extend beyond accommodation, actively assisting women in addressing interconnected challenges, regaining self-esteem, and building the necessary capacities for future independence. All services should follow a human rights approach and ensure the safety of the victim, aim at their empowerment and avoid secondary victimisation. Whenever possible, parties should ensure that a range of support services are placed on the same premises. Shelters should receive sufficient and reliable funding to be able to provide continuous service to the victims. It is recommended that safe accommodation in specialised women's shelters should be available in every region, with one family place per 10 000 head of population.

### **Shelters and specialist services in Ukraine**

A network of shelters is gradually being developed in Ukraine, where victims can stay around the clock for up to 90 days. The number of shelters is increasing every year. While in 2020 there were 33 shelters throughout Ukraine, as of 1 March 2024, there were 53 shelters in Ukraine. There are five shelters each in Odesa and Lviv regions, four in each Zhytomyr, Ivano-Frankivsk, Kyiv and Chernivtsi regions, three in each Zakarpattia, Poltava and Kyiv city, two each in Vinnytsia, Volyn, Dnipro, Kharkiv, Khmelnytskyi and Cherkasy regions, and one in each Donetsk, Zaporizhzhia, Kirovohrad, Mykolaiv, Rivne and Sumy regions. There are no

shelters in Luhansk, Ternopil, Kherson and Chernihiv regions for now.<sup>49</sup> Ukraine also adopted a resolution of the Cabinet of Ministers of Ukraine<sup>50</sup>, which approved the Model Regulations for shelters for victims of domestic and/or gender-based violence. Similarly, the Ministry of Social Policy issued an order approving the Methodology for Determining the Needs of Territorial Communities for the Establishment of Specialised Support Services for Victims of Domestic and Gender-Based Violence<sup>51</sup>, which includes shelters for victims. In particular, the methodological recommendations state that the forecasting of the needs of territorial communities for the creation of shelters and the number of places in them is carried out taking into account the Istanbul Convention explanatory report guideline, according to which safe accommodation in specialised shelters for women should be available in each region at the rate of one "family place" (one adult and two children) per 10 000 population.

The war has affected the number of shelters, with new shelters opened in some regions, while in others they were forced to shut down due to the occupation of the territory where they were located. The two shelters in the Donetsk region are located in the temporarily occupied territory (Mangush territorial community and Mariupol, and the shelter in Mariupol was damaged by shelling). In the Kherson region, three shelters were established, one of which was functioning at the beginning of 2022, and the other two were established with a subvention from the state budget but did not have time to start functioning before the outbreak of war. Currently, one shelter is located on the temporarily occupied territory, and there is no information on its condition. Another shelter, which operated on the territory of Kherson City, is currently providing only counselling services, due to the fact that during the occupation of Kherson, the shelter was looted by Russian troops, the premises were slightly damaged and required repair work and the purchase of office equipment and furniture to restore full functioning. In the Zaporizhzhia region, two shelters are located on the temporarily occupied territory (Berdiansk and Melitopol). In addition, three shelters were established in Luhansk Oblast before the war started and are currently located in the temporarily occupied territory of Ukraine (Rubizhne, Popasna, Kreminna). With the onset of the full-scale invasion and a sharp increase in the number of internally displaced persons in 2022, shelters provided services not only to women victims of domestic and/or gender-based violence but also to other categories of the population, including internally displaced persons. According to preliminary data, in 2022 and 2023, shelters provided almost 67,000 services to such persons.<sup>52</sup>

In Ukraine, there are police mobile response teams for domestic violence. A police mobile response team consists of police officers who have undergone special professional training. These are prevention officers, district police officers,

juvenile prevention inspectors, and patrol police officers. The main tasks of the police group are to respond in a timely manner to cases of domestic violence, carry out preventive work, provide assistance to victims, and issue urgent restraining orders. As of 1 January 2024, 62 mobile groups have been established, 10 of which were created in 2023.

Similarly, mobile teams of social and psychological assistance to victims of domestic and/or gender-based violence have been established in Ukraine. A mobile team is a specialised support service for victims of domestic and/or gender-based violence, including sexual violence, related to the armed conflict. The purpose of the mobile team is to provide social and psychological assistance to victims, including social services for counselling, crisis and emergency intervention, and social prevention in accordance with their needs. As of June 2023, there were 520 mobile teams of social and psychological assistance in Ukraine.

### Promising practice examples

From 2015 to 2019, **Finland's** public funding increased from 11.55 million EUR to 19.55 million EUR, significantly expanding shelter capacities.<sup>53</sup> NGOs, often affiliated with the Federation of Mother and Child Homes and Shelters, operate most shelters, with some municipalities managing domestic violence shelters. The Act on State Compensation to Providers of Shelter Services regulates services and compensation. A Government Decree (598/2015) sets quality standards and professional requirements. The introduction of a legal funding basis by the central government, providing advance funding for twelve months, ensures shelters accommodate women anonymously, considering individual needs rather than municipal social workers' decisions. This inclusive approach benefits women from various backgrounds, including migrants with irregular migration status.

**Switzerland** offers a diverse array of specialised services for women survivors of gender-based violence, primarily delivered by women's rights NGOs, Law of 1993 on Support for Victims of Crime (LAVI) centres, and authorities.<sup>54</sup> Positive developments include the Violence Medicine Unit (UMV) at Vaud Canton Hospital, providing support and forensic assistance since 2006. The UMV prioritises victims' safety, support, and empowerment. Financially supported by authorities, two NGO networks address forced marriage and female genital mutilation, offering victim services, training, and assistance. Switzerland has 22 shelters for women victims of violence and additional emergency accommodation centres, highlighting a multifaceted approach to supporting diverse groups of victims.

In **Estonia**, there are 16 women-only shelters offering secure temporary

accommodation to survivors of domestic violence and their children, operating 24/7 and free of charge.<sup>55</sup> These shelters, all state-funded and managed by NGOs, adhere to the provisions outlined in the Victim Support Act, which serves as the legal framework for shelter provision. GREVIO commended this legal framework for establishing standardised service requirements, thereby ensuring the equitable distribution of safe housing for domestic violence survivors across the country for appropriate durations. Survivors and their children are accommodated in these shelters until they feel sufficiently independent from the perpetrator or opt for long-term housing solutions provided by local authorities.

In **Montenegro**, a dedicated national helpline operates round the clock, free of charge, providing support to women and children affected by domestic violence.<sup>56</sup> Managed by the SOS line for women and children victims of violence in Nikšić, this established service provides quality counselling with expertise in violence against women and human rights. The helpline is available in both Montenegrin and Albanian and extends its support by following up on cases, particularly for victims in areas lacking local specialist services, ensuring comprehensive assistance and facilitating referrals when needed.

In **Norway**, there are 43 crisis centres dispersed across the country. It is noteworthy that Norway aligns with the recommended objective of having one family place per 10 000 population, as outlined in the explanatory report to the Istanbul Convention.<sup>57</sup> This compliance is attributed partly to the legal requirement imposed on municipalities. Additionally, the Law on Crisis Centres mandates municipalities to ensure that these centres address the specific needs of their users. This obligation encompasses providing adequate support for children and ensuring that victims residing in these centres have access to qualified interpreters when needed.

In its baseline assessment of **Denmark**, GREVIO commended the establishment of a specialised network comprising 10 centres dedicated to assisting victims of rape and sexual violence.<sup>58</sup> These centres offer medical care, trauma support, and forensic examinations to women and girls aged 15 and above who have experienced sexual violence. GREVIO highlighted the accessibility of these services, emphasising that victims can seek assistance at any time, even years after the incident. The report noted a standardised process for medical and forensic examinations, irrespective of whether the victim chooses to report, ensuring the collection and preservation of evidence for up to three months or longer upon the victim's request, aligning with the standards outlined in Article 25 of the convention.

In **Belgium**, in 2017, the establishment of three support centres for victims of sexual violence took place in Ghent, Brussels, and Liège.<sup>59</sup> Following the multidisciplinary collaborative model and holistic approach recommended by the WHO, these centres provide victims of sexual violence with immediate medical attention, psychological support tailored to their trauma, and forensic examinations to gather necessary evidence for legal proceedings. Subsequently, after receiving comprehensive care, victims have the option to lodge a complaint and undergo interviews with a police officer assigned to the centre.

In 2018, **Albania** responded to GREVIO's recommendations by establishing a crisis management centre for sexual violence cases within a hospital. This centre provides round-the-clock emergency services and short-term assistance (24-72 hours) for sexual violence victims and their families. Following a social healthcare model, the centre is staffed by an interdisciplinary team offering healthcare, forensic services, psycho-social support, essential supplies, food, referrals, statement recording, legal proceedings initiation, and psychological counselling. A case manager assesses immediate needs, and victims requiring services beyond 72 hours are directed to specialised support services.<sup>60</sup>

Following wars in the Western Balkans, women's NGOs in Bosnia and Herzegovina (BiH), Croatia, Serbia, and Kosovo\* gained expertise in aiding war-related victims of sexual violence. International women's movement representatives supported these NGOs, enhancing their capabilities. Organisations like Medica in Zenica (BiH) and Vive zene in Tuzla (BiH) were established, offering long-term psychological and legal counselling to survivors. Experienced organisations from wartime contributed to writing manuals and materials, widely used by women's NGOs in the region. This development not only aided war-rape survivors but also bolstered the overall capacities of women's NGOs, fostering the broader recognition of feminist trauma support principles in assisting victims of all forms of violence against women.<sup>61</sup>

Before the war, **Bosnia and Herzegovina** lacked services for women survivors of domestic and gender-based violence. Non-governmental organisations played a crucial role during and after the war by establishing the initial support services. These included a medical unit for survivors of sexual violence, helplines, free legal and psychological support, and later, safe houses. All services are offered free of charge to women and children, with dedicated and trained staff providing assistance.<sup>62</sup>

### Why these constitute promising practices:

- the state provides sufficient funding to NGO-operated shelters and this support, as well as quality standards, are enshrined in policies (Finland and Estonia);
- direct and sufficient state funding to NGOs running the shelters ensures that women survivors remain anonymous (Finland);
- using a multifaceted approach to provide various services to different target groups (Switzerland);
- there is a national helpline, 24/7, free of charge, available in multiple languages, operated by a women's NGO and funded by the state (Montenegro);
- the number of shelters aligns with the recommended objective of having one family place per 10 000 head of population (Norway);
- providing accessible, holistic support services for victims of sexual violence throughout the country, in line with Article 25 (Denmark and Belgium);
- providing 24/7 services, offering practical and psychosocial support, as well as referral (Albania);
- providing specialised services to women victims of war-related sexual violence (Bosnia and Herzegovina).

## Multi-sectoral approach and multi-agency co-operation

Parties must ensure that adopted policies are implemented by way of effective multi-agency co-operation (Article 7). Promising practice examples in some member states show that results are enhanced when law enforcement agencies, the judiciary, women's NGOs, child protection agencies and other relevant partners join forces on a particular case (Article 18), for example, to carry out accurate risk assessments (Article 51) or devise safety plans for victims. This type of co-operation should not rely on individuals convinced of the benefits of sharing information, but rather it requires guidelines and protocols for all agencies to follow, as well as sufficient training of professionals (Article 15) on their use and benefits.

## Co-ordinated response in Ukraine

In accordance with national legislation, the Ministry of Social Policy of Ukraine co-ordinates the interaction of all bodies and services at the national level.

Ukraine has also established the National Social Service of Ukraine (NSSU). The central executive authorities submit to the NSSU on a quarterly basis summarised reporting data from children's services, authorised units of the National Police of Ukraine, education authorities, educational institutions, healthcare units of local state administrations, healthcare institutions, and free secondary legal aid centres on the results of their powers in the field of preventing and combating domestic and gender-based violence, according to the forms approved by the Ministry of Social Policy. The NSSU systematises the data received and submits to the Ministry of Social Policy quarterly generalised reports from central executive authorities and other entities. The NSSU collects, analyses and disseminates information on domestic violence in accordance with the law and improves the system of indicators in statistical reporting forms on preventing and combating domestic violence.

In accordance with national legislation, advisory bodies - local co-ordination councils - are established at the local level to ensure interagency co-operation in implementing the state policy on preventing and combating domestic and gender-based violence, which include authorised representatives of local executive authorities and local self-government bodies, prosecutors and courts, public associations, religious organisations, international and foreign non-governmental organisations (by agreement).

## Promising practice examples

The **Romanian** legislation and the national strategy on domestic violence create a strong foundation for a comprehensive multi-agency and multisectoral response.<sup>63</sup> The action plan aligns roles and responsibilities with the Domestic Violence Law, promoting an integrated approach. It specifies the duties of central and local public administration authorities, spanning various sectors and ministries. Additionally, the plan acknowledges the essential contribution of NGOs and civil society in preventing and combating domestic violence. This framework establishes a clear structure for implementing policies outlined in the strategy, fostering collaboration across governmental levels and sectors to address domestic violence effectively.

In **Georgia**, an Inter-Agency Commission, enhancing co-ordination and implementation of measures outlined in national strategies and action plans was

established.<sup>64</sup> Comprising deputy ministers, this agency engages the legislative body via the Gender Equality Council. Authorities claim developed protocols for formal co-operation, excluding non-governmental bodies. The commission involves civil society organisations in thematic task forces. Locally, the National Action Plan mandates the commission to develop co-operation mechanisms with municipalities, providing guidelines on legislation, and supporting mainstreaming of issues. Amendments empower municipalities to implement measures for gender equality, violence prevention, and victim support. This includes the establishment of local-level co-ordination bodies, strengthening self-governing organs in preventing violence and aiding victims.

The inter-ministerial working group in **Slovenia**<sup>65</sup> overseeing the co-ordination, implementation, and assessment of policies against violence, as per the Istanbul Convention, is recognised for its inclusive approach. Notably, representatives from various NGOs are part of this group. It is also acknowledged that policies and legislation, including the latest amendment to the Domestic Violence Prevention Act in 2016, were shaped with the victim's perspective in mind through active collaboration with NGOs experienced in specialised services. This involvement extends to ongoing criminal law reforms, particularly amending the rape offence and drafting the planned Resolution on Violence against Women and Domestic Violence 2020-2025.

In **Poland**, the Law on Combating Family Violence has implemented local co-ordination mechanisms for interventions related to domestic violence.<sup>66</sup> Within municipalities, mayors are responsible for appointing "local interdisciplinary teams," comprised of representatives from the police, social services, healthcare sector, education system, local committees addressing alcohol issues, NGOs, and occasionally members of the judiciary. The intervention protocols of these local interdisciplinary teams are established under the "Blue Card" procedure, which outlines a framework for multi-agency and multisectoral co-operation in offering assistance to victims of domestic violence.

### Why these constitute promising practices:

- multi-agency approach is enshrined in national strategies and action plans, or legislation (Romania and Poland);
- all the involved stakeholders are included: police, judges, prosecutors, health and social service providers, employment offices, shelters, municipal authorities and NGOs (Poland);
- there is a strong co-ordinating body overseeing the implementation of multi-agency work (Slovenia and Georgia);



- there are official procedures for multi-agency work (Poland);
- NGOs are involved in designing and implementing multi-agency co-operation (Romania, Slovenia and Poland).

## Protection and support for child witnesses

Exposure to physical, sexual, or psychological violence within families profoundly impacts children, inducing fear, trauma, and developmental setbacks. Research reveals that children witnessing parental violence often suffer from emotional and cognitive disorders, internalising harmful attitudes towards violence. Article 26 mandates considering the rights and needs of children who witnessed violence when assisting victims, especially in domestic violence cases. The term "child witnesses" extends beyond direct exposure to include those hearing violence or experiencing its aftermath. Paragraph 2 emphasises age-appropriate, evidence-based psychosocial interventions for traumatised children. Article 31 ensures incidents of violence, notably domestic violence, are considered in custody decisions, protecting victims' and children's rights and safety.

### Protection and support for child witnesses in Ukraine

According to Art. 1 of the Law of Ukraine "On Preventing and Combating Domestic Violence",<sup>67</sup> a child victim of domestic violence is a person under the age of 18 who has experienced domestic violence in any form or has witnessed such violence. In practice, in most cases, child witnesses of domestic violence remain unnoticed and unidentified. At the same time, judges have begun to send materials on bringing a person to administrative responsibility for committing domestic violence for revision if the case contains information that the child witnessed violence but was not identified as a child victim.

If a child has been identified as a child victim, according to national legislation, the professional who identified the child must report within one day to the police and the children's service so that the police can begin investigating the case of violence against the child and the children's service can co-ordinate assistance to the child and his or her family.

With regard to the organisation of pre-trial and trial proceedings, the Criminal Procedure Code (CPC) of Ukraine sets out general procedural guarantees that should be applied when a child comes into contact with the justice system. These procedures include closed court proceedings, specifics of interrogation of a child

(mandatory participation of a legal representative, teacher or psychologist, and, if necessary, a doctor), participation of a child in court remotely, via video link, prohibition of simultaneous interrogation of a child and an accused in case of sexual violence against a child, etc.

### Promising practice examples

GREVIO considers that Article 26 of the Istanbul Convention is adequately implemented in **Lichtenstein**.<sup>68</sup> Liechtenstein authorities and relevant services are commended for recognising child witnesses of domestic and other forms of violence as victims due to their exposure. Women's counselling NGOs and staff at women's shelters affirm their ability to refer child victims, including witnesses of violence, to appropriate counselling and therapy services. Liechtenstein hosts approximately nine resident child psychologists and three specialised psychiatrists, with their services covered by health insurance. Additionally, Liechtenstein authorities collaborate with the Institute for Social Services in Vorarlberg, Austria, offering psycho-social counselling and support for both adult and child victims during court proceedings. Children aged 14 and above can independently consent to medical treatment, including psychotherapy, while for those under 14, one parent's consent is sufficient, with court intervention possible if both parents oppose treatment, prioritising the child's welfare.

In **France**, NGOs specialising in supporting women and their children have taken the lead in expertise for child witnesses/victims.<sup>69</sup> However, these organisations are scarce and face resource constraints. Notably, the Paris Institute of Victimology is among the few institutions addressing the psycho-traumatic effects on child victims of domestic violence, but long waiting times, extending up to months, present a challenge. Authorities have formulated guidelines, including the MIPROF's (Interministerial Mission for the Protection of Women Against Violence and the Fight Against Human Trafficking) educational kit ("Tom and Lena" kit), to address the impact of domestic violence on children.

In **Denmark**, Children's Houses across five regions provide professional support and psychological counselling for child victims of sexual abuse.<sup>70</sup> These spaces, designed to be child-friendly, serve as locations for law enforcement interviews with children who witnessed domestic violence. Professionals working with children must report any signs or suspicion of domestic violence to social services. Educational and health facilities increasingly contribute to notifications. Following a report, municipalities are legally obliged to assess within 24 hours if a child requires special support. If affirmative, a child protection examination is conducted, and referrals are made to specialised support services. Shelters offer psychological counselling, and Mother's Help and municipal services provide

support for child witnesses. GREVIO acknowledged specific counselling services for child victims and municipalities' active role in ensuring child safety.

In **Italy**, the adoption of Law No. 4/2018 is welcomed for strengthening support to children orphaned due to a parent's killing by the other.<sup>71</sup> The law introduces measures like scholarships, funding for training, and counselling services for employment. It allocates an additional yearly sum of two million euros to the renamed "Solidarity Fund for victims of organised crime, extortion, usury, and violent intentional crimes, and orphans of domestic violence crimes". Seventy per cent of this fund aims at supporting children, while the remaining 30 per cent provides aid to orphans over 18 lacking economic independence.

In **Iceland**, children who witness violence are recognised as victims themselves, which is aligned with the standards of the Istanbul Convention.<sup>72</sup> Iceland's pioneering efforts date back to 1998 when the Barnahus one-stop-shop model was introduced in Reykjavik, predating the Istanbul Convention. In 2019, a local branch was established in Akureyri, further expanding its reach. This model ensures child victims of sexual, and domestic violence, and neglect receive comprehensive services under one roof, including child protection, psychological support, forensic examinations, social assistance, and law enforcement, all free of charge. This multi-agency approach has been emulated in numerous European countries. GREVIO commended Iceland for its child-friendly approach, aimed at minimising secondary victimisation and reducing the impact of judicial proceedings on children.

### **Why these constitute promising practices:**

■ children of women victims are recognised as victims themselves and appropriate support and treatment is provided and funded by the state (Lichtenstein);

■ the impact of domestic violence on children is recognised and there are guidelines for authorities on how to address this impact (France);

■ specialised support to child victims and witnesses of violence is provided, including examining the children by the authorities in specially designed spaces to ensure children's safety and prevent further victimisation (Denmark);

■ financial aid is provided to children who are victims of one parent killing the other (Italy);

■ children who witness violence are recognised as victims themselves, which is aligned with the standards of the Istanbul Convention (Iceland).

## Free legal aid

Article 57 of the Istanbul Convention stipulates that parties shall provide legal aid to victims under the conditions of their national legislation. In the aftermath of violence, victims of violence against women and domestic violence may hastily abandon their belongings and jobs. Negotiating intricate judicial and administrative procedures is challenging, requiring legal counsel to assert their rights effectively. Victims often face difficulties accessing legal remedies due to high associated costs, making it crucial for parties to mandate the right to legal assistance and free legal aid in accordance with their internal laws. The drafters recognised the necessity of this obligation to ensure victims can navigate legal processes and seek justice without financial barriers.

### Free legal aid in Ukraine

The right to free secondary legal aid is enshrined in Article 21 of the Law of Ukraine "On Preventing and Combating Domestic Violence" as one of the fundamental rights that must be ensured to the victim. According to clause 22, part 1, article 14 of the Law of Ukraine "On Free Legal Aid"<sup>73</sup>, victims of domestic violence or gender-based violence are entitled to free secondary legal aid, which includes representation in courts, other state bodies, local self-government bodies, before other persons, and drafting of procedural documents. In general, all professionals who work with victims should inform them of their right to free secondary legal aid. However, only a small number of victims exercise this right.

In order for a victim to have a free lawyer to represent their interests, the victim must apply to a local legal aid centre in their region. According to para. 52 of the Cabinet of Ministers of Ukraine (CMU) Resolution No. 658 "On Approval of the Procedure for Interaction of Partners Implementing Measures in the Field of Preventing and Combating Domestic Violence and Gender-Based Violence"<sup>74</sup>, documents confirming that victims are entitled to free secondary legal aid may include, in particular an extract from the Unified Register of Pre-trial Investigations, which contains information about the commission of a crime related to violence; a ticket-notification of a criminal offence related to violence issued by an authorised unit of the National Police, in the form approved by the Ministry of Internal Affairs; a copy of the protocol on the commission of an administrative offence under Article 173-2 of the Code of Ukraine on Administrative Offences; a copy of the resolution on imposing an administrative penalty for committing an offence related to violence; a copy of the application to the court for issuance or extension of a restraining order against the perpetrator; a court decision on issuance or extension of a restraining order against the perpetrator; a copy of

the urgent restraining order issued by an employee of an authorised unit of the National Police. After confirming the right to free secondary legal aid, the victim is assigned a lawyer from among the lawyers included in the Register of Lawyers Providing Free Secondary Legal Aid.

In accordance with national legislation, free secondary legal aid is provided to victims on issues related to the protection of the rights defined by the Laws of Ukraine "On Preventing and Combating Domestic Violence" and "On Ensuring Equal Rights and Opportunities for Women and Men". This includes applying to law enforcement agencies and courts to bring perpetrators to justice, applying special measures to combat domestic violence and gender-based violence, and compensating the victim for material damage and harm to physical and mental health.

According to national legislation, partners involved in preventing and combating domestic violence, such as the police, prosecutors, social services, education, healthcare, children's services and others, must inform the victim of the rights, measures and social services that they can use. The law states that information should include the right to free secondary legal aid.

### Promising practice examples

In **Georgia**, the state-funded Legal Aid Service primarily offers legal assistance to victims of violence against women.<sup>75</sup> Recent changes, effective from June 2022, extend the right to free legal aid to insolvent individuals affected by family crime and domestic violence, encompassing legal advice, court representation, and document compilation. Notably, this aid is not restricted to domestic violence victims but applies to victims of all forms of violence. The Law of Georgia on Legal Aid guarantees free legal aid for domestic violence incidents without merit testing. Internally displaced women, asylum seekers, and those seeking international protection also qualify for legal assistance from the Legal Aid Service. While the eligibility criteria for displaced and asylum-seeking women are unclear, they receive legal consultation, document preparation, and representation in administrative court regardless of creditworthiness. Between 2020 and 2022, the Legal Aid Service represented 416 women victims in violence-related proceedings, with an additional 350 receiving legal consultations on restraining and protection orders. State-run shelters and crisis centres provide legal aid, and Ministerial Order No. 01-64N178 outlines minimum standards for all service providers, emphasising legal aid for domestic violence victims. The Network of Legal Aid Providers, established in 2017, aims to enhance co-ordination between NGOs and state-funded legal aid. A Free Legal Aid Portal facilitates information access, and lawyers undergo annual training, specialising in gender-based

violence cases through a dedicated vocational course. Training initiatives also involve support from international organisations and foreign donors.

Victims of intimate partner violence in **Spain** are entitled to free legal aid according to Organic Act 1/2004 on Integrated Protection Measures against Gender-based Violence.<sup>76</sup> Article 20 allows for legal representation before pressing charges and in subsequent administrative proceedings arising directly or indirectly from the violence. GREVIO welcomed this provision and acknowledged the requirement for bar associations to establish a system of duty lawyers specialising in this domain. Victims of other forms of violence against women can access legal aid through the Statute of Victims (Article 16) and Law 1/1996 on Free Legal Assistance (Article 3), provided their income is less than twice the minimum wage in Spain.

### Why these constitute promising practices:

- state-funded all-round free legal aid is provided to women victims of all forms of violence, without merit testing and with the inclusion of migrant and internally displaced women (Georgia);
- there is public access to information about free legal aid and specialised training for the lawyers that provide it (Georgia);
- free legal aid is provided before and after the official proceedings and it is provided for proceedings arising both directly and indirectly from violence (Spain).

## Prosecution

The chapter on prosecution within the Istanbul Convention addresses the critical dimension of ensuring effective legal measures against violence against women. The convention emphasises the paramount importance of holding perpetrators accountable for their actions and fostering a comprehensive legal framework to address various forms of violence against women. It delves into the necessity of robust prosecution strategies, emphasising the need for laws, policies, and practices that promote justice and protect victims. The convention outlines guidelines for prosecuting perpetrators, safeguarding the rights of victims, and enhancing collaboration between legal authorities, law enforcement, and support services. By examining the prosecution aspect, the Istanbul Convention aims to fortify the legal response to gender-based violence, setting a standard for its prevention, prosecution, and protection measures across its signatory states.

## Restraining or protection orders and emergency barring orders

According to the Istanbul Convention, parties should ensure that the competent authorities have the power to issue emergency barring orders (Article 52) in cases of immediate danger, as well as to issue long-term protection or restraining orders (Article 53). Most countries that ratified the Istanbul Convention have introduced some form of both emergency and long-term protection orders.

### Protection orders and emergency barring orders in Ukraine

Clause 6 para. 1 of Article 10 of the Law of Ukraine "On Preventing and Combating Domestic Violence" stipulates that the powers of the authorised units of the National Police of Ukraine in the field of preventing and combating domestic violence include control over the implementation of special measures to combat domestic violence by perpetrators during their validity period. According to Article 24 of the Law, special measures to combat domestic violence include 1) an urgent restraining order against the perpetrator (issued by a police officer for up to 10 days); 2) a restrictive order against the perpetrator (issued by a court for up to 6 months); 3) registration of the perpetrator for preventive registration and preventive work with the perpetrator (carried out by the police); 4) referral of the perpetrator to a programme for perpetrators (carried out by the court).

With regard to restrictive measures in criminal proceedings, according to Article 91-1 of the Criminal Code of Ukraine, in the interests of the victim of a crime related to domestic violence, simultaneously with the imposition of a non-custodial sentence or release from criminal liability or punishment, the court may apply one or more restrictive measures to the perpetrator of domestic violence, according to which the following obligations may be imposed on the convicted person 1) prohibition to stay in a place of joint residence with a victim of domestic violence; 2) restriction of communication with a child if domestic violence is committed against a child or in his/her presence; 3) prohibition to approach a certain distance to a place where a victim of domestic violence may permanently or temporarily reside, temporarily or systematically stay in connection with work, study, treatment or for other reasons; 4) prohibition of correspondence, telephone conversations with a person who has suffered from domestic violence, other contacts through means of communication or electronic communications in person or through third parties; 5) referral to a programme for perpetrators. According to Article 390-1 of the Criminal Code of Ukraine, intentional failure to comply with the restrictive measures provided for in Article 91-1 is punishable by arrest for up to six months or restraint of liberty for up to two years. At the same

time, restrictive measures in criminal proceedings are applied in isolated cases and the national legislation does not yet define who exercises control over the implementation of restrictive measures.

There are no specific provisions in national legislation that would provide for the consideration of an urgent restraining order or a restrictive order during the pre-trial investigation. The assessment of the case is carried out by the first responding police officer in a case of domestic violence, and other partners do not assess the case of domestic violence in the future. Therefore, in practice, special means of combating domestic violence applied to the perpetrator are not taken into account during the pre-trial investigation. An analysis of court practice shows that judges in cases of criminal prosecution under Article 126-1 of the Criminal Code of Ukraine (domestic violence) state in the reasoning part of the decision that an urgent restraining order was issued. However, in general, there is no exchange of information on the measures taken between the involved partners.

The national legislation of Ukraine contains some protection measures. For example, according to the CPC of Ukraine, a victim has the right to collect and submit evidence, express his or her views during pre-trial and trial investigations, file motions, and have an interpreter. The victim must be informed about rights and services and provided with support. According to the Law of Ukraine "On Ensuring Security of Persons Participating in Criminal Proceedings", a victim in criminal proceedings has the right to security, however, on a general basis. The law does not contain separate provisions for victims of domestic or gender-based violence.

### Promising practice examples

GREVIO commended the **Republic of Moldova** for the provisions outlined in Article 121 of the Law on Preventing and Combating Family Violence, which mandate the immediate issuance of emergency barring orders by the police when a risk assessment at the scene raises reasonable suspicions of domestic violence.<sup>77</sup> Simultaneously, the police are required to initiate investigations into the acts of violence. The General Police Inspectorate's Methodical Instruction further enforces this by obliging the police or prosecution to promptly order emergency restraining orders if there is a suspicion of domestic violence or an imminent threat. Failure to comply with these orders is penalised, and the orders can include various measures, such as removing the perpetrator from a shared residence, restricting their movements, and prohibiting contact with the victim. Despite challenges noted in monitoring and electronic surveillance during the Covid-19 pandemic, training initiatives led to increased emergency removal orders. In 2021, out of 14 728 reported incidents of domestic violence, 5 851 restraining orders and 277 protection orders were issued. The subsequent



surge in restraining orders in the first half of 2022 to 3 071 suggests heightened awareness and utilisation of protective measures, demonstrating progress in the response to domestic violence.

Protection orders for victims of domestic violence have been established in **Spain** since 2003.<sup>78</sup> The Criminal Procedure Code empowers investigating judges to issue various precautionary measures, including bans on contact and residence with the victim, applicable to crimes like unlawful killing and bodily harm. For intimate partner violence, Article 173 of the Criminal Code provides protection orders within 72 hours. Specialist violence against women courts operate around the clock to facilitate prompt protection orders. Notably, electronic monitoring tools with GPS tracking help enforce orders and issue warnings for violations.

In its baseline assessment of **Denmark**, GREVIO appreciated the array of protective measures established by the law to safeguard victims from intimidation and retaliation during court proceedings.<sup>79</sup> These measures include concealing addresses, occupations, and names of victims and witnesses, holding hearings through video links, and requiring the defendant to leave during certain testimonies. Additionally, children's testimonies may be video-recorded, and, under specific circumstances, so can adults. Law enforcement can request separate waiting rooms at court. Victims testifying are assigned a specific contact person for inquiries, and informational leaflets in various languages outline investigation and criminal proceeding steps. Victims are also notified of a perpetrator's release or escape and major media coverage of the perpetrator and their acts, especially when convicted of sex offences or serious crimes.

### **Why these constitute promising practices:**

- there is an emergency barring order that can be issued by the police immediately (Moldova);
- there are specialist violence against women courts working 24/7 that can issue protection orders (Spain);
- the enforcement of protection orders includes electronic surveillance (Moldova and Spain);
- there are a variety of protection measures for both victims and their children, which also include providing information and support to the victims (Denmark).

## Prosecution of perpetrators and protection of victims during proceedings

According to the Istanbul Convention, investigation and prosecution of cases of all forms of violence against women and domestic violence should be carried out in an effective manner (Article 49). This means, for example, establishing the relevant facts, interviewing all available witnesses, and conducting forensic examinations, based on a multi-disciplinary approach and using state-of-the-art criminal investigative methodology to ensure a comprehensive analysis of the case. Parties must enact laws ensuring swift, suitable law enforcement response and protection for victims, alongside preventive measures and evidence collection (Article 50). It is especially important to prohibit mandatory alternative dispute resolution for all cases of violence under the convention and consider perpetrators' financial capabilities when imposing fines (Article 48).

### **Investigation and prosecution of violence against women and domestic violence cases in Ukraine**

According to national legislation, the co-ordination of measures in the field of preventing and combating domestic and gender-based violence and monitoring their implementation at the local level is carried out by authorised persons (co-ordinators) in executive authorities and local self-government bodies that are responsible for ensuring equal rights and opportunities for women and men and preventing and combating gender-based violence. The co-ordinator assesses the needs of the person in terms of social services, shelter, medical or psychological assistance, together with representatives of a social services centre, a shelter for victims, a mobile team of social and psychological assistance to victims, a crisis centre, another institution and organisation providing social services to victims, or a social work specialist. At present, a specialised form for assessing the needs of the affected person has not been approved. At the same time, the co-ordinator informs the affected person about the rights, measures and social services that he or she can use in the community.

Prosecutor's offices are authorised to co-ordinate the activities of law enforcement agencies in combating crime, including criminal offences related to domestic violence. On 15 February 2023, a specialised unit was established in the Office of the Prosecutor General - the Department for the Organisation of Procedural Management of Pre-trial Investigation and Support of Public Prosecution in Criminal Proceedings Related to Domestic Violence of the Department for the Protection of Children's Interests and Combating Domestic Violence. The main purpose of this department is to improve the mechanism for protecting the rights

of victims, co-ordinate the actions of law enforcement agencies to prevent and combat domestic violence, effectively detect and investigate criminal offences in this category, and introduce a unified victim-centred approach. Similarly, the Prosecutor General's Order No. 134 of 25 May 2023 established an interagency working group aimed at improving the effectiveness of co-operation between law enforcement agencies, public authorities, international and non-governmental organisations in combating criminal offences related to domestic violence and developing proposals for improving work in this area.

According to Article 477 of the CPC of Ukraine, Articles 126-1 of the Criminal Code of Ukraine (domestic violence), Article 151-2 of the Criminal Code of Ukraine (coercion to marry), Article 152(1) of the Criminal Code of Ukraine (rape without aggravating circumstances), Article 153(1) of the Criminal Code of Ukraine (sexual violence without aggravating circumstances), Article 154 of the Criminal Code of Ukraine (coercion to engage in sexual intercourse) are criminal offences in the form of private prosecution and can be initiated by an investigator, detective, or prosecutor only on the basis of a victim's statement.

According to clause 6 of part 1 of Article 284 of the CPC of Ukraine, criminal proceedings are closed if the victim has waived the prosecution in criminal proceedings in the form of private prosecution, except for criminal proceedings in respect of a criminal offence related to domestic violence.<sup>80</sup>

For crimes that fall within the scope of the Istanbul Convention and are implemented in national legislation, the statute of limitations applies on a general basis, depending on the gravity of the crime. For example, Art. 126-1 of the Criminal Code of Ukraine (domestic violence) is subject to a five-year statute of limitations.

National legislation stipulates that in criminal proceedings, in accordance with Article 496 of the CPC of Ukraine, a reconciliation agreement in criminal proceedings on criminal offences related to domestic violence may be concluded only at the initiative of the victim, his or her representative or legal representative. According to paragraph 7 of this article, the investigator and prosecutor are obliged to inform the suspect and the victim of their right to reconciliation, explain the mechanism for its implementation and not obstruct the conclusion of a reconciliation agreement.

With regard to the second part of Article 48 of the Istanbul Convention, in accordance with Article 173-2 of the Code of Administrative Offences, which provides for administrative liability for domestic and gender-based violence, judges impose an administrative penalty in the form of a fine in more than 90 per

cent of cases. As a rule, the perpetrator continues to be in a family relationship with the victim, so the victim either pays the fine on their own or the money is paid from the family budget.

National legislation provides for the possibility of exemption from administrative liability for minor offences. Thus, according to Art. 22 of the Code of Administrative Offences, if the administrative offence committed is of minor significance, the body (official) authorised to decide the case may release the perpetrator from administrative liability and limit the perpetrator to an oral reprimand. In practice, the court, at its discretion, decides to release the perpetrator from administrative liability, qualifying domestic violence as insignificant. An analysis of court practice shows that courts decide to recognise an administrative offence as minor in cases where the perpetrators use physical force against the victims, commit the offence while intoxicated, or commit domestic violence in the presence of children. As a result, the person is considered not to have committed an administrative offence.

Domestic violence in the family of military service people is a current concern in Ukraine, given martial law. At the same time, there is no special legislation on this issue. Military personnel who commit domestic violence are liable on general grounds.

### Promising practice examples

The authorities in **Greece** have implemented significant measures to strengthen the existing legislative and institutional framework for investigating and prosecuting domestic violence.<sup>81</sup> The establishment of specialised police units dedicated to domestic violence is a notable step, aimed at enhancing the police's capacity to address violence against women and domestic violence effectively. By 2019, 73 specialised police units had been established, comprising a division at the police headquarters and 72 offices across the country. Additionally, 18 operational offices specialising in domestic violence cases have been inaugurated. Furthermore, commendable efforts have been made by the police to combat cybercrime, evident in the establishment of a specialised unit dedicated to cybercrime. Moreover, specific guidelines delineating the procedure for police intervention in domestic violence cases have been adopted. These guidelines, updated in 2022, include checklists for police intervention and other best practices, such as providing victims with the registration number of their complaint and the identification and contact details of the police officer handling the case.

In **Cyprus**, mandatory dispute resolution processes, both in criminal and civil law, are prohibited.<sup>82</sup> Mediation in family proceedings is not obligatory and can

be suggested when there's no indication of domestic violence. However, if such an indication arises, mediation must be terminated. Family courts can propose mediation if they believe it has a chance to resolve the dispute, considering evidence of domestic violence and the child's best interests. The Law on Mediation in Family Disputes emphasises voluntary participation, taking into account any party's vulnerability. Mediators are obligated to terminate proceedings if violence occurs and may do so if a party is unable or unwilling to participate freely, preventing manipulative, threatening, or intimidating behaviour.

The baseline evaluation report on **Spain** highlighted a commendable approach where the law explicitly forbids mediation in instances of intimate partner violence. In such cases, matters are directed to specialised violence against women courts if violence is revealed during mediation processes. It is mandated that an assessment always precedes the proposal of mediation.<sup>83</sup> The Spanish system for enforcing protection orders, recognised by GREVIO, involves extensive monitoring of perpetrators using GPS tracking. Additionally, a systematic analysis of breaches of protective orders is conducted, and this information is considered in continuous risk assessments. In its assessment of Spain, a notable initiative highlighted is the establishment of Victim Support Offices, acknowledged for their promising approach. These offices operate with a multi-agency and victim-centred strategy, aiming to deliver comprehensive and co-ordinated support for crime victims, addressing their distinct legal, psychological, and social requirements. The assistance provided by these offices encompasses four stages: reception guidance, information, intervention, and follow-up. Specialised reports generated by these offices are forwarded to relevant prosecutorial and judicial authorities, influencing the implementation of protection measures. Additionally, victims receive support in filing for compensation.<sup>84</sup>

In legal proceedings in **Croatia**, both the Criminal Procedure Act and the Act on Protection against Domestic Violence mandate the provision of clear and timely information to crime victims in a language they comprehend.<sup>85</sup> Consequently, it is the duty of courts, the State Attorney's office, and law enforcement agencies to ensure that victims are informed in a comprehensible manner about their rights. To fulfil this obligation, informational forms outlining victims' rights have been created and translated into 20 languages. These forms are distributed to all victims of violent crimes and include comprehensive lists of rights and available support, assistance, and protection options. Additionally, they provide contact information for the Department for Support to Victims and Witnesses in the Courts, the National Call Centre for Victims of Crimes, and relevant public authorities and civil society organisations operating in the support and protection domain within the pertinent police jurisdiction.

### Why these constitute promising practices:

- there is a high level of professionalisation and specialisation both at the level of organisation (specialised units) and procedures for their operation, ensuring more efficient prosecution (Greece);
- mediation in procedures related to domestic violence is not mandatory, in line with the Istanbul Convention, or is even expressly prohibited (Cyprus and Spain);
- there are multi-agency and victim-centred offices with a task to support the victim in official proceedings (Spain);
- victims are informed of their rights prior to and during the legal proceedings, and there is a specialised office dedicated to victim and witness support (Croatia).

## Co-ordinated risk assessments

According to the Istanbul Convention, all relevant authorities must effectively assess and devise a plan to manage the safety risks of any victim on a case-by-case basis, according to standardised procedure and in co-operation and co-ordination with each other (Article 51). This should not be left exclusively to the competence of the police. It is essential that risk assessments and risk management consider the probability of repeated violence, notably deadly violence, and adequately assess the seriousness of the situation.

### Risk assessment in Ukraine

In Ukraine, the Ministry of Social Policy of Ukraine and the Ministry of Internal Affairs of Ukraine issued an order approving the Procedure for Conducting a Risk Assessment of Domestic Violence.<sup>86</sup> The risk assessment is carried out by a police officer upon the fact of domestic violence. The results of the risk assessment are taken into account by the police officer when issuing an emergency barring order against the perpetrator, taking other measures to stop such violence, prevent its continuation or recurrence, and provide assistance to victims in accordance with the law. Authorised authorities in the field of preventing and combating domestic violence may use the results of risk assessment when taking measures to counteract such violence in accordance with the Law of Ukraine "On Preventing and Combating Domestic Violence".

## Promising practice examples

The "Protocol of intervention for **San Marino** police officers in preventing and combating gender-based violence" incorporates a standardised risk-assessment tool to evaluate cases.<sup>87</sup> The assessment form includes inquiries about the nature and history of violence, the perpetrator's conduct towards children, death threats, the victim's fear of harm to her children, and her intention to leave the perpetrator. Specific aspects about the perpetrator, like possession of weapons, substance use, criminal records, and suicidal tendencies, are also addressed. In situations where the victim has sustained a significant injury, law enforcement is mandated to promptly arrest the perpetrator if there is a risk of escape, tampering with evidence, or the likelihood of the offence being repeated. A judge may subsequently validate pre-trial detention based on these considerations. Additionally, the Social Security Institute utilises a standardised risk-assessment form completed by specially trained social workers, collecting information on the violence, perpetrator characteristics, victim vulnerability, and aggravating circumstances like firearm possession or violence against children, especially during ongoing separation processes.

Mandatory risk assessment for domestic violence cases was implemented in **Portugal** in 2014, covering both the Public Security Police and the Republican National Guard, utilising two forms, RVD 1L for initial contact and RVD 2L for reassessment.<sup>88</sup> Over a two-year period (2015 and 2016), approximately 99 000 risk assessments were conducted. Actions like safety plans, information sharing, weapons seizure, and applications for protective measures were implemented following assessments. In 2007, Public Security Police measures, based on risk assessments, included 39 024 actions for regular victim contacts, 31 491 individual safety plans, and more.

In the **Netherlands**, the authorities generally adopt a multi-agency approach to risk assessment and management.<sup>89</sup> Different methods are employed depending on the type and severity of the risk involved. In 2018, the police initiated the use of Screening Assessment for Stalking and Harassment, a risk-assessment tool designed for stalking cases. For high-risk situations related to "honour-related violence" and stalking, specialised police units conduct assessments. Within the "Guard and Protect" system, threat assessments or threat analyses are conducted when there are concerns about crimes targeting individuals' lives or physical safety, or in cases involving other serious offences. Furthermore, the Risk Assessment Domestic Violence tool is utilised to evaluate the risk of violence within intimate partner relationships before deciding whether to issue a temporary restraining order. This assessment involves a structured questionnaire

covering 20 variables identified as indicators of future perpetration of domestic violence. Both the perpetrator and the victim are separately interviewed by the police to finalise the risk assessment and determine whether to issue a restraining order. In certain municipalities like Rotterdam, social services contribute to the risk assessment process. Additionally, in some regions, Safe Home personnel accompany the police to visit families and assist in completing the questionnaire.

### **Why these constitute promising practices:**

- standardised risk assessment forms are used that evaluate all relevant known risk factors (all);
- risk assessment is mandatory in all cases (Portugal);
- safety planning is implemented following risk assessment (Portugal);
- a multi-agency approach is implemented and different methods are used based on the type and severity of the risk (the Netherlands).

## **Integrated policies**

The integrated policies pillar of the Istanbul Convention requires parties to develop and implement policies that would comprise a wide range of measures to be taken by different actors and agencies and which, taken as a whole, offer a holistic response to violence against women. It implies developing comprehensive policies and ensuring sufficient financial resources to address the issue of violence against women and domestic violence while co-operating with NGOs and implementing a multi-agency response. Ways to develop and implement successful integrated policies include developing national action plans involving all relevant actors, enacting comprehensive legislation, as well as criminalising all forms of violence against women and domestic violence, establishing co-ordinating bodies and monitoring implementation.

## **National Action Plans and involvement of civil society**

A NAP should address all forms of violence against women and domestic violence referenced in the Istanbul Convention. It should outline a comprehensive, coherent and sustained programme of activity that builds evidence and practice over time (Article 7). It should include cross-cutting actions to establish governance structures, ensure the participation of civil society (Article 9), strengthen law and



policy, and build the capacity of professionals and organisations. The NAP should be a co-ordinated strategy to prevent violence, establish and improve integrated services for victims and provide an adequate police and judicial response to violence against women and domestic violence. It should have concrete goals, actions, timelines, implementing entities and funding sources (Article 8). Finally, a built-in mechanism for evaluation, monitoring and reporting should be included.

### National Action Plan and civil society in Ukraine

There are a number of civil society organisations in Ukraine that work to prevent and combat domestic violence. The most active ones are La Strada Ukraine (Kyiv), Jur-Fem (Lviv), Women's Perspectives (Lviv), Chaika (Rivne), Vira.Nadiya.Liubov (Odesa), Ukrainian Women's Fund (Kyiv), and Public Health Foundation (Kyiv). However, there is a need to strengthen civil society organisations, define the role of the state in increasing the number of NGOs, and support them, including financially.

### Promising practice examples

In **Romania**, the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men, along with the Preventing and Combating Domestic Violence Action Plan (2018-2021), focuses on enhancing the legislative framework, improving implementation, and increasing the efficacy of measures against domestic violence. It also aims to strengthen the capacity of public administration authorities and provide training for professionals dealing with domestic violence cases. Notably, the strategy addresses the key elements of a comprehensive approach: prevention, protection, and prosecution.<sup>90</sup> Similarly, the National Strategy for Preventing and Combating Sexual Violence, "SINERGY" 2020-2030, adopts a holistic approach to reduce sexual violence cases and prevent recurrence. It acknowledges and addresses cyber violence, particularly concerning women and girls, and introduces forensic services for female victims of rape and sexual violence.<sup>91</sup>

In **Georgia**, the adoption of the National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020 involved consultations with relevant institutions responsible for implementation and 25 gender focal points from line ministries and civil society organisations.<sup>92</sup> The plan considered inputs from civil society organisations, along with recommendations from the monitoring report by the Public Defender on the previous national action plan. This evidence-based policy approach was welcomed by GREVIO, recognising the Georgian authorities' commitment to

evaluating existing measures and addressing potential gaps in the efforts to combat violence against women and domestic violence.

The national co-ordinating body of **Cyprus** adopted the National Strategy and National Action Plan for the Prevention and Combating of Violence against Women 2023-2028.<sup>93</sup> Efforts to prevent and combat gender-based violence were also integrated into specific measures within the 2019-2023 Gender Equality National Action Plan. This includes intermediate goals such as aligning the national legal framework with the Istanbul Convention, establishing a national co-ordinating body (recently achieved and welcomed by GREVIO), creating a unified database on violence against women, and criminalising all forms of violence against women.

In **Estonia**, the Violence Prevention Agreement serves as the overarching framework for state interventions aimed at preventing and addressing interpersonal violence within society.<sup>94</sup> It delineates 14 preventive measures targeting diverse forms of violence, encompassing violence against children, human trafficking, elder abuse, cyber violence, and domestic and sexual violence. These measures underscore the importance of enhancing specialist capacities, implementing victim-friendly procedures, facilitating intervention with perpetrators, and enhancing the involvement of healthcare and social service providers in violence prevention efforts.

### **Why these constitute promising practices:**

- the strategy addresses the key elements of a comprehensive approach: prevention, protection, and prosecution (Romania);
- the strategy was evidence-based and its drafting included extensive consultations with all the relevant stakeholders, including civil society (Georgia);
- the strategy is holistic, criminalising all forms of violence, establishing databases and providing long-term and short-term measures (Cyprus);
- the strategy serves as a comprehensive framework for preventing and combatting all forms of violence, and it includes a victim-centred approach as well as working with perpetrators (Estonia).

## Comprehensive legislation

Many countries have drafted specialised laws to address domestic violence but only a few have a comprehensive law that covers all forms of violence against women included in the Istanbul Convention. Whereas the convention does not require the enactment of specific laws but rather that effective, comprehensive and systematic policies are in place (Article 7). Comprehensive legislation is a promising practice because it gives visibility to violence against women and domestic violence as a human rights violation and it allows the state to legislate coherently to implement the requirements of the Istanbul Convention.

### **Criminalisation of all forms of violence against women and domestic violence in Ukraine**

According to national legislation, there is no liability in Ukraine for stalking (Article 34 of the Istanbul Convention) and sexual harassment (Article 40 of the Istanbul Convention). At the same time, according to the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", sexual harassment is a sexual act expressed verbally (threats, intimidation, indecent remarks) or physically (touching, patting) that humiliates or offends persons in a relationship of labour, service, material or other subordination. Due to the absence of liability for these crimes, it is extremely difficult to bring the perpetrator to justice in practice.

There is also no distinct liability for female genital mutilation in Ukraine (Article 38 of the Istanbul Convention). At the same time, according to Art. 121 of the Criminal Code of Ukraine, genital mutilation is considered to be intentional grievous bodily harm.

According to national legislation, "consent is considered voluntary if it is the result of a person's free will, taking into account the accompanying circumstances." The absence of voluntary consent is a qualifying feature in the classification of rape (Article 152 of the Criminal Code of Ukraine) and sexual violence (Article 153 of the Criminal Code of Ukraine). Rape is the commission of sexual acts involving vaginal, anal or oral penetration of another person's body using genitals or any other object without the victim's voluntary consent. Sexual violence is the commission of any violent act of a sexual nature, not involving penetration of the body of another person, without the voluntary consent of the victim.

However, in practice, proving the absence of voluntary consent of the victim remains a problematic issue. Proving rape or sexual violence that occurred during marriage is particularly problematic. These types of crimes often go unreported or take a long time to come to light.

## Promising practice examples

GREVIO acknowledged significant advancements in key legal reforms in its baseline report on **Croatia**, particularly within Croatia's Criminal Code concerning offences against sexual integrity.<sup>95</sup> Notably, the Criminal Code now incorporates a consent-based definition of rape, a change which GREVIO views positively. Additionally, amendments to criminal laws in 2021 have criminalised image-based abuse and instituted ex officio prosecution for sexual violence offences, formerly reliant on the victim's request for prosecution. Similarly, the Domestic Violence Act saw expansion in 2021 to include intimate relationships between partners not cohabiting or with children.

GREVIO's baseline evaluation reports indicate progress in addressing stalking, with several parties introducing dedicated stalking offences after signing or ratifying the convention. Notably, Albania, Finland, Montenegro, Portugal, and Serbia have implemented such measures. In its baseline evaluation report on **Albania**, GREVIO commended the promising practice of defining stalking based on the perpetrator's intent, emphasising a behaviour-based approach over a result-based one. The Albanian provision is noteworthy for extending the offence to encompass behaviour directed not only at victims but also at individuals close to the victim, aligning with typical tactics employed by stalkers.<sup>96</sup>

**Poland's** initiative to introduce Article 190a into the Criminal Code is commendable, particularly for addressing the specific crime of stalking, defined as persistent harassment of an individual or their relative.<sup>97</sup> This provision not only encompasses offline harassment but also criminalises significant online manifestations of such behaviour. Specifically, Article 190a, paragraph 2, targets online impersonation with the intent to cause financial or personal harm to another individual. Recognising the relevance of online stalking, especially in cases of post-separation abuse, this addition to the law is welcomed. Furthermore, there is satisfaction in acknowledging the serious impact stalking can have on victims, including instances of suicide, leading to the introduction of an aggravating circumstance to address this issue. Additionally, there was an increase in penalties for stalking offences in 2020.

Stalking is addressed under Article 238 of **Germany's** Criminal Code, encompassing a broad spectrum of behaviours that may disrupt an individual's life.<sup>98</sup> Prohibited actions include approaching the targeted person without consent, using telecommunication to establish contact, misusing personal data for ordering goods or services, threatening the person's life or those close to them, and disseminating content under the targeted person's name likely

to harm their reputation. The provision focuses on the perpetrator's intent rather than the actual impact on the victim. Article 238 aligns with the Istanbul Convention, specifically incorporating cyberstalking and adopting a behaviour-based definition. The provision also considers stalking acts against individuals close to the victim, and the penalties for violating a protection order are deemed sufficiently deterrent, with potential imprisonment for up to two years or a fine.

The Criminal Code of **Slovenia** includes a dedicated provision, Article 197, addressing workplace mobbing, explicitly prohibiting sexual harassment within professional settings.<sup>99</sup> Article 7 of the Employment Relationship Act also prohibits sexual and other forms of harassment and mobbing in the workplace, acknowledging sexual harassment as a type of discrimination that violates women's human rights and poses health and safety risks. Sexual harassment is defined in Article 8, paragraph 2, of the Protection against Discrimination Act as any unwanted verbal, non-verbal, or physical conduct of a sexual nature intending to violate a person's dignity, particularly by creating an intimidating, hostile, degrading, humiliating, or offensive environment.

In **Sweden**, engaging in intercourse or any other sexual act with a person "who is not participating voluntarily" is a criminal offence.<sup>100</sup> This provision emphasises that participation must be voluntary and perceived as such, with passivity not considered a sign of voluntary involvement. Additionally, Sweden has introduced two new offences, namely "negligent rape" and "negligent sexual abuse", shifting the responsibility to the perpetrator to ensure that all sexual acts are consensual. This approach contrasts with the traditional focus on the victim's behaviour before, during, and after the act. Reports indicate an increase in reported instances of rape since the implementation of the new legislation. Before these legal changes, many rape cases were dismissed due to insufficient evidence, and in cases where prosecution occurred without a conviction, it was often due to evidentiary shortcomings.

### Why these constitute promising practices:

■ existing legislation has been amended and expanded to criminalise all forms of violence, including rape on the basis of lack of consent and intimate partner violence as a crime (Croatia);

■ stalking has been criminalised, both online and offline, and it extends to individuals close to the victim (Albania and Poland);

■ the definition of stalking is based on the perpetrator's intent (Albania and Germany);

- sexual harassment is criminalised and acknowledged as a type of discrimination that violates women's human rights (Slovenia);
- rape and other sexual offences are clearly defined as based on lack of consent in a way that each sexual act must be voluntary (Sweden).

## Co-ordinating bodies

The Istanbul Convention entails the obligation to entrust one or more official government bodies with four specific tasks: co-ordinating, implementing, monitoring and evaluating policies and measures to prevent and combat all forms of violence covered by the scope of the convention (Article 10). This can be done by setting up new official bodies or mandating these tasks to existing official bodies. The purpose of Article 10 is to prevent the isolation of state and civil actors, mitigating the risk of gaps in implementing the Istanbul Convention.

### Co-ordinating body in Ukraine

In accordance with the national legislation, the Ministry of Social Policy of Ukraine co-ordinates the interaction of all bodies and services at the national level, which includes:

- developing state policy in the field of preventing and combating domestic violence and gender-based violence;
- ensuring legal and regulatory framework for preventing and combating domestic and gender-based violence;
- ensuring the development and approval of model programmes for victims and model programmes for perpetrators, as well as methodological recommendations for their implementation;
- providing methodological support to local state administrations and local self-government bodies in the field of preventing and combating domestic and gender-based violence;
- organising and conducting nationwide research.

## Promising practice examples

In **Malta**, the co-ordinating entity established under Article 10 of the convention is thoroughly institutionalised, with allocated financial and human resources, and operates with a well-defined mandate.<sup>101</sup> Additionally, GREVIO has acknowledged the positive aspect of the co-ordinating body's diverse composition. Alongside individuals with disabilities, it includes a survivor of violence against women, a representative from non-governmental organisations, and a representative from the LGBT community.

The establishment of the national co-ordinating body in **Cyprus** for the Prevention and Combating of Violence against Women took place on 3 March 2022.<sup>102</sup> The co-ordinating body is recognised for being fully institutionalised, receiving a dedicated budget of €100 000 in 2022 and €190 000 in 2023 from the Ministry of Justice, and being managed by two full-time staff. This development is viewed as a promising step forward, enhancing co-ordination among relevant stakeholders and addressing the previously fragmented approach.

The Inter-Agency Commission, established in June 2017 within the executive branch of **Georgia** plays a crucial role in monitoring and assessing measures to eliminate various forms of violence.<sup>103</sup> Headed by the Prime Minister's Adviser on Human Rights and Gender Equality, with the Deputy Minister of Justice serving as Co-Chair, the commission comprises representatives from diverse government institutions. Its responsibilities include co-ordinating the development and implementation of action plans, such as the National Action Plan on the Implementation of the UN Security Council Resolution on Women, Peace, and Security, and the National Action Plan on Combating Violence against Women and Domestic Violence and Protection of Victims 2018-2020. Additionally, the commission oversees the monitoring, evaluation, and co-ordination of data collection and analysis as per its statute.

The establishment of the National Co-ordination Body for the implementation of the Istanbul Convention in **North Macedonia** was mandated by Article 15 of the Law on Violence against Women and Domestic Violence.<sup>104</sup> This body comprises representatives from various governmental bodies, including judges and prosecutors, the Commission for Equal Opportunities, the Parliament of North Macedonia, as well as representatives from trade unions and employers' associations. Notably, GREVIO welcomed the inclusion of three members from non-governmental organisations, demonstrating a commendable engagement of civil society in policy-related endeavours. The National Co-ordination Body's responsibilities encompass preparing and overseeing the implementation of national strategies and action plans related to the convention, co-ordinating the

efforts of relevant institutions, monitoring the allocation of financial resources, collecting reports on gender-based violence against women and domestic violence, and issuing an annual report detailing its activities and progress made.

### **Why these constitute promising practices:**

- the co-ordinating body is institutionalised, with adequate human and financial resources and diverse representation (Malta and Cyprus);
- the co-ordinating body is formed at a sufficiently high level and the with involvement of relevant institutions to ensure its effectiveness (Georgia);
- the co-ordinating body includes representatives from the civil society (North Macedonia).

## Data collection

Systematic and comprehensive data collection is crucial for effective policymaking in preventing and combating all forms of violence within the convention's scope. However, such data is scarce and often incomparable across Council of Europe member states, hindering a clear understanding of the problem's extent and evolution. To address this, the convention obliges parties to regularly collect representative, comparable, and disaggregated data on various violence cases (Article 11). This data, analysed and disseminated by co-ordinating bodies under Article 10, aids GREVIO in monitoring the implementation of the convention. Article 11 of the Istanbul Convention stresses the need to support research on violence against women and domestic violence to inform evidence-based policies.

### **Data collection in Ukraine**

The Law of Ukraine "On Preventing and Combating Domestic Violence" provides for the establishment of the Unified State Register of Domestic and Gender-Based Violence. This register is an automated information and communication system designed to collect data on cases of domestic and gender-based violence. At the same time, this registry is not stored. Accordingly, data is collected manually. The problematic issue is that different agencies and services collect their data without sharing it with each other, which has a negative consequence – the inaccuracy of the collected data. Similarly, data is not always disaggregated by gender, age, place of residence and type of relationship between the victim and the perpetrator.



## Promising practice examples

In **Romania**, the collaboration between the National Institute for Statistics and the National Agency for Equal Opportunities for Women and Men is commendable, marking a positive step toward implementing Article 11 of the Istanbul Convention.<sup>105</sup> The collaboration focuses on two key components: firstly, establishing an information system on domestic violence and conducting a gender-based survey on domestic violence (2022-2023), and secondly, facilitating interinstitutional co-operation for providing statistical data essential for national monitoring and reporting procedures in line with international commitments, including the Istanbul Convention and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

After amendments implemented in 2015, law enforcement and judicial bodies in Portugal are now mandated to gather comprehensive data, creating a complete overview of the criminal proceedings related to domestic violence.<sup>106</sup> A standardised form is utilised for recording such incidents, capturing details like the ages and genders of the victim and perpetrator, their relationship dynamics, the presence of children, the use of firearms, the perpetrator's addictive behaviour, the victim's medical treatment, and a risk assessment. The compiled data is structured into a report, supplemented with additional information on the temporal and geographic aspects of the crime, victim and perpetrator characteristics, and types of violence. A dedicated section presents data on the outcomes of domestic violence proceedings, a practice that GREVIO acknowledged in its baseline evaluation as valuable for evaluating the system's responsiveness and potentially identifying areas for improvement in institutional practices and policies.

In **France**, the Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings (MIPROF), established in 2013 under the Secretariat of State for Equality between Women and Men, co-ordinates data collection, analysis, and dissemination in France regarding violence against women and human trafficking.<sup>107</sup> Recognizing its significance, GREVIO appreciated that France assigned this dedicated role, essential for policy coherence. MIPROF acts as the national observatory on violence against women, steering a working group comprising various ministries' statistical services and research institutions. Meeting every few months, the group compiles data, published annually online. GREVIO noted with satisfaction France's evidence-based policy-making and methodological enhancements in data collection since 2013. GREVIO acknowledged the strides taken in the recent information system to disaggregate data based on various factors including the nature of

violence, the gender and age of both victim and perpetrator, their association, and the geographical setting of the offence.

In **Greece**, the Observatory on Gender Equality was established in 2016 under the General Secretariat's authority.<sup>108</sup> It is tasked with co-ordinating the gathering and publication of existing data on violence against women, as mandated by Article 11 of the convention. Regular data releases occur through the General Secretariat's annual reports on violence against women. Since 2019, the Greek police have enhanced their collection of quantitative and qualitative data on violence against women, broken down by sex, age, type of violence, victim-perpetrator relationship, and, in some cases, geographical location. Information on offences related to domestic violence, including psychological and economic abuse, as well as sexual violence, is accessible. The fact that data on femicides within the context of domestic violence have been publicly available since 2010 is also noted. Moreover, ongoing efforts are in place to further expand the police database to gather disaggregated data on gender-based violence and integrate variables, especially concerning the sex of the victim and perpetrator and their relationship. Recent improvements in data collection allow the police to extract information on individual cases and gain an overview of gender-based violence across different regions, enhancing prevention efforts.

In **Serbia**, the police, basic courts, basic public prosecutor's offices and centres for social welfare collect data electronically and together form the Central Registry on Domestic Violence, the establishment of which was welcomed by GREVIO.<sup>109</sup> It is run by the Republic Public Prosecutor's Office, particularly data on cases of domestic violence and sex offences. All data are classified by type of offence. The Ministry of Interior further records all actions taken by police in domestic violence cases, using data categories such as the age and sex of the victim and the perpetrator, the nature of their relationship, the type of violence perpetrated, the geographic location of the crime, the number of protection orders issued and whether risk assessment has been carried out.

### **Why these constitute promising practices:**

- the data collection is organised and based on interinstitutional co-operation (Romania and Serbia);
- a standardised form is used to collect the data from the incidents of domestic violence that are published in a report, which includes the outcomes of such procedures (Portugal);
- there is a body in charge of co-ordinating data collection, analysis, and dissemination (France);
- the data are classified according to the type of violence, the gender and age of the victim and perpetrator, their relationship, and the geographical location of the crime, as required by the Istanbul Convention (France, Greece and Serbia);
- the data are publicly available in yearly reports (France and Greece).

## Conclusion

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**A** decade after its entry into force in Europe, the Istanbul Convention has made a significant positive impact on the lives of women and girls in countries which have ratified and in those preparing for ratification. It has succeeded in bringing the issue of violence against women and domestic violence to the forefront of the political agenda, increased the parties' efforts at prevention, fostered positive changes in legislation and policies related to violence against women and domestic violence and helped improve the protection of survivors and prosecution of perpetrators of violence.

Since 2017, GREVIO has published baseline evaluations of 36 countries that have ratified the convention, as well as a midterm horizontal evaluation of promising practices and four thematic activity reports. The evaluation process produces valuable insights and opportunities for a party to learn about the most efficient ways to prevent and combat violence against women and domestic violence. This report aims to present promising practices as an illustration of what can be achieved through ratification, but also as an inspiration for further development and creation of best practices.

Ukraine's 11-year journey to ratify the Istanbul Convention culminated in July 2022, aligning with its values despite wartime challenges. Ukraine is the only country to have ratified the Istanbul Convention in the face of war. The conflict has undoubtedly hindered the formulation and implementation of policies to address domestic and gender-based violence.

This ratification formalises Ukraine's commitment to ensuring the rights of women and girls to live free from violence. Furthermore, it provides Ukraine with a comprehensive framework based on years of international best practices, supporting its efforts to realise this fundamental right. By joining the community of Istanbul Convention signatory countries, Ukraine acknowledges its responsibility to uphold the principles and objectives outlined in the convention, despite the

adversities posed by ongoing conflict. This step signifies Ukraine's dedication to combating gender-based violence and to fostering a society where women and girls can thrive without fear of harm or discrimination. The ratification process signifies a significant milestone in Ukraine's journey toward gender equality and the protection of human rights, demonstrating its commitment to international norms and standards in addressing gender-based violence.

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82. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Cyprus, 2022. par. 222-223. <https://rm.coe.int/grevio-inf-2022-29-cyprus-report-for-publication-eng-for-publication/1680a91c5b>
83. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Horizontal Review of GREVIO baseline evaluation reports, 2021. par. 407.
84. Ibid, par. 481.
85. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Croatia, 2023, par. 128. <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>

86. Order "On Approval of the Procedure for Conducting a Risk Assessment of Domestic Violence" of 13.03.2019 No. 369/180. Available in Ukrainian: <https://zakon.rada.gov.ua/laws/show/z0333-19#Text>
87. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on San Marino, 2021. par. 190-192. Available at <https://rm.coe.int/grevio-baseline-report-on-san-marino/1680a3eb65>
88. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Portugal, 2019. par. 201-202.
89. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Netherlands, 2019, par. 270-271. <https://rm.coe.int/grevio-report-on-netherlands/1680997253>
90. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Romania, 2022. par. 39.
91. Ibid, par. 41.
92. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Georgia, 2022. par. 35.
93. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Cyprus, 2022. par. 23.
94. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Estonia, 2022. par. 30. <https://rm.coe.int/grevio-inf-2022-32-eng-final-report-on-estonia-publication/1680a8fcc2>
95. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Croatia, 2023. Executive summary, p. 6.
96. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Horizontal Review of GREVIO baseline evaluation reports, 2021. par. 352.

97. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Poland, 2021, par. 202.
98. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Germany, 2022. par. 244-245. <https://rm.coe.int/report-on-germany-for-publication/1680a86937>
99. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Slovenia, 2021. par. 281.
100. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Horizontal Review of GREVIO baseline evaluation reports, 2021. par. 362.
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104. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on North Macedonia, 2023, par. 57-58. <https://rm.coe.int/baseline-evaluation-report-on-north-macedonia/1680ac76ab>
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106. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Horizontal Review of GREVIO baseline evaluation reports, 2021. par. 104.
107. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on France, par. 59-65.

108. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Greece, 2023, par. 49-50.
109. Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) Baseline Evaluation Report on Serbia, 2020, par. 46.47, <https://rm.coe.int/grevio-report-on-serbia/16809987e3>



**T**he study “After ratification – Promising practices to advance implementation of the Istanbul Convention” aims to support Ukraine through examining promising practices from countries monitored through GREVIO’s baseline evaluation reports. The selected practices are organised by the four main pillars of the Istanbul Convention, showcasing diverse implementation efforts from various parties. The research was conducted under the Council of Europe project “Combating Violence against Women in Ukraine - Phase II” (COVAW-II).

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