

3rd GENERAL REPORT ON GREVIO'S ACTIVITIES



GREVIO
Group of Experts on
Action against Violence
against Women and
Domestic Violence

covering the period from
January to December 2021

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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Violence against Women
and Domestic Violence
Istanbul Convention



Convention du Conseil de l'Europe
sur la prévention et la lutte
contre la violence à l'égard des femmes
et la violence domestique
Convention d'Istanbul



Foreword by the President of GREVIO

It is an utmost pleasure to introduce the 3rd General Report on the activities of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which highlights GREVIO's activities during the period of January 2021 to December 2021. Mid-way into this period, I had the honour of taking over the GREVIO Presidency from Marceline Naudi, President of GREVIO for a period of two years. I step into this presidency with deep gratitude for the outstanding work that my predecessor, Marceline Naudi, and the members of the Bureau, undertook during their mandate. She led GREVIO with admirable grace and contributed greatly to raising the profile of the Istanbul Convention. Her determination to push the public awareness of the Istanbul Convention as a framework to fight against violence against women and domestic violence both before, during and after the Covid-19 pandemic must be strongly commended. I wish to thank the preceding Bureau, former President Marceline Naudi, and current GREVIO members for their commitment and tireless work to fill the convention's core principles, underlying premises and its individual provisions with meaning.

The year 2021 has been remarkable as we celebrated the 10th anniversary of the opening for signature of the Istanbul Convention. This milestone provided an opportunity to take stock and reflect on the progress achieved to date, and to renew our commitment to continuing the important task of eradicating violence against women and domestic violence. 2021 has, too, been challenging. Turkey's withdrawal from the convention represents a regrettable setback for women's rights in Turkey and beyond and showed that we have a long path ahead to eradicate violence against women and to realise women's rights in practice. I am heartened by the resulting outpour of support and solidarity by states parties, governments, civil society and non-governmental bodies in the Council of Europe and beyond. Referring to the Istanbul Convention as "a gold standard in international efforts to protect women and girls from the violence that they face every day in our societies", the Secretary General of the Council of Europe, Marija Pejčinović Burić, called Turkey's withdrawal "a huge setback to these efforts and all the more deplorable because it compromises the protection of women in Turkey, across Europe and beyond"¹

This support has reinforced the convention's position internationally as a widely recognised, respected and vital instrument to combat violence against women and domestic violence. Since the last report on our general activities, and notwithstanding Turkey's withdrawal, the number of states parties has grown to 35, with a number of other states working to ratify it as soon as practicable.

The **10th anniversary of the convention** was celebrated with several initiatives organised to highlight its critical role in creating a solid framework at a pan-European level to prevent violence against women, to protect women victims, and to prosecute perpetrators. These initiatives, noted in detail in this report, included conferences, a short documentary, and a special online portal showing the Convention's impact on a number of states parties. To mark the anniversary, GREVIO also issued, for the first time, a mid-term horizontal review providing a comprehensive and clear outlook on the observations provided by GREVIO since it began its monitoring. The review, which is presented in more detail in this report, includes information extracted from 17 GREVIO baseline evaluation reports in respect of half of the convention's states parties at the time detailing best practices, as well as the challenges remaining to its full implementation. This review constitutes an important reflective exercise as it evidences the progress achieved to date and recognises states parties' efforts to realise their obligations under the convention. It also serves as a lighthouse and a fixed point from which to gauge further action needed to realise women and children's rights to live a life free from violence.

This 3rd General Report on GREVIO's activities continues with the tradition of offering an in-depth focus issue. The focus section titled **Child custody, visitation and domestic violence** delves into the linkages between domestic violence and child custody and visitation arrangements, exposing the difficult reality of post-separation abuse, frequently perpetrated through child custody and visitation arrangements that impact on the safety of women who have left abusive relationships, and that of their children. The relevance of the Istanbul Convention in this context cannot be understated, as it is the first legal instrument to recognise the severe impact that

1. Statement by the Secretary General of the Council of Europe issued on 20 March 2021.

being exposed to domestic violence has on mothers and their children. GREVIO's baseline evaluation reports adopted to date have revealed in great clarity that children and mothers continue to be under-protected in separation processes and thereafter, which at times, results in fatal consequences. Ensuring that women and children's safety is prioritised and that the child's best interests are respected in the determination of child custody and visitation after domestic violence requires full and effective implementation of the Istanbul Convention in the spirit of multi-agency co-operation.

Marking the International Day for the Elimination of Violence against Women, and following the establishment of a working group within GREVIO the year before, GREVIO published its **General Recommendation No. 1**, zooming in on the digital dimension of violence against women. This General Recommendation recognises that violence against women is increasingly committed in the digital sphere, including through online acts of violence and acts perpetrated through technology. Importantly, it delineates the obligations that arise under the convention in relation to the digital dimension of violence against women and domestic violence, as violence against women perpetrated in this context is unmistakably encompassed within the definition of violence under Article 3a. This is a landmark document which allows states parties to ensure that the legal and policy framework against violence against women covers this form of violence. GREVIO's recommendations for action include each pillar of the convention: prevention, protection, prosecution and co-ordinated policies. These measures are intended to send a strong signal to end impunity and to increase access to justice for women victims of this type of violence.

In 2021, GREVIO and the Secretariat continued **developing and strengthening collaboration** with Council of Europe bodies and institutions, civil society and international organisations. GREVIO's baseline evaluation reports, the Istanbul Convention's standards and GREVIO's first third-party intervention before the European Court of Human Rights have contributed to an understanding of domestic violence and violence against women that places the focus on women and girls and the mechanisms that allow it to happen as well as those that stand in the way of true accountability of perpetrators. Moreover, the monitoring role of the Committee of the Parties continued to be strengthened, as the Committee adopted a framework for the supervision of its recommendations addressed to states parties. The Committee of the Parties' role in furthering the implementation of the convention through the adoption of recommendations based on GREVIO's baseline evaluation reports cannot be overstated, and this marks another positive development in the monitoring exercise under the convention. At the end of 2021, four countries, Austria, Albania, Denmark and Monaco, received the Committee's conclusions, officially becoming the first states parties to undergo the full monitoring process. I was pleased to have been involved in the process, together with three of my colleagues who had served as country rapporteurs in respect of these four countries and were honoured to see the progress made.

Despite the challenges faced in 2021, this report is a testament that GREVIO, the Committee of the Parties and friends of the convention stand firm in the pursuit of the key purpose of the convention: to eliminate violence against women and domestic violence. The Istanbul Convention's approach to violence against women and domestic violence as a form of discrimination of women and girls and a human

rights violation remains as crucial as ever, as does the implementation of the comprehensive standards contained therein. The 10th anniversary of its opening for signature invites us to look forward with hope and conviction to the next decade of implementation and to renew our commitment towards realising the transformation of societies to ones free from discrimination and violence against women.

Iris Luarasi
President of GREVIO



Activities

Introduction

1. GREVIO, the Group of Experts on Action against Violence against Women and Domestic Violence, is the independent body set up under Article 66 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention; CETS No. 210) that is responsible for the monitoring of that convention. GREVIO is composed of 15 independent and impartial experts of high moral character with expertise in the area of violence against women. Their term of office is four years, renewable once. At the European level, GREVIO is currently the only independent panel of experts monitoring the implementation of binding international legal provisions in the area of violence against women.
2. GREVIO launched its first evaluation procedure in spring 2016, after adopting a questionnaire on legislative and other measures giving effect to the Istanbul Convention in its entirety. Working on a country-by-country basis, GREVIO carries out a first (baseline) evaluation of each country that has ratified the convention.

GREVIO initiates this procedure by addressing its questionnaire to the state party concerned, inviting the authorities to respond by way of a comprehensive report. GREVIO also collects additional information from various other sources including non-governmental organisations (NGOs), other members of civil society, national human rights institutions, Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies) and other international treaty bodies. GREVIO then carries out an evaluation visit and subsequently draws up its draft evaluation report. The draft report is discussed in a meeting and, following its approval by GREVIO, it is sent to the relevant national authorities for comments. Following the receipt and consideration of these comments, GREVIO draws up a final report for adoption. GREVIO's baseline evaluation report is made public on the Istanbul Convention website, together with any final comments received from the party concerned. The Committee of the Parties, composed of the representatives of the parties to the convention and the second tier in the monitoring of the convention, subsequently receives GREVIO's reports and may adopt, on the basis of GREVIO's findings, recommendations addressed to the party. After a period of three years, states parties are asked to report back to the Committee of the Parties on the measures taken in implementation of these recommendations. The Committee's review of these reports results in the adoption of conclusions in respect of each state party – a process which was carried out for the first time in 2021.

GREVIO meetings

3. During the reporting period, GREVIO held in total three meetings, each of which took place over three days. The first two meetings in February and June were held virtually due to the constraints resulting from the outbreak of the Covid-19 pandemic, whilst the 3rd meeting held in October was held in person at the seat of the Council of Europe in Strasbourg, France, with two GREVIO members joining virtually. During these meetings GREVIO considered adopted its baseline evaluation reports in respect of Poland, San Marino and Slovenia and approved its draft report on Romania. Moreover, during its plenaries, GREVIO discussed issues arising from the state reports submitted by Cyprus, Estonia, Georgia, Germany, Iceland, Norway and Switzerland. It adopted, at its 23rd meeting (from 16 to 18 February 2021), the 2nd General Report on GREVIO's activities, covering the work undertaken during the mandate of the full 15 members of GREVIO, from 1 June 2019 to 31 December 2020. At its 24th meeting (from 21 to 23 June 2021), GREVIO also adopted its first ever General Recommendation, entitled General Recommendation No. 1 on the Digital Dimension of Violence Against Women.

Procedural issues

4. At its 24th meeting (from 21 to 23 June 2021), following the expiry of the mandate of the Bureau consisting of Marceline Naudi as President and Iris Luarasi and Simona Lanzoni as First and Second Vice-President respectively, it elected, on 23 June 2021, Iris Luarasi as President, Simona Lanzoni as First Vice-President and Maria Andriani Kostopoulou as Second Vice-President for a mandate of two years. At its 24th meeting, following the resignation of Aşkın Asan (Turkey) from GREVIO in

light of Turkey's withdrawal from the Istanbul Convention, GREVIO member Ivo Holc (Slovenia) was called upon as substitute for the on-going evaluation of Bosnia and Herzegovina, with Marceline Naudi (Malta) nominated as substitute. Similarly, at its 25th meeting, GREVIO member Sabine Kräuter-Stockton (Germany) was designated to replace Aşkın Asan (Turkey) as second rapporteur for the upcoming evaluation visit to Estonia.

Substantive issues and thematic discussions

5. With a view to highlighting the impact of the Covid-19 pandemic and related lockdowns on levels of domestic violence, widely referred to as 'the shadow pandemic', GREVIO engaged, at its 23rd meeting (from 16 to 18 February 2021), in a thematic discussion on the topic of violence against women as a public health issue, presented by GREVIO member Marie-Claude Hofner (Switzerland). At its 24th meeting (from 21 to 23 June 2021), GREVIO engaged in further thematic discussions on the topics of perpetrator programmes and restorative justice, delivered by GREVIO President Iris Luarasi (Albania) and GREVIO member Per Arne Håkansson (Sweden), and research on sexual violence in the Western Balkans, presented by GREVIO member Biljana Branković (Serbia).

6. At this meeting, GREVIO members also engaged in a thematic discussion on procedural safeguards for women victims of violence in criminal proceedings, led by a presentation delivered by GREVIO member Maria-Andriani Kostopoulou (Greece). In this context, GREVIO discussed a number of challenges relating to victim safeguards in cases of violence against women, for example the concern of some judges and prosecutors regarding the need to balance the rights of the victim with those of the accused as part of a fair trial. The issue of repeat questioning of victims was also raised, with examples of good practice including the use of video recordings, indirect questioning of the victim (for example through the presiding judge) and the use of single hearings in rape cases, as introduced in Poland. The importance of holding exchanges on victim protection in courts during country monitoring visits was therefore highlighted as a means of establishing current practices in states parties, identifying gaps and checking that the standards of the Istanbul Convention are applied.

7. Another topic which GREVIO brought into focus through a member-led thematic discussion held at the same meeting was that of police responses to domestic violence and violence against women, presented by GREVIO member Ivo Holc (Slovenia). In its exchange, GREVIO discussed Slovenia as a case study for police action on violence against women. The importance of training for police officers was especially noted, including peer-to-peer training, annual training and policy-based exchanges with other relevant professionals, such as NGOs and social services. In the context of the Covid-19 pandemic, immediate response to reports of domestic violence was mentioned as a good practice in Slovenia. GREVIO further discussed the need to hold discussions with police officers working on the ground during its evaluation visits, in order to get deeper insight into their work in the context of the many different forms of violence against women which the Istanbul Convention covers.



Evaluation visits and procedures

8. During the reporting period, GREVIO carried out baseline evaluation visits to five states parties, notably, Bosnia and Herzegovina, Georgia, Germany, Norway, and Romania. Their duration varied from eight days in Bosnia and Herzegovina to six days in Germany to five days in the other three states parties under review, depending on the size and complexity. GREVIO also initiated first baseline evaluation procedures in relation to Croatia, Cyprus, Greece, Iceland, Luxembourg, North Macedonia, and Switzerland, all of which will be evaluated in the course of 2022. State reports have already been received for most of these, as has information submitted by national NGOs. GREVIO's evaluations are organised on the basis of a provisional timetable for the first baseline evaluation procedure covering the period 2016-2023 (see Appendix 2) that can and has been amended to adapt to specific constraints, including those resulting from the Covid-19 pandemic.

9. In light of the continued limitations placed on direct exchanges with stakeholders on the ground due to the Covid-19 pandemic, GREVIO's on-site evaluation visits remain invaluable. They continue to offer states parties the opportunity to engage in critical thinking processes with GREVIO in the area of violence against women – within and against the backdrop of the constraints and additional challenges resulting from the pandemic. The desire to discuss key concepts of the Istanbul Convention and challenges in its implementation was palpable among all states parties reviewed, with GREVIO's monitoring visits being welcomed by governmental and non-governmental actors alike. While adjustments were made to the number and planning of on-site evaluation visits on account of the travel restrictions imposed by the pandemic, they did not come to a full halt, allowing GREVIO to touch base with key stakeholders in the states parties under review. Evaluation visits further picked up pace in the second half of 2021 with around one visit per month, allowing GREVIO to effectively carry out its work in reviewing states parties' implementation of the Istanbul Convention.

10. GREVIO's evaluation visits during the period under review were therefore essential in providing direct insight into the efforts, approaches and measures to prevent and combat violence against women in the states parties under evaluation. By visiting states parties and exchanging with state and non-state actors in person, GREVIO was able to carry out a thorough assessment of the situation on the ground, including by visiting services provided to victims such as domestic violence shelters and counselling services, as well as reception centres for asylum seekers. As such, GREVIO's approach allows it to continue to deliver a direct and accurate review of states parties, and thus to develop important and relevant findings to enhance the convention's implementation in their jurisdictions.

Working groups

11. In the period under review, GREVIO continued its activities under its first two working groups established according to Rule 46 of GREVIO's rules of procedure. The working group on third-party interventions before the European Court of Human Rights was set up at GREVIO's 19th meeting (from 14 to 15 November 2019), while the working group on a general recommendation on the digital dimension of violence against women was set up at its 21st meeting (from 25 to 26 June 2020).

Working Group on Third-party Interventions before the European Court of Human Rights (GREVIO-GT-TPI)

12. GREVIO renewed the mandate of the working group on third-party interventions before the European Court of Human Rights (GREVIO-GT-TPI) at its 23rd meeting (from 16 to 18 February 2021) for another year, until 31 December 2021. Under the authority of GREVIO, the working group is instructed to prepare third-party interventions on behalf of GREVIO before the Court on issues of relevance under GREVIO's mandate, namely violence against women and domestic violence and/or to any issue of relevance falling within the Istanbul Convention.²

13. GREVIO submitted its first third-party intervention to the European Court of Human Rights on 21 January 2020, in connection with the case of *Kurt v. Austria* (application No. 62903/15). This case concerns the murder of an eight-year-old boy by his father after previous allegations by the mother of domestic violence. In its submission GREVIO addressed, inter alia, the importance of applying a gendered understanding of domestic violence in order to ensure the effective investigation, prosecution and protection of victims.³

14. GREVIO did not initiate any further proceedings under the working group to develop a second third-party intervention in the period under review.

2. For further information regarding GREVIO-GT-TPI, see 2nd General Report on GREVIO's activities, pages 14-15.

3. For further information regarding GREVIO's third party intervention on *Kurt v. Austria*, see 2nd General Report on GREVIO's activities, page 15, as well as the section dedicated to the European Court of Human Rights in this document.



Working Group on a General Recommendation on the Digital Dimension of Violence against Women

15. At its 21st meeting (from 25 to 26 June 2020), GREVIO decided to develop a general recommendation on the digital dimension of violence against women and adopted, in accordance with Article 69 of the Istanbul Convention, the Terms of Reference of the Working Group on a General Recommendation on the Digital Dimension of Violence against Women (GT-DD-VAW).⁴ During the period under review, GREVIO continued the activities of the working group in accordance with its planned timeline, with meetings held in January, May and September 2021.

16. The Working Group formally consulted a wide range of intergovernmental and monitoring committees of the Council of Europe, seeking their respective expertise as it touches upon the vast field of digital expressions of violence against women. The many contributions received were subsequently screened and incorporated into the draft, as appropriate. As a second step in the consultation process, a public online consultation was launched between 21 May and 18 June 2021, inviting feedback on the general recommendation from stakeholders in relation to GREVIO's recommendations to states parties to efficiently address the digital dimension of violence against women under the four pillars of the Istanbul Convention. The comments to the draft general recommendation received from civil society, experts and other international organisations as a result of the consultation were incorporated and discussed at the final meeting of the working group held 16 September 2021.

17. The final draft of the General Recommendation No.1 on the Digital Dimension of Violence Against Women was adopted by GREVIO at its 25th meeting (from 19 to 21 October 2021) as per the timeline set and publicly launched at a hybrid conference

4. For further information regarding GT-DD-VAW, see 2nd General Report on GREVIO's activities, pages 16-17.

on 24 November 2021 to mark the International Day on the Elimination of Violence Against Women. Following the completion of its work, the mandate of the working group came to an end.

HUDOC-GREVIO database

18. The HUDOC-GREVIO database was launched in March 2020 to enable public users to search through various filters, including filters by articles and keywords (forms of violence, target groups, etc.) and retrieve information from the following documents in English and French:

- ▶ GREVIO baseline evaluation reports and the respective final government comments;
- ▶ recommendations issued by the Committee of the Parties;
- ▶ GREVIO activity reports;
- ▶ GREVIO general recommendations.

19. The final category became available in the period under review with the publication of GREVIO's General Recommendation No. 1 on the Digital Dimension of Violence Against Women.

20. The database continues to be consulted regularly as a public source for all official documents pertaining to the monitoring mechanism of the Istanbul Convention.



Membership and Bureau

21. GREVIO's mandate and composition requirements are set out in Article 66, paragraphs 1 and 2, of the Istanbul Convention and expounded in the Resolution of the Committee of Ministers on rules on the election procedure of the members of GREVIO (hereafter referred to as Resolution CM/Res(2014)43. Article 66 provides that GREVIO shall have between 10 and 15 members, depending on the number of parties to the convention, and shall take into account a gender and geographical balance, as well as multidisciplinary expertise in the area of human rights, gender equality, violence against women and domestic violence or in the assistance to and protection of victims. GREVIO members should therefore be nationals of different states parties to the convention, be nominated by the states parties and elected for a four-year term, renewable once.

22. The first 10 GREVIO members were elected on 4 May 2015 for a term of four years. The ratification of the Istanbul Convention by Germany on 12 October 2017 brought the total number of ratifications to 25, therefore triggering the procedure to fill the remaining five seats of GREVIO. The Committee of the Parties subsequently elected, at its 5th meeting (on 24 May 2018), five additional members. Their mandate of four years started on 1 September 2018.

23. At its 24th meeting (from 21 to 23 June 2021), following the expiry of the mandate of the former Bureau of GREVIO, GREVIO elected Iris Luarasi as President (replacing Marceline Naudi), Simona Lanzoni as First Vice-President (replacing Iris Luarasi) and Maria Andriani Kostopoulou as Second Vice-President (replacing Simona Lanzoni) for a mandate of two years. During the reporting period the Bureau held four meetings.

24. The announced withdrawal of Turkey from the Istanbul Convention on 20 March 2021 saw the subsequent resignation of GREVIO member Aşkin Asan (Turkey) with effect from 21 April 2021. As a result, María Rún Bjarnadóttir (Iceland) was elected by the Committee of the Parties at their 11th meeting (on 7 December 2021) to serve the remainder of Ms Asan's term ending 31 May 2023.⁵

5. This decision was taken in accordance with Rule 14 of Resolution CM/Res(2014)43 on rules on the election procedure of the members of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO).



Signatures and Ratifications of the Istanbul Convention

Signatures and developments regarding the application of the Istanbul Convention

25. As of 31 December 2021, there were a total of 34 accessions to the Istanbul Convention (34 states parties) and 10 signatures not followed by ratifications. This includes the ratification of the Istanbul Convention by Liechtenstein on 17 June 2021 (entered into force 1 October 2021), marking the first ratification of the convention since Ireland in March 2019.

26. Positive developments towards ratification have taken place in several Council of Europe member states and beyond. On 14 October 2021, the Moldovan Parliament passed the bill of ratification of the Istanbul Convention. In the context of a subsequent constitutional review of this bill, the Council of Europe Venice Commission, at its 129th Session on 10 and 11 December 2021, adopted an *amicus curiae* brief for the Constitutional Court of Moldova on the Constitutional Implications of the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.⁶ The brief concluded that none of the provisions of the Istanbul Convention assessed can be considered contradictory to the Constitution of Moldova.⁷ Similar conclusions were also drawn by the

6. See European Commission for Democracy through Law (Venice Commission), *Moldova Opinion on the Constitutional Implications of the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)* adopted by the Venice Commission at its 129th plenary session (Venice and online, 10-11 December 2021).

7. The *amicus curiae* issued by the Venice Commission aims to assist the Constitutional Court in its task by providing an external legal analysis of the convention and by contributing to the public debate on the ratification of the convention.

Venice Commission in its Opinion to Armenia issued in October 2019.⁸ The Venice Commission's assessments further offer useful clarifications of the legal concerns raised in discussions that emerged in other member states of the Council of Europe.

27. In another positive development regarding the constitutionality of the Istanbul Convention, the Latvian Constitutional Court adopted a judgment on 4 June 2021 which concluded that the provisions of the Istanbul Convention comply with the Latvian Constitution. The Constitutional Court found, *inter alia*, that the scope of the Istanbul Convention only includes the elimination of violence against women and domestic violence, and that it does not impose the acceptance or introduction of any specific form of marriage or family. Moreover, it adds that gender-based violence is present in Latvia and mostly affects women, therefore, the implementation of special measures in respect of women is necessary and is aimed at achieving effective equality between women and men. The justification for ratification of the Istanbul Convention provided by this judgment of the Constitutional Court thus lends promise to the potential for Latvia to take further steps towards such ratification in the future.

28. In Ukraine, movements towards ratification of the Istanbul Convention in government circles have been gathering pace. On 30 November 2021, the Office of the President of Ukraine issued a statement expressing the President's support for ratification of the Istanbul Convention. The statement further announced that preparations for the submission to the Ukrainian Parliament of a draft law to ratify the convention were currently underway. It also confirmed the President's unwavering commitment to ratification of the Convention and focus on consolidating the support of all relevant parties.

29. Lastly, Israel expressed interest as a non-member state of the Council of Europe in acceding to the Istanbul Convention by requesting to be invited by the Committee of Ministers of the Council of Europe to accede to the convention. This follows the decision taken by the Committee of Ministers of the Council of Europe on 22 April 2020 to invite Kazakhstan and Tunisia to accede to the Istanbul Convention, in line with Article 76 of the Convention.⁹

Challenges for the Istanbul Convention

30. GREVIO continues to maintain its strong reputation at the national and international level as an authoritative voice in the area of violence against women and domestic violence. As is discussed in the section on co-operation with other Council of Europe bodies and institutions, its baseline evaluation reports continue to be cited in the context of the case law of the European Court of Human Rights, as well as in the work of the Committee of Ministers and by other international bodies. GREVIO's

8. For further information regarding the Venice Commission's Opinion to Armenia, see 2nd General Report on GREVIO's activities, pages 22-23.

9. Article 76 provides that the Committee of Ministers of the Council of Europe may, after consultation with the parties to the convention and obtaining their unanimous consent, invite any non-member state of the Council of Europe, which has not participated in the drawing up of the convention, to accede to this convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by unanimous vote of the representatives of the parties entitled to sit on the Committee of Ministers.

baseline evaluation reports continue to receive wide national and international press coverage, as did its General Recommendation No.1 on the digital dimension of violence against women. The reports are also thoroughly considered by national parliaments in efforts to redouble their impact on policies and legislation.

31. While GREVIO's monitoring work continues to result in the greater implementation of the convention and is bringing significant support and progress in combating violence against women among states parties, strong opposition to basic premises of the Istanbul Convention persists in some member states of the Council of Europe.¹⁰ In an unprecedented act, Turkey withdrew from the Istanbul Convention by presidential decree on 20 March 2021, effective from 1 July 2021. This regrettable step by Turkey, which in 2012 was also the first country to ratify the Istanbul Convention by a unanimous vote of the Grand National Assembly, marks the first time that a state party has withdrawn from the convention. Responding to Turkey's announcement, the Secretary-General of the Council of Europe issued a statement describing the news as "devastating... and all the more deplorable because it compromises the protection of women in Turkey, across Europe and beyond". She further highlighted that the Istanbul Convention is widely accepted as the gold standard for protecting women and girls from gender-based violence.¹¹ Adding their voice to the Secretary-General's statement, the German Federal Minister for Foreign Affairs and incumbent Chair of the Council of Europe's Committee of Ministers, alongside the President of the Council of Europe's Parliamentary Assembly, issued a joint statement expressing their deep regret for the decision of the President of Turkey to withdraw from the convention, "without any parliamentary debate". They also referred to the wide support for the convention at national level and called upon the Turkish authorities "not to weaken the international system to protect women against violence put in place by the Istanbul Convention".¹²

32. Alongside the launch of the 2nd General Report on GREVIO's activities on 12 April 2021, the President of GREVIO Marceline Naudi issued a statement referring to the Istanbul Convention as "a lifeline for women and girls and an essential component of the human rights framework in Europe".¹³ She called for solidarity with the women and girls in Turkey and beyond by working towards the common goal of preventing and combating violence through the legally binding standards set by the Istanbul Convention.

33. The Committee of the Parties to the Istanbul Convention issued a declaration on 6 May 2021, the occasion of the 10th anniversary of the opening for signature of the Istanbul Convention. Highlighting 10 steps for a renewed decade of action, the Committee of the Parties further expressed concern regarding the promotion of false narratives and misconceptions around the convention as well as women's rights and equality, and condemned any steps taken to move away from the convention's

10. See the 1st General Report on GREVIO's activities, covering the period from June 2015 to May 2019, April 2020, pages 35-38, and the 2nd General Report on GREVIO's activities, covering the period from June 2019 to December 2020, pages 22-23.

11. Available at www.coe.int/en/web/portal/-/secretary-general-responds-to-turkey-s-announced-withdrawal-from-the-istanbul-convention.

12. Available at <https://go.coe.int/kvw2t>.

13. Available at <https://rm.coe.int/grevio-president-statement-12-april-2021/1680a2165b>.

standards. Rather, the Committee of the Parties highlights through its declaration¹⁴ the added value of the Istanbul Convention and the contribution of its monitoring mechanism, inviting Council of Europe member and non-member states to ratify the convention and join efforts to build a society free from violence against women.¹⁵

34. The withdrawal led to a further outpouring of support from many Heads of State and government representatives, such as from the President of the USA Joe Biden, who, in denouncing Turkey's withdrawal through a statement issued on 21 March 2021, praised the Istanbul Convention as an international treaty "designed to protect women and hold abusers accountable."¹⁶ In a statement delivered on 1 December 2021 to the European Committee of the Regions at its 147th Plenary Session, the President of France Emmanuel Macron pledged that the incoming Presidency of France to the Council of the European Union (EU) will ensure the ratification of the Istanbul Convention by all EU member states and to support the initiative announced by the European Commission to end violence against women.

Reservations

35. The possibility for states parties to enter reservations to the convention is strictly regulated under its Article 78. To promote uniformity in states parties' implementation of their obligations, the convention aims to encourage them to consider withdrawing and/or reviewing their reservations. Besides foreseeing the possibility for states parties to withdraw their reservations at any time by a declaration addressed to the Secretary General of the Council of Europe (Article 78, paragraph 4), Article 79 subjects reservations to a limited period of validity (five years from the entry into force of the convention in respect of the party concerned) and to a system of compulsory renewal (Article 79, paragraphs 1 and 2). Moreover, the convention provides that any state party that makes a reservation is under the duty to provide GREVIO with an explanation on the grounds of justifying its continuance, before its renewal or upon request (Article 79, paragraph 3). At its 19th meeting (from 14 to 15 November 2019), GREVIO decided that it would review the information provided by the party on the reasons for upholding the reservation and assess the situation in the area covered by the reserved article/provision in the context of the country assessment. If after such a review, GREVIO identifies an inadequate response to violence against women in terms of a significant lack of protection, prevention or prosecution as a result of the reservation, GREVIO may invite the party under evaluation to consider revoking the reservation.

36. Poland, for example entered, upon ratification of the Istanbul Convention in 2015, reservations to Article 30, paragraph 2 (compensation), Article 44, paragraph 1 (jurisdiction), Article 55, paragraph 1 (*ex parte* and *ex officio* proceedings), and Article 58 (statute of limitation). In January 2021, Poland renewed its reservation to Article 55, paragraph 1, in respect of Article 35 regarding minor offences, on the basis that the Polish legal framework continues to require a victim complaint

14. Available at <https://rm.coe.int/cop-declaration-10th-anniversary-eng/1680a25cc0>.

15. Available at <https://go.coe.int/RBEHW>.

16. Available at www.whitehouse.gov/briefing-room/statements-releases/2021/03/21/statement-by-president-biden-on-turkeys-withdrawal-from-the-istanbul-convention/.

for such offences in order to initiate prosecution proceedings.¹⁷ However, it opted to modify the reservation to Article 30, paragraph 2, by extending the application of this provision to anyone habitually residing in Poland or another member state of the European Union, whereas previously it was limited to nationals of Poland or another EU member state. GREVIO addressed this modification in its baseline evaluation report on Poland, noting that the modification followed a change in national legislation on the granting of state compensation.¹⁸ Poland further modified its reservation to Article 44, paragraph 1, limiting the reservation to sub-paragraph e except in cases where the jurisdiction over foreigners results from Polish law. Finally, Poland withdrew its reservation to Article 58, which previously exempted Poland from applying the provisions of this article in respect of Articles 37, 38 and 39 of the Convention. This reduction in the number and extent of reservations held by Poland and its decision to withdraw some of its previous reservations to articles of the Istanbul Convention five years since it was ratified serves to reflect the significant progress made by Poland in implementing the convention.

17. See GREVIO's baseline evaluation report on Poland, paragraph 297.

18. See GREVIO's baseline evaluation report on Poland, paragraph 181.

HARASSMENT

DOMESTIC
VIOLENCE



Mid-term Horizontal Review of GREVIO baseline evaluation reports

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)

Communication

Publications

GREVIO baseline evaluation reports

37. In accordance with Article 68, paragraph 11, of the Istanbul Convention, GREVIO reports and conclusions are made public as from their adoption, together with any comments by the party concerned. Three GREVIO baseline evaluation reports were published during the reporting period in respect of Poland, San Marino and Slovenia (in order of publication), and are available on the Istanbul Convention’s website, together with the comments of the respective national authorities. A press release is issued whenever a report is published. On this occasion, interviews may be given by GREVIO members and the Secretariat in order to provide information on the report and evaluation process.

38. The GREVIO report on Poland in particular received both national and international news coverage (including NFP – Notes from Poland, Gazeta Prawna, Reuters and State Crime Watch), as well as national press in other countries such as Russia (Russia Today) and Switzerland (Swiss Info). The media highlighted GREVIO’s praise

for steps taken by Poland, including the introduction of the Blue Card procedure, which provides support and protection for victims of domestic violence, as well as the criminalisation of stalking and the introduction of a new law allowing the temporary eviction of the perpetrator of domestic violence from the family residence. It also flagged, however, the call for Poland to change its legal definition of rape to one based on consent, as well as the need to increase support for victims of violence beyond the domestic context. The significant progress made in Slovenia, despite remaining shortcomings such as the fight against sexual violence and the protection of vulnerable women from violence, as flagged in GREVIO's baseline evaluation report on Slovenia, was also picked up by the media (Agence Europe).

2nd General Report on GREVIO's activities

39. GREVIO published its 2nd General Report on 12 April 2021, accounting for its monitoring work from June 2019 to December 2020, including the adoption and publication of nine GREVIO baseline evaluation reports (Andorra, Belgium, Finland, France, Italy, Malta, the Netherlands, Serbia and Spain). It leads on from and builds upon GREVIO's 1st General Report (covering the period May 2015 - May 2019), expanding on GREVIO's activities, composition and communications, as well as co-operation with other Council of Europe bodies and institutions and external stakeholders, the latter including organisations such as the United Nations and the European Union as well as NGOs and civil society. It also introduces a new theme to the focus section of the report based on a deep dive into specific provisions of the Istanbul Convention and in relation to topical issues. In this case, the focus section explores the importance of specialist support services (Article 22 of the convention) as a lifeline for victims of violence against women, analysing the situation before, during and after the Covid-19 pandemic, including the trends and challenges in service provision identified by GREVIO in the course of its evaluation procedures. The section ends with a call to action for states parties "to ensure that a robust network of specialist support services is in place", and is one that functions in both pandemic and non-pandemic contexts, including through the effective implementation of the Istanbul Convention and additional expertise provided by GREVIO through its evaluation reports.¹⁹

Mid-term Horizontal Review of 17 GREVIO baseline evaluation reports

40. On the occasion of its 10th anniversary of the opening of signature of the Istanbul Convention in May 2021, GREVIO issued a Mid-term Horizontal Review of the 17 GREVIO baseline evaluation reports published as at December 2020. The review aims to provide an information tool on violence against women in Europe for policy-makers, legislators, public authorities, civil society and other stakeholders aiming to further prevent and combat violence against women on the basis of the Istanbul Convention, including, but not limited to, parties to the convention and non-states parties interested in ratifying this instrument. It achieves this aim by offering an overview, article by article, of the implementation of the convention by 17

19. See 2nd General Report on GREVIO's activities, page 47.

states parties, identifying both best practices as well as common shortcomings. It is an important document that, for the first time, takes stock of the growing corpus of baseline evaluation reports that have been published in GREVIO's six years of activity and the sizeable information collected, analysis elaborated and findings issued. It capitalises on this wealth of information and translates it into clear language and easy-to-navigate sections that show the state of play in preventing and combating violence against women in many European countries. The document highlights that oftentimes states parties are confronted with similar challenges in the implementation of the convention. In so doing, the Mid-term Horizontal Review gives a glimpse of the road that still lays ahead in order to stem violence against women. At the same time, it offers a snapshot of how those challenges have been overcome, by giving real world examples of how the convention has been successfully implemented and, as a result, the life of victims of violence against women has been improved. In so doing, it shows how the Istanbul Convention is delivering on its promises and allowing parties to fight violence against women much more effectively than they would be able to do so on their own, without a multi-lateral mechanism to support and guide them.

41. This publication was initiated by the Secretariat of GREVIO and co-drafted with six international experts on violence against women.

General Recommendation No.1 on the digital dimension of violence against women

42. On 24 November 2021, on the eve of the International Day for the Elimination of Violence Against Women, GREVIO published its General Recommendation No.1 on the digital dimension of violence against women. The Recommendation offers an interpretation of the provisions of the Istanbul Convention as a legally binding instrument in the context of online and technology-facilitated violence against women and girls. Acknowledging the increased prevalence of gender-based violence against women committed online or via the use of ICT tools, the General Recommendation No. 1 identifies and defines the digital manifestations of violence against women under the applicable provisions of the Istanbul Convention (Article 33 on psychological violence, Article 34 on stalking and Article 40 on sexual harassment). It provides guidance to states to effectively tackle the challenges facing policy-makers, legislators and public authorities under the main pillars of the Istanbul Convention: prevention, protection, prosecution and comprehensive policies. In this respect, it sets out specific recommendations to prevent the occurrence of violence against women in the digital sphere, to ensure the criminalisation and investigation of online and technology-facilitated violence while strengthening safeguards to protect victims and ensure their access to justice in the framework of a comprehensive approach involving state and non-state actors. It also provides an overview of existing international legal instruments in this field and offers a comprehensive glossary of terms currently used in the area of online and technology-facilitated violence against women which GREVIO intends to update as necessary.

43. To present the General Recommendation No. 1, a hybrid launching event was organised by the Council of Europe's Violence Against Women Division on 24 November 2021 featuring high-ranking participants from the Council of Europe,

international civil society and national authorities. The Council of Europe Commissioner for Human Rights Dunja Mijatović delivered the keynote speech of the event. GREVIO President Iris Luarasi presented the details of the General Recommendation while GREVIO member Aleid Van den Brink participated in a panel discussion on the digital dimension of violence against women and domestic violence and ways to address it using the Istanbul Convention. Speakers also included Nina Nordström, Chair of the Committee of the Parties to the Istanbul Convention, and Claudia Luciani, Director of Human Dignity, Equality and Governance in the Council of Europe. The event was live broadcast on the Council of Europe Directorate of Democracy's Facebook page.

44. On the occasion of the publication, the President of GREVIO also delivered a video message highlighting the importance of the issue and the added value of General Recommendation No. 1. The video was published on the website of the Istanbul Convention and shared on social media. The publication of the General Recommendation No. 1 received strong international press coverage, including from French, Georgian, German, Italian, Ukrainian and Serbian media outlets.

Communication around International Day on the Elimination of Violence against Women

45. 25 November is designated by the United Nations as the International Day for the Elimination of Violence against Women as part of global awareness-raising efforts on violence against women. It is also the starting date of the 16 Days of Activism against Gender-based Violence which runs until 10 December (Human Rights Day) and marks a period of action to end violence against women and girls around the world. In 2021, as with preceding years, GREVIO engaged in a number of activities to raise awareness of and spur efforts to prevent and combat violence against women.

46. On 24 November 2021 and ahead of the International Day for the Elimination of Violence against Women, the UN Special mandate holders and the members of the Platform of independent expert mechanisms on the Elimination of Discrimination and Violence against Women (EDVAW Platform, of which GREVIO is a member), issued a joint statement²⁰ calling on states to exercise due diligence and to fight pushbacks on gender equality.²¹ The statement refers to violence against women as a result of intersectional discrimination and calls upon states and other international stakeholders to fulfil their obligations to address this violence and end impunity for perpetrators. It further notes that violence against women and girls is far-reaching, manifesting both offline and through online and technology-facilitated means.



20. Available at www.ohchr.org/en/statements/2021/12/international-day-elimination-violence-against-women-25-november-2021.

21. Available at <https://go.coe.int/JC68m>.

INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

#IstanbulConventionSavesLives



47. Marking this important day and acting in the context of the Italian Presidency of the Council of Europe Committee of Ministers, the Italian Minister for Equal Opportunities and Family and the Council of Europe Secretary General released a joint statement promoting the Istanbul Convention in its 10th year since opening for signature as well as GREVIO's General Recommendation No. 1 on the digital dimension of violence against women. The statement concludes with a call for states parties to implement the Istanbul Convention and to follow the guidance set out in GREVIO's new recommendation.

48. Material focusing particularly on the theme of online violence against women was posted on the social media pages of the Istanbul Convention throughout the 16 Days of Activism. The visibility and reach of this content increased significantly in the run up to and around the International Day for the Elimination of Violence against Women, peaking on 25 November. An op-ed by GREVIO President Iris Luarasi on using the Istanbul Convention to stop online violence against women was also published by the EU Observer on 7 December 2021, outlining the new GREVIO General Recommendation No. 1 and the findings of GREVIO related to digitally-perpetrated violence.²²

22. Available at <https://euobserver.com/opinion/153648>.



Participation in events

49. In the period under review, GREVIO members and the Secretariat participated in over 90 events, nearly all of which involved online participation due to the ongoing Covid-19 pandemic. These included conferences, webinars and summits organised by a variety of stakeholders, including Council of Europe bodies, UN Women, the EU and other intergovernmental organisations, government ministries, NGOs, NHRIs and academic institutions. These events addressed a wide array of topics, such as online violence against women, sexual and psychological gender-based violence, child victims of violence against women, “honour”-related violence, and violence against women in the context of the pandemic.

50. GREVIO participated in a particularly high number of events around the 10th anniversary of the Istanbul Convention. This kicked off with an EU High-Level conference on 6 April 2021 organised by the EU Portuguese Presidency, focusing on the state of play of signatures to the convention. Subsequent celebratory events ran into June 2021 and included a conference organised under the German Presidency of the Council of Europe in partnership with the Gender Equality and Violence against Women Divisions of the Council of Europe.

HELP online course on violence against women

51. The Council of Europe Programme on Human Rights Education for Legal Professionals (HELP) aims to enhance the capacity of judges, lawyers and prosecutors in all 47 Council of Europe member states²³ and beyond to apply the European human

23. Following the decision of the Committee of Ministers on 16 March 2022 the Russian Federation is no longer a member of the Council of Europe.

rights standards in their daily work by providing online courses on human rights. The HELP course on violence against women developed in 2017 has continuously been adapted into more national versions and officially launched for different groups of legal professionals, including law students. In some of the launching events GREVIO members and staff from the GREVIO Secretariat have been involved. The course is being gradually integrated in the learning curricula of the national training institutions. As an example, the National Institute of Magistracy of Romania launched the online HELP course on violence against women for judges and prosecutors in May 2021.

52. Moreover, a new online course aimed at improving the response of law enforcement professionals in cases of violence against women and domestic violence has been jointly developed by the Council of Europe's HELP Programme and the Gender Equality and Violence against Women Divisions for a launch in in 2022. The course is based on the standards of the Istanbul Convention and the monitoring work of GREVIO and offers practical guidance for a more effective victim-centred police response.



10th anniversary of the opening for signature of the Istanbul Convention

53. 11 May 2021 marked ten years to the day since the Istanbul Convention opened for signature on the occasion of the 121st Session of the Committee of Ministers in Istanbul. To celebrate this momentous occasion, a number of initiatives were taken, involving GREVIO as a Group of Experts, individual members and its Secretariat as well as many other bodies and entities of the Council of Europe, in co-operation with several international partners. The different celebratory events and initiatives were designed to reflect on the importance of the Istanbul Convention in combating violence against women, the progress and specific achievements made across Europe, as well as the challenges faced over the past ten years.

54. These initiatives include an online conference, dedicated website and short documentary, as well as special mentions of the 10th anniversary of the Convention by GREVIO members at various events and by key GREVIO partners alike. Not least of the significant responses to mark the occasion was the Declaration of the Committee of the Parties issued on 6 May 2021, reaffirming the essential role of the Convention and reiterating the Committee's determination to strengthen and accelerate efforts in the next decade to eliminate violence against women and domestic violence.²⁴

24. Available at <https://rm.coe.int/cop-declaration-10th-anniversary-eng/1680a25cc0>.



Conference: Gender equality and the Istanbul Convention – a decade of action

55. To mark the 10th anniversary of the Istanbul Convention, the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in the framework of the German Presidency of the Committee of Ministers of the Council of Europe organised, in partnership with the Gender Equality and Violence against Women Divisions of the Council of Europe, an online conference moderated from Berlin.²⁵ This event combined the celebrations around the anniversary with the annual conference of the Gender Equality Commission.

56. Entitled “Gender equality and the Istanbul Convention: a decade of action”, the conference was held on 11 May 2021, the 10th anniversary of the opening for signature of the Istanbul Convention. The focus of the sessions included the Istanbul Convention as a gamechanger for women and girls in Europe as well as the different perceptions of the convention, as either the gold standard, a useful tool or as promoting a dangerous “gender ideology”. Another session explored a further key instrument of the Council of Europe in combating violence against women, the 2019 Recommendation on preventing and combating sexism²⁶ and the related Council of Europe campaign “*Sexism: See it. Name it. Stop it!*”,²⁷ highlighting relevant initiatives of decision makers and civil society at the national and regional level.

25. Available at www.coe.int/en/web/istanbul-convention/conference-gender-equality-and-the-istanbul-convention-a-decade-of-action.

26. Available at <https://rm.coe.int/cm-rec-2019-1-on-preventing-and-combating-sexism/168094d894>.

27. Available at www.coe.int/en/web/human-rights-channel/stop-sexism.

57. Panellists included representatives of government, civil society, the Committee of the Parties to the Istanbul Convention, academia and the United Nations human rights special procedures. Speakers' biographies are available on the webpage of the conference.²⁸

58. Overall, the conference succeeded in highlighting the progress made across Europe in combating violence against women, the challenges to that progress ten years after the adoption of the Istanbul Convention, and the state of play regarding the implementation of the Recommendation on preventing and combating sexism. By bringing together key stakeholders, including political representatives from states parties, parliaments, media and civil society actors from states not yet party to the convention, the event served to drive forward interest in and awareness of the convention and its key role in efforts to combat violence against women.

59. The live event reached almost 20 000 views across all streaming platforms used. The webpage of the conference includes all relevant information linked with the event, including its programme,²⁹ conference report³⁰ and the recording of the conference.

Documentary on the Istanbul Convention and its impact

60. To highlight the impact of the Istanbul Convention, a documentary was produced, explaining the main aims of the Istanbul Convention through real-life examples of good practice implementation from four states parties: Albania, France, Italy and Sweden.³¹ These case studies are presented, respectively, as positive examples reflecting each of the four pillars of the Istanbul Convention: prevention, protection, prosecution and integrated policies. Testimonies from professionals, practitioners and programme participants, including perpetrators and women victims of violence, shed light on how the Istanbul Convention underpins and has positively influenced efforts to combat violence against women in states parties. The good practice examples featured as part of the conference "Gender equality and the Istanbul Convention: a decade of action", contextualised through the lens of former President of GREVIO, Feride Acar.

Anniversary website: online portal

61. Another anniversary initiative includes a special online portal showing how the Istanbul Convention has inspired change in laws and policies of European states, helping to save women's lives.³² By bringing together key information on the advancements made through the Istanbul Convention in combating violence against women, the portal provides a major resource for governments, civil society and the wider public to explore progress over the past ten years, and to continue that progress for years to come. It offers key facts about the convention, easy access to essential resources, and compiles information on NGOs and civil society actors getting involved as campaigners and partners in advocating for this important treaty.

28. Available at <https://rm.coe.int/bios-berlin-11-may-2021/1680a26b26>.

29. Available at <https://rm.coe.int/programme-conference-berlin-web-16x24/1680a26b23>.

30. Available at <https://rm.coe.int/final-prems-rapport-de-berlin-may-2021/1680a3d7fd>.

31. Available at <https://vimeo.com/547902053>.

32. Available at www.coe.int/en/web/istanbul-convention/10th-anniversary.



62. This material was made available online on the Istanbul Convention website and includes a series of testimonies by a prominent and diverse group of stakeholders, including journalists, activists, an actress, church representatives and leaders of women's organisations, all giving their individual perspectives as to why the Istanbul Convention is important.³³ Presented as a series of quotes, which were also posted on Twitter, they were concluded by the following quote from the GREVIO President at the time, Marceline Naudi: "As emphasised in the convention, it takes many different measures to prevent violence against women and to protect women from violence – and we all have an important role to play in this – as politicians, as policy makers, practitioners, individuals – it takes all of us, together, to implement the Istanbul Convention – so please, do your bit - help us get there."

33. Available at www.coe.int/en/web/istanbul-convention/testimonies.



“ As emphasised in the Istanbul Convention, it takes many different measures to prevent violence against women and to protect women from violence. We all have an important role to play in this – as politicians, as policy makers, practitioners, individuals – it takes all of us, together, to implement the Istanbul Convention – so please, do your bit - help us get there. ”

Marceline Naudi,

President of Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)

Wider visibility

63. A range of events were held by a variety of supporters of the Istanbul Convention on and around the occasion of the 10th anniversary, including meetings, conferences, roundtables and debates, held by NGOs, academic institutions, national authorities and intergovernmental bodies across Europe. Amongst these was the EU High-Level conference on 6 April 2021 “10th Anniversary of signing the Istanbul Convention: State of play”, organised by the Portuguese Presidency of the Council of the European Union and the Commission for Citizenship and Gender Equality of Portugal.³⁴ Marceline Naudi spoke at this event in her capacity as GREVIO President at the time, wherein she shared positive examples of how the Istanbul Convention is being used to tackle the issue of violence against women by states and non-states parties alike.

64. Other initiatives included a round table on 14 May 2021, organised jointly by the Ukrainian authorities and the Council of Europe Office in Ukraine, to mark the 10th anniversary of Ukraine’s signing of the Istanbul Convention,³⁵ as well as a debate held by the LIBE and FEMM Committees of the European Parliament and in which Marceline Naudi participated, discussing gender-based violence as a “eurocrime” and the impact of Turkey’s withdrawal from the convention. In addition, several NGOs launched campaigns to promote the Istanbul Convention in the context of the 10th anniversary to denounce Turkey’s withdrawal from the convention (Amnesty International) and a photo-sharing campaign to raise awareness of the importance

34. Available at www.2021portugal.eu/en/news/high-level-conference-10th-anniversary-of-signing-the-istanbul-convention-the-state-of-play/.

35. Available at www.coe.int/en/web/genderequality/-/why-is-ratification-important-for-ukraine-on-line-roundtable-on-the-10th-anniversary-of-the-istanbul-convention.

of the convention in providing legal protection for women and girls against gender-based violence (Young Women for Awareness, Agency, Advocacy and Accountability Initiative – YW4A).

65. The 10th anniversary of the Istanbul Convention also attracted wide national and international media coverage, including news articles, opinion pieces and radio broadcasts. A statement signed by Ministers across 16 European countries supporting the Istanbul Convention was disseminated through media (including by *El País* in Spanish, *Le Monde* in French and *Euractiv* in English) and several international NGOs (such as ENNHRI, Equality Now, WAVE, the European Youth Forum, YW4A), intergovernmental bodies and national authorities (such as France, Germany, the Netherlands and Sweden) issued statements promoting the convention.

66. The messages communicated by institutions and organisations in announcing their support for the Istanbul Convention around the 10th anniversary referred in particular to the power and importance of the convention as a tool to positively impact the lives of women and girls affected by violence. They commit themselves to supporting efforts to guarantee the implementation of the convention's provisions, address and condemn the withdrawal of Turkey from the convention, and call upon states parties who have not done so to ratify the convention. In some cases, organisations offer insights to supplement the monitoring work of GREVIO, such as the report published by the European Women's Lobby, which draws on GREVIO's baseline evaluation reports to provide an overview, including statistics, of the progress and shortfalls in states parties' implementation of the Istanbul Convention.³⁶ Another example is the Central and Eastern European Network for Sexual and Reproductive Health and Rights (ASTRA Network), the members of which produced summaries of the convention's history in their national contexts.³⁷

36. Available at www.womenlobby.org/IC.

37. Available at <https://astra.org.pl/istanbul-convention-a-regional-overview>.



Focus section: Child custody, visitation and domestic violence

Overview

67. Domestic violence is one of the most serious and pervasive forms of violence against women. The most comprehensive and recent research across Europe conducted by the EU Agency for Fundamental Rights in 2014 found that one in three women have reported some form of physical or sexual violence since the age of 15 and that most violence is carried out by a current or former partner, with 22% of women in relationships reporting partner violence.³⁸ Given the prevalence of domestic violence in relationships, a focus of increasing concern has been the effect of such violence on children and the dangers posed by post-separation contact. A vast body of research now exists which points to the negative effects domestic violence and abuse may have on children, as well as the potential overlap between domestic violence and the direct abuse of children.³⁹ Living with coercive control can have the same cumulative impact on children as it does on adult victims, which may contribute to emotional and behavioural problems in children as much as, or even more than, physical violence perpetrated against their mothers.⁴⁰

38. Violence Against Women: An EU Wide Survey by the European Union Fundamental Rights Agency.

39. Holt, S., Buckley, H. and Whelan, S. (2008) "The impact of exposure to domestic violence on children and young people: A review of the literature", *Child Abuse and Neglect*, 32, 797–810: identified over 1,000 articles in their literature review on this topic.

40. Callaghan, J.E., Alexander, J.H., Sixsmith, J. and Fellin, L.C. (2018) "Beyond 'Witnessing': Children's Experiences of Coercive Control in Domestic Violence and Abuse". *Journal of Interpersonal Violence*, 33(10), 1551–1581; McLeod, D. (2018) *Coercive Control: Impacts on Children and Young People in the Family Environment*. Totnes: Research in Practice and Katz, E. (2016) "Beyond the Physical Incident Model: How Children Living with Domestic Violence are Harmed by and Resist Regimes of Coercive Control". *Child Abuse Review*, 25(1), 46–59.

68. Separation from an abuser can often be the most dangerous period; victims of domestic violence (adults and children) are at the greatest risk of death and violence at or after separation. Many domestic abusers retaliate by abusing their children through neglect, psychological, sexual and/or physical violence,⁴¹ including their deliberate murder, and many children live with violence and the threat of death on a daily basis.⁴² Women victims of domestic violence who leave their abusers are often confronted with threats of harm to the children. This is borne out by an increasingly alarming rate of homicides of both women and children victims of domestic violence, which are reported regularly in the media across Europe. A recent study in this field concludes that adult and child homicides that occur in the context of domestic violence have similar warning signs.⁴³ Indeed these concerns recently led to the European Parliament voting overwhelmingly in favour of a resolution⁴⁴ on the impact of intimate partner violence and custody rights on women and children. Highlighting the alarming number of femicides and infanticides taking place after women report instances of gender-based violence, the resolution emphasises that the protection of women and children from violence, and the best interests of the child, must take precedence over other criteria when establishing arrangements for custody and visitation rights. The resolution also discourages the abuse of “parental alienation” and of similar concepts and terms invoked to deny child custody to the mother and grant it to a father accused of domestic violence in a manner that totally disregards the possible risks for the child.

The relevance of the Istanbul Convention

69. These issues have not only been actively addressed by GREVIO in its monitoring activity, aided by three particularly relevant articles in the Istanbul Convention.

70. Firstly, there is **Article 26** which recognises that exposure to physical, sexual, or psychological violence and abuse between parents or other family members has a severe impact on children. It breeds fear, causes trauma and adversely affects their development. Indeed, research has shown that children who witness one parent’s assaults on another in the home often develop emotional and developmental problems, psychological, social and cognitive functioning disorders and accept attitudes and behaviour around violence that need to be addressed in the long term (transgenerational transmission).⁴⁵ For this reason, Article 26 sets out the obligation to ensure that, when providing services and assistance to victims with children who have witnessed violence, their rights and needs are taken into account. While this is

41. There is also research that shows evidence of sexual abuse against children after the separation of parents. See Romito, P., Crisma, M., « Les violences masculines occultées : le syndrome d’aliénation parentale », *Empan* 2009/1 (n° 73), pages 31-39.

42. See Anna Nikupeteri and Merja Laitinen, University of Lapland, Finland: “Physical Abuse, Violent Acts and the Threat of Death” in *Children’s Everyday Lives Shadowed by Stalking: Post-separation Stalking Narratives of Finnish Children and Women*, in: *Violence and Victims*, page 838.

43. See Jaffe, PG, Campbell, M., Reif, C., Fairbairn, J. & David R (2017), “Children killed in the context of domestic violence: International perspectives from death review committees”.

44. European Parliament resolution of 6 October 2021 on the impact of intimate partner violence and custody rights on women and children (2019/2166(INI)).

45. See GREVIO’s baseline evaluation report on Turkey, paragraph 190; Jeffrey L. Edleson, “Problems associated with children’s witnessing of domestic violence”, VAW Net.

most relevant to domestic violence cases, it is important to bear in mind that other forms of violence may also be witnessed by children. The term “child witnesses” refers not only to children who are present during the violence and actively witness it, but to those who are exposed to screams and other sounds of violence while hiding close by or who are exposed to the long-term consequences of such violence, such as the physical, psychological and/or emotional injury sustained by the victim. It is important to recognise and address the victimisation of children as witnesses to all forms of violence covered by the scope of this convention and their right to support. Article 26, paragraph 2, therefore calls for age and developmentally appropriate evidence-based psychosocial interventions that are specifically tailored to children to cope with their traumatic experiences where necessary. All services offered must give due regard to the best interests of the child.

71. Secondly, there is **Article 31** which seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights do not harm the rights and safety of the victim or children. Paragraph 1 aims at ensuring, among other things, that judicial authorities do not issue contact orders without taking into account incidents of violence against the non-abusive parent as much as against the child itself, while paragraph 2 lays out the obligation to ensure that the exercise of any visitation and custody rights does not jeopardise the rights and safety of the victim and/or the children.

72. Thirdly, there is **Article 45** requires parties to impose sanctions which are “effective, proportionate and dissuasive”. While this article is closely linked to Articles 33 to 40 which establish a number of criminal offences, it applies to all types of sanctions, regardless of whether the offences are of a criminal nature or not. GREVIO underlines that where effective, proportionate and dissuasive sanctions are missing, a counter-productive message is sent to perpetrators implying that committing violence against women, even repeatedly, is not a serious crime.⁴⁶ This article is also relevant with regard to the manner in which civil courts have dealt with allegations of domestic abuse either in terms of repeated breaches of orders that have been imposed in relation to family law proceedings or the removal of parental responsibility from parents who have engaged in abusive behaviour towards their children.⁴⁷ Paragraph 2 is particularly relevant in this regard, since it specifically states that parental rights may be withdrawn if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

73. Before moving on to discuss GREVIO findings in relation to domestic violence, child custody and visitation it must be noted that they cannot be seen in isolation from the development of important and fundamental principles by the European Court of Human Rights in this regard and the development of positive obligations in relation to a number of articles under the European Convention on Human Rights. To this end, GREVIO itself submitted, for the first time since its inception, written

46. See GREVIO’s baseline evaluation report on Turkey, paragraph 261.

47. See GREVIO’s baseline evaluation report on Spain, paragraphs 195 and 196.

observations⁴⁸ to the ECtHR in connection with the case of *Kurt v. Austria*.⁴⁹ This case concerned an applicant who had suffered domestic violence over a number of years and whose husband shot and killed their son before committing suicide.⁵⁰ GREVIO drew the Court's attention, in particular, to the heightened risk of harm to children in the context of separation.

74. GREVIO's Third Party Intervention further addressed the key elements of emergency barring orders, which should guarantee not only the protection of victims and persons at risk in their own home but also the prohibition that the perpetrator contact the victim or person at risk anywhere else for a sufficient time. GREVIO further stressed the need, where warranted, to extend the scope of the protection to the children of the victim and drew the Court's attention to the fact that shortcomings in protecting child victims and witnesses from their abusive parent through the issue and implementation of emergency barring orders/protection orders have been frequently commented on in GREVIO baseline evaluation reports. This focus section will now address the key issues that have emerged within this area during the course of its evaluation procedure and the signs of progress before moving on to consider the way forward.

Custody, visitation and domestic violence: key issues

75. In its monitoring activity to date, GREVIO has described at length and brought to light states parties' strengths and weaknesses in the implementation of Articles 26, 31 and 45 with regard to victims of domestic violence and decisions made on custody and visitation. In its baseline evaluation reports published thus far it can be seen that, while concrete steps have been taken by all states parties in this regard, the road ahead is long and implementation is inconsistent with too many victims being failed by states authorities. In its 1st General Report, GREVIO⁵¹ commented that three shortcomings existed with regards to the protection afforded to women victims of domestic violence and their children in the context of custody and visitation decisions. These concern the provision of protection and support to child witnesses of domestic violence, insufficient measures to ensure the safety of mothers who are victims of domestic violence and their children in decisions regarding child custody and visitation, and mandatory mediation in civil procedures and divorce proceedings that address child custody matters. These shortcomings continue to persist while a number of additional issues have emerged.

48. Third Party Intervention by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) pursuant to Article 36, paragraph 2, of the European Convention on Human Rights Application no. 62903/15 *Kurt v. Austria* transmitted by GREVIO to the European Court of Human Rights on 21 January 2020 - GREVIO/Inf(2020)3 - published on 22 January 2020.

49. *Kurt v. Austria* [GC]: ECHR 15 June 2021. In relation to children victims of domestic violence, the Court held that they are "particularly vulnerable individuals and entitled to State protection, in the form of effective deterrence, against such serious breaches of personal integrity, notably as a consequence of the States' positive obligations under Article 2 of the Convention." It stressed that "[v]iolence against children belonging to the common household, including deadly violence, may be used by perpetrators as the ultimate form of punishment against their partner." (Ibid., paragraph 163)

50. See the section "Co-operation with civil society and national institutions for the protection of human rights" in this document.

51. See 1st General Report on GREVIO's activities, April 2020, page 28.



Insufficient measures to ensure the safety of victims of domestic violence and their children

76. As set out above, separation from an abuser can often be the most dangerous period; victims of domestic violence (adults and children) are at the most risk of death and further violence at or after separation. Moreover, child contact has been highlighted by numerous studies as the key site for the perpetration of continued and potentially more serious abuse⁵² and at its worst, child contact can be the site for fathers' homicide of mothers.⁵³ Ninety-four percent of the women in one study⁵⁴ were abused as a result of contact arrangements, either because fathers used the contact to track down where mothers and children were living, or because mothers were supervising the contact and/or taking children to and from contact visits. It is imperative therefore that state authorities ensure that the safest decision is made during family law proceedings. In order to achieve this, it is crucial that adequate risk assessment and screening processes are in place, that civil and criminal processes share information and evidence on perpetrators, and that victims are not forced into mediation with perpetrators. It is also necessary to ensure that evidence of violence

52. See Holt, S. (2017) "Domestic Violence and the Paradox of Post-Separation Mothering". *British Journal of Social Work*, 47, 2049–2067; Violence was found to be most likely to occur when mothers met fathers face-to-face for contact "handovers" or if supervising contact between fathers and very young children; McLeod, D. (2018) "Coercive Control: Impacts on Children and Young People in the Family Environment. Totnes: Research in Practice"; and Morrison, F. (2015) "All Over Now? The Ongoing Relational Consequences of Domestic Abuse through Children's Contact Arrangements", *Child Abuse Review*, 24, pages 274–284.

53. See Women's Aid. (2016), "Nineteen Child Homicides: What must change so children are put first in child contact arrangements and the family courts", Bristol: Women's Aid.

54. See Radford, L. and Hester, M. (2006), "Mothering through Domestic Violence", London and Philadelphia: Jessica Kingsley Publishers.

is explicitly taken into account by family courts, that children who witness domestic violence are regarded as victims so that effective legal protection is provided and visitation is safe for both mother and child. It is clear, however, that this has not been the case in the majority of parties reviewed by GREVIO, a situation which puts the safety of the victims of domestic violence at considerable continued risk:

- ▶ **Inadequate risk assessments** – In many baseline evaluation reports, such as France, Italy, Montenegro, the Netherlands, Portugal, and San Marino⁵⁵ GREVIO observed that judges do not screen cases related to the determination of custody and visitation rights for domestic violence.⁵⁶ GREVIO also observed that judges do not conduct risk assessments or ask for the disclosure of the risk assessment and safety plans drawn up by law-enforcement agencies and/or other competent stakeholders, with a view to taking them into account and determining the best interest of the child.⁵⁷ In Poland, GREVIO noted reported incidents of secret shelter addresses disclosed to the abusive parent in the context of divorce and custody proceedings and urged the authorities to take steps to ensure that procedures and decisions do not endanger the safety of women victims of intimate partner violence, in particular by disclosing their place of residence.⁵⁸
- ▶ **A lack of co-ordination between civil and criminal processes** – In its 1st General Report on its activities, GREVIO underlined the need to recognise the interrelationship between criminal and civil remedies with respect to victims (adult and child) of domestic violence and the crucial role that court orders in relation to custody and access can play with regard to the assessment of risk.⁵⁹ In its baseline evaluation reports on Italy and Malta, GREVIO raised the problematic lack of consultation of family courts with criminal courts when taking decisions on custody and visitation, including on whether criminal proceedings are pending against the father of the victim's children or have been brought in the past.⁶⁰ In its baseline evaluation report on Slovenia, GREVIO noted that despite legislative requirements to examine whether measures for the protection of the best interests of the child had already been imposed under the different legal provisions, in practice, they are rarely applied. Due in particular to a lack of co-ordination between civil justice and criminal justice, courts may order a perpetrator of violence to have contact with his children in spite of a restraining order issued by another court in another set of proceedings.⁶¹ The baseline evaluation reports on Italy, Montenegro, and Portugal have also stressed the importance, to the same end, of consulting and co-ordinating with other relevant bodies and/

55. See GREVIO's baseline evaluation report on San Marino, paragraph 144.

56. See GREVIO's baseline evaluation reports on: France, paragraph 182; Italy, paragraph 187; Montenegro, paragraph 165; the Netherlands, paragraphs 200-202; and Portugal, paragraph 160.

57. See GREVIO's baseline evaluation reports on: Denmark, paragraph 161; Italy, paragraph 186; Montenegro, paragraph 165; the Netherlands, paragraph 204; and Portugal, paragraph 160.

58. See GREVIO's baseline evaluation report on Poland, paragraph 194.

59. Available at <https://rm.coe.int/1st-general-report-on-grevio-s-activities/16809cd382> at page 28.

60. See GREVIO's baseline evaluation reports on: Italy, paragraphs 180-188; and Malta, paragraphs 155-159.

61. See GREVIO's baseline evaluation report on Slovenia, paragraph 240.

or professionals, including, but not limited to, law-enforcement agencies, health and education authorities, and specialist women's support services.

- ▶ **Inappropriate use of mediation** – GREVIO has observed in a number of parties that victims of domestic violence wishing to separate may be strongly encouraged or required to undergo mediation as a first step – a procedure that can be decisive in determining custody and visitation rights. GREVIO has noted that in these cases victims are particularly vulnerable due to the power imbalance that is typical in cases of domestic violence and that this power imbalance is likely to impair the ability of the victim to negotiate and reach acceptable agreement that ensures, *inter alia*, the children's and the mother's safety.⁶² GREVIO was concerned therefore to hear evidence in its baseline evaluation report on Slovenia that courts often encourage parties to conclude a settlement (even if serious violence has occurred between the parties), which leads to the case being processed quickly, not all evidence being presented and a failure to provide a final decision, which could then be subject to the judgment of a higher court.⁶³ GREVIO expressed particular concern with respect to decisions taken on custody and visitation in Denmark where it noted that family courts did not exist and that conflicts about custody and visitation were not resolved in an adversarial procedure presided over by a neutral authority but through a system of joint meetings between the two parents, guided or mediated by the State Administration. GREVIO found this system to be inappropriate for couples whose relationships have been marred by violence.⁶⁴
- ▶ **A failure to regard child witnesses of domestic violence as victims** – In its baseline evaluation report on Serbia, GREVIO noted that legislation did not acknowledge the harm that witnessing violence by one parent against the other has on a child. GREVIO also noted, in its baseline evaluation report on Poland, that the harmful effect on children of witnessing such violence does not seem to be systematically considered in decisions on child contact.⁶⁵
- ▶ **A failure to take incidents of domestic violence into account in court decisions on custody and visitation** – In Albania, Belgium, Italy, Monaco, Poland, San Marino, Slovenia and Turkey, GREVIO found that there was no explicit reference to domestic violence as a legal criterion to be taken into account when deciding on custody and/or and visitation rights.⁶⁶ In its baseline evaluation report on Malta, on the other hand, GREVIO noted that although incidents of domestic violence are explicitly provided as a cause for forfeiture of custody rights, they are not explicitly referred to as instances giving rise to forfeiture of visitation rights when separation is

62. See Mid-Term Horizontal Review of GREVIO baseline evaluation reports, Article 48, paragraphs 406-414.

63. See GREVIO's baseline evaluation report on Slovenia, paragraph 236.

64. See GREVIO's baseline evaluation report on Denmark, paragraphs 148-160.

65. See GREVIO's baseline evaluation report on Poland, paragraph 193.

66. See GREVIO's baseline evaluation reports on: Albania, paragraphs 117-120; Belgium, paragraphs 145-149; Italy, paragraphs 180-187; Monaco, paragraphs 106-110; Poland, paragraph 184, San Marino, paragraph 142; Slovenia, paragraph 236 and Turkey, paragraph 207.

pronounced.⁶⁷ In Poland, although several provisions of the Law on Family and Guardianship offer the possibility of limiting custody and visitation rights where incidents of violence are present, GREVIO noted with concern the information provided by a range of experts and professionals in this field which suggests that evidence of one parent's abuse of the other is only rarely, if at all, taken into account when deciding over custody and visitation rights.⁶⁸ This was also the case with states parties such as Andorra, Austria, Finland, France, the Netherlands, Portugal, Spain and Sweden, that do have a legal basis to prevent the granting of parental responsibility, including custody and visitation, to abusive parents.⁶⁹ In Denmark, GREVIO noted with concern that it had received information on several cases that had culminated in the imprisonment of mothers who had not been able to convince the State Administration of the safety risk which visitation with the father could present to their child and who had not complied with visitation decisions. GREVIO thus found that ultimately incidents of domestic violence were not taken into account in decisions on custody and visitation and that the exercise of visitation and custody rights in Denmark frequently endangered the physical safety and psychological well-being of domestic violence victims and their children.

- ▶ **A failure to ensure safe supervised visitation** – States tend to give priority to the best interest of the child, which is deemed to be to maintain contact with both parents at all costs, regardless of the violence he or she had witnessed. A number of shortcomings were observed in the implementation of Article 31, paragraph 2, regarding the facilities and the personnel responsible for enabling supervised visitation. GREVIO noted that several states parties lacked the necessary resources/infrastructure to ensure safe supervised visitation. By way of example, in its baseline evaluation reports on Andorra and France, GREVIO observed that such meeting spaces were more equipped to deal with conflictual relationships than cases involving violence. It therefore drew the authorities' attention to the high risks to victims and children posed by maintaining contact between the victim and the perpetrator, without protection and appropriate measures.⁷⁰ In the absence of suitable arrangements, in fact, victims may feel that the only way to protect their children from violence is to refuse to comply with decisions on visitation rights. In its baseline evaluation report on Malta, in particular, GREVIO noted that the lack of adequate infrastructure meant that victims had to wait in the same waiting area as the perpetrator, thus endangering the physical safety and psychological well-being of victims and their children and perpetuating the cycle of power and control.⁷¹ As regards sufficient trained personnel for supervised visitation, GREVIO noted substantial

67. See GREVIO's baseline evaluation report on Malta, paragraphs 151-158.

68. See GREVIO's baseline evaluation report on Poland, paragraph 193.

69. See GREVIO's baseline evaluation reports on: Montenegro, paragraphs 163-167; and Serbia, paragraphs 166-171.

70. See GREVIO's baseline evaluation reports on: Andorra, paragraphs 146-150; and France, paragraphs 179-185.

71. See GREVIO's baseline evaluation report on Malta, paragraphs 158-159.

shortcomings in this regard in its baseline evaluation reports on Andorra, Austria, Malta, Montenegro, Slovenia and Spain.⁷² In its baseline evaluation reports on Montenegro and Spain, it highlighted the demonstration of bias by such staff towards women victims of domestic violence.⁷³ Other concerns included the lack of a general obligation to inform the judicial authorities where such staff detects exposure to violence during the visit, such as in the case of Spain.⁷⁴ In its report on Slovenia, the lack of clear rules and protocols that govern the supervised contact, as well as the lack of well-trained staff at the social work centres supervising such contact, was of great concern to GREVIO, which noted that the father's right to exercise contact often appear to be prioritised over the needs of the child, even when supervised contact is harmful to the child.⁷⁵

- ▶ **A lack of adequate implementation of legal frameworks providing for protection measures** – This includes not only the lack of availability of protection orders and the inadequate enforcement of such orders by the relevant authorities,⁷⁶ but also the maintenance of the joint exercise of parental authority even in the event of a final criminal conviction for violence committed against the other parent. Despite a wide range of possibilities to suspend, limit or otherwise regulate the exercise of parental rights of parents who have been abusive towards their spouses or children in Spain, GEVIO noted in its baseline evaluation report their limited use in practice. Criminal law judges seem particularly reluctant to suspend or limit parental rights, both in pre-trial rulings and in final sentences.⁷⁷ The withdrawal of parental authority of the violent parent remains the exception, despite the persistence of the danger to the mother and child.⁷⁸

The lack of provision of protection and support to child witnesses when violence occurs in the family unit

77. Despite the well-established recognition of the harmful effects of witnessing violence set out above, the analysis of the GREVIO baseline evaluation reports published to date reveals that parties mostly fail to provide appropriate and sufficient access to specialised and age-appropriate services for children in direct contravention

72. See GREVIO's baseline evaluation reports on: Andorra, paragraphs 146-150; Austria, paragraphs 133-137; Malta, paragraphs 151-158; Slovenia, paragraphs 239-240; and Spain, paragraphs 196-206.

73. See GREVIO's baseline evaluation reports on: Montenegro, paragraphs 163-167; and Spain, paragraphs 196-206.

74. See GREVIO's baseline evaluation report on Spain, paragraph 202.

75. See GREVIO's baseline evaluation report on Slovenia, paragraph 239.

76. Articles 52 and 53 of the Istanbul Convention require that the competent authorities have the power to order fast legal remedies to protect persons at risk. These encompass both emergency barring orders against the perpetrators, thereby removing the perpetrator from the home, as well as restraining or protection orders for victims of all forms of violence covered by the convention. While the possibility of being granted protection orders in the form of a contact ban or eviction order is increasingly made available in states parties, the legal regimes vary significantly, as does their level of implementation and their appropriate enforcement.

77. See GREVIO's baseline evaluation report on Spain, paragraph 197.

78. The need to consider intimate partner violence as an essential factor in the determination of child custody is at the heart of the joint statement issued on 31 May 2019 by the Platform of the United Nations and regional independent mechanisms on violence against women and women's rights (EDVAW Platform).

of Article 26. In several parties, including Austria and Finland, such services are provided in shelters only, and therefore are timebound – with the departure from the shelter entailing the termination of such essential specialist support.⁷⁹ In other parties such as the Netherlands, Portugal, Serbia and Sweden, shelters support children accompanying their mothers, but such services are not specialised and tailored to address their specific needs.⁸⁰ In Portugal’s case, for instance, GREVIO noted insufficient specialised personnel to tend to children’s needs and/or difficulties in accessing schools.⁸¹ In its baseline evaluation report on Belgium, on the other hand, GREVIO noted that provision of services for children relies on the initiative of individual shelters, with no structural support from the state.⁸² In Sweden, GREVIO noted the concerning practice whereby shelters ask victims to move out if a perpetrator is suspected of using visitation with the children to locate the whereabouts of the family, and subsequently the shelter.

78. GREVIO has also observed that access to counselling services outside of shelters is even more limited. Despite the legal recognition of child witnesses of violence as victims, in Slovenia, concerns were raised about the lack of psychosocial support available to children tailored to their needs and the legal recognition of child witnesses of violence as victims.⁸³ In its baseline evaluation report on Malta, it observed that dedicated services for children who are victims of domestic violence are not provided for and that extremely long waiting periods have been reported in accessing psychological counselling services, including where children are concerned.⁸⁴ In Poland, in 2016, a report of the Supreme Audit Office (NIK) showed that specialist counselling provided by child psychologists or therapists only represented 4% of the support services in the field of domestic violence, delivered by local social welfare centres and crisis intervention centres.⁸⁵ In some parties such as Austria, Finland, France, Montenegro, and Spain, specialised counselling services for children who are direct or indirect victims of violence is available, however, either insufficient funding hindered the promptness and sustainability of the assistance and/or insufficient coverage throughout the country actively prevented its provision.⁸⁶ Other support either failed to include children who witnessed violence and/or deployed measures which were too punitive in terms of protection. In its baseline evaluation report on San Marino, GREVIO noted that the Child Protection Unit which is responsible for the psychological support and protection of children mostly dedicated itself to children who are direct victims of child abuse. Measures employed included removing them from the family unit, whereas GREVIO recalled that their safety in conditions that allow them to stay with the non-abusive parent, and preferably within their own home, should be ensured.⁸⁷ Sufficient training in providing support services for children has

79. See GREVIO’s baseline evaluation reports on: Austria, paragraph 118; Denmark, paragraph 131; and Finland, paragraph 128.

80. See GREVIO’s baseline evaluation reports on: Malta, paragraph 135; the Netherlands, paragraph 177; Serbia, paragraph 145; and Sweden, paragraph 147.

81. See GREVIO’s baseline evaluation report on Portugal, paragraph 13.

82. See GREVIO’s baseline evaluation report on Malta, paragraph 135.

83. See GREVIO’s baseline evaluation report on Slovenia, paragraph 202.

84. See GREVIO’s baseline evaluation report on Malta, paragraph 135.

85. See GREVIO’s baseline evaluation report on Poland, paragraphs 164-166.

86. See GREVIO’s baseline evaluation reports on: Austria, paragraph 117; Finland, paragraph 129; France, paragraph 165; Montenegro, paragraph 143; and, Spain, paragraph 179.

87. See GREVIO’s baseline evaluation report on San Marino, paragraphs 123 and 124.

also been a persistent concern. In its baseline evaluation reports, including those on France, Italy, and Poland, GREVIO explained that staff from general support services may not have the required training or expertise to support and protect children victims of domestic violence.⁸⁸ Finally, in its baseline evaluation reports, including those on France and Italy, GREVIO noted that barriers for child witnesses/victims with regards to support and protection are linked to the judicial practice of granting joint parental custody in cases of domestic violence, which result in the perpetrator impeding the counselling of their children in some cases.

The use of “parental alienation” as a means of minimising evidence of domestic violence in civil proceedings

79. It is now clear that the minimisation of domestic violence within family court processes is closely linked to an increasing use of the concept of “parental alienation” to undermine the views of child victims of domestic violence who fear contact with parents who have perpetrated domestic abuse⁸⁹ despite the obvious risks this would entail for both adult and child victims.⁹⁰ This is despite concerns raised by the scientific community as to its legitimacy as a scientific construct, a syndrome or as a mental disorder.⁹¹ Furthermore, serious concerns have been expressed regarding the recourse to the concept of parental alienation by family courts and child protection services in the context of domestic and family violence, where victims of domestic abuse may have sound reasons to want to limit visitation due to their ex-partners’ violent behaviour and threats to their own and to their children’s safety⁹² and in relation to children who have been exposed to domestic violence who refuse to visit their fathers.⁹³ A number of research studies have found that claims of parental alienation were used to negate allegations of domestic and sexual abuse⁹⁴ and that in a large proportion of cases

88. See GREVIO’s baseline evaluation reports on: France, paragraph 169; Italy, paragraph 161; and Poland, paragraph 164.

89. See 1st General Report on GREVIO’s activities covering the period from June 2015 to May 2019, Council of Europe and civil society representations to the Beijing+25 Regional Review Meeting Geneva on 29-30 October 2019, UN Economic and Social Research Council on 27 November 2019, ECE/AC.48/2019/2, at paragraph 30.

90. As noted in the Platform of Undersigned United Nations and Regional Independent Mechanisms on Violence against Women and Women’s Rights on 31 May 2019, available at <https://rm.coe.int/final-statement-vaw-and-custody/168094d880>.

91. See W. O’Donohue, L.T. Benuto & N. Bennett (2016), “Examining the validity of parental alienation syndrome”, 13 *Journal of Child Custody* 2-3, 113-125.

92. Lapiere, S. and Côté, I. (2016) “Abused women and the threat of parental alienation: shelter workers’ perspectives”, *Children and youth services review*, 65 (1), 120–126; and Neilson, L. C. et al. (2019), “Inclusion of “Parental Alienation” as a “Caregiver-child relationship problem” Code QE52.0 in the International Classification of Diseases 11th Revision (ICD-11)”, *Collective Memo of Concern to: World Health Organization*.

93. Lamb, K., Humphreys, C., and Hegarty, K. (2018), “Your behaviour has consequences’: children and young people’s perspectives on reparation with their fathers after domestic violence”, *Children and youth services review*, 8 (1), 164–169.

94. Meier, J. and Dickson, S. (2017), “Mapping Gender: Shedding Empirical Light on Family Court’s Treatment of Cases Involving Abuse and Alienation”, *Law and Inequality*, 35(2), 311–334; Meier, J. (2020) “U.S. child custody outcomes in cases involving parental alienation and abuse allegations: what do the data show?”, *Journal of Social Welfare and Family Law*, 42(1), 92–105; and Neilson, L. (2018), “Parental Alienation Empirical Analysis: Child Best Interests or Parental Rights?” - Fredericton: Muriel McQueen Fergusson, Centre for Family Violence Research and Vancouver: The FREDIA Centre for Research on Violence Against Women and Children.

involving indications or findings of domestic abuse these concerns ‘disappeared’ once the focus was on parental alienation.⁹⁵ Allegations of domestic abuse can even be used against women as “evidence” of parental alienation.⁹⁶ Evidence of parental alienation being used to minimise domestic abuse has been referred to in research conducted in Spain,⁹⁷ Italy⁹⁸ and France⁹⁹ and in a range of other European countries as cited in a number of GREVIO baseline evaluation reports. It is of note therefore that in February of 2020 the World Health Organisation (WHO) published its new draft International Classification of Diseases, 11th Revision (ICD-11) and confirmed that it had removed parental alienation from index term in the final ICD-11.¹⁰⁰

80. GREVIO has addressed state authorities’ use of the so-called principle of “parental alienation syndrome”¹⁰¹ in its baseline evaluation report on France,¹⁰² and thereafter in a number of recent reports, namely the baseline evaluation reports on Andorra, Belgium, Italy, Poland and Spain.¹⁰³ In its recent baseline evaluation report on Poland it noted with concern that the notion of parental alienation and related concepts have been used in training initiatives as well as recent policy and legislative initiatives.¹⁰⁴ An example of particular concern is the revised draft National Programme on Equal Treatment (2021-2030) which includes the launch of “a public consultation with organisations active in the field of parental alienation” as part of the process of reviewing and analysing to what extent court decisions on child custody discriminate against fathers and mothers, with a view to possibly developing a legislative package based on the findings of this analysis.¹⁰⁵

95. Barnett, A. (2020) ‘A genealogy of hostility: parental alienation in England and Wales’, *Journal of Social Welfare and Family Law*, 42(1), 18–29.

96. Birchall, J. and Choudhry, S. (2018), “What About My Right Not To Be Abused: Domestic Abuse, Human Rights and the Family Courts”, Bristol: Women’s Aid.

97. Casas Vila, G. (2020), “Parental Alienation Syndrome in Spain: opposed by the Government but accepted in the Courts”, *Journal of Social Welfare and Family Law* 42:1, pages 45-55.

98. Feresin, M. (2020), “Parental alienation (syndrome) in child custody cases: survivors’ experiences and the logic of psychosocial and legal services in Italy”, *Journal of Social Welfare and Family Law*, 42:1, 56-67, DOI: 10.1080/09649069.2019.1701924.

99. Romito, P, Crisma, M. (2009), “Les violences masculines occultées : le syndrome d’aliénation parentale”, *Empan*, 2009/1 (n° 73), pages 31-39.

100. World Health Organization removes parental alienation from its classification index (February 2020), Réseau International des Mères en Lutte (wordpress.com).

101. See *Violence against Women: Psychological violence and coercive control Study*, Study requested by the FEMM Committee, European Parliament, 2020, page 35. This study notes that although the phenomenon of the “parental alienation syndrome” lacks universal clinical or scientific definition, it is generally referred to the presumption that a child’s fear or rejection of one parent (typically the non-custodial parent) stems from the malevolent influence of the preferred (typically custodial) parent. In its baseline evaluation reports GREVIO has consistently referred to the statement of December 2017 by the European Association for Psychotherapy (EAP), which draws attention to the fact that the concepts of “parental alienation syndrome” (PAS) and “parental alienation” (PA) are unsuitable for use in any psychotherapeutic practice. This statement by the EAP, which is made up of 128 psychotherapy organisations from 41 European countries, acts as a guiding principle for European psychotherapists.

102. *Ibid.*

103. See GREVIO’s baseline evaluation reports on: Andorra, paragraphs 146-150; Belgium, paragraphs 145-149; Italy, paragraphs 180-187; Poland, paragraphs 188-195; and Spain, paragraphs 196-206.

104. See GREVIO’s baseline evaluation report on Poland, paragraphs 188 and 189.

105. See GREVIO’s baseline evaluation report on Poland, paragraphs 189-191.

The lack of attention being paid to the wishes and feelings of child victims of domestic violence

81. This is particularly concerning in relation to children who expressly do not wish to have contact with the perpetrator parent due to their experiences of violence but are being forced to participate in visitation and, in some cases, joint custody. This is not only a breach of Article 26 in failing to take into account children's rights and needs in delivering support and protection to their abused mothers, but also a breach of Article 31 in potentially harming their safety. The relevance of Article 45 can also be seen where authorities do not provide adequate enforcement measures to prevent the use of parental right/responsibilities being used to force children into such contact. While GREVIO fully supports the right of the child to maintain its ties with both parents as enshrined in Article 9, paragraph 3, of the United Nations Convention on the Rights of the Child, it has also consistently stated that exposure to domestic violence requires exceptions to be made in the best interests of the child and where required by national legislation to respect the views of children in this regard. Authorities must therefore demonstrate an awareness of the dynamics of domestic violence and its impact upon victims in making such decisions. In its baseline evaluation report on Poland, GREVIO noted that, where child contact and visitation regimes have been established but children do not wish to comply, the primary carer – often women victims of intimate partner violence – can be fined for obstructing visitation. GREVIO noted that where this is pursued at the instigation of the abusive parent, it must be seen as part of the pattern of intimate partner violence, amounting to economic harm, which Article 3 of the Istanbul Convention considers as forming part of domestic violence.¹⁰⁶ Further, in its baseline evaluation report on Slovenia, although GREVIO welcomed the fact that, under the relevant legislation, courts must take into account the opinion expressed by children in proceedings concerning their interests, it noted with concern that information provided by civil society indicates that there have been cases in which children who were victims of domestic violence were obliged to have contact with their abusive parents against their will.¹⁰⁷

Evidence of bias and the lack of training among professionals

82. Research has consistently demonstrated that judges, lawyers, health care and child welfare professionals all operate on the presumption that there should be contact unless there are overwhelming reasons to the contrary, and that courts strive to try to achieve this, even in circumstances of proven domestic abuse.¹⁰⁸ Research has also found that domestic violence may be misunderstood, and therefore minimised, marginalised and downgraded by professionals because of their strong pro-contact stance and pointed to evidence of gender discrimination towards

106 See GREVIO's baseline evaluation report on Poland, paragraph 194.

107. See GREVIO's baseline evaluation report on Slovenia, paragraph 238.

108. See All-Party Parliamentary Group on Domestic Violence (APPG) (2016) Domestic Abuse, Child Contact and the Family Courts. London: All-Party Parliamentary Group on Domestic Violence and Women's Aid.

women victims of domestic violence.¹⁰⁹ This demonstrates the need to ensure that all professionals involved in the process of custody and visitation are sufficiently trained in the dynamics of domestic violence. These issues have also been observed in several baseline evaluation reports, where GREVIO noted that states parties tend to give priority to the best interest of the child, which is deemed to be to maintain contact with both parents at all costs, regardless of children's exposure to violence. In countries such as Austria, France, Italy, Portugal and Spain, GREVIO observed that the joint exercise of parental authority was generally maintained, even in the event of a final criminal conviction for violence committed against the other parent or where a protection order exists.¹¹⁰ In its baseline evaluation reports on Belgium, Italy and Portugal, GREVIO criticised the tendency of the judiciary to consider domestic violence as mere disputes between parents.¹¹¹ More generally, GREVIO observed in Austria, Montenegro, Portugal, Serbia, Sweden and Turkey a lack of understanding among judges and other professionals of the harm borne by children in witnessing domestic violence.¹¹² In its baseline evaluation reports on Italy and Malta, GREVIO underlined the lack of expertise and understanding of violence against women of court-appointed experts whose contributions are relied upon by judges to reach their decisions.¹¹³ In its baseline evaluation report on France, GREVIO noted that it had been informed of numerous cases where expert reports on the mental health status of children in these proceedings were entrusted to psychiatrists untrained in violence against women and its traumatic consequences on child witnesses. This resulted in the non-recognition of violence suffered by children, as well as in the secondary victimisation of victims, for example when they attributed the psychological state of children to "parental alienation syndrome."¹¹⁴ In Poland, GREVIO was concerned to

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109. See Thiara, R. and Gill, A. (2012) *Domestic Violence, Child Contact, Post-Separation Violence: Experiences of South Asian and African-Caribbean Women and Children*, London: NSPCC; Mariachiara Feresin. (2020) Parental alienation (syndrome) in child custody cases: survivors' experiences and the logic of psychosocial and legal services in Italy, *Journal of Social Welfare and Family Law* 42:1, pages 56-67. Vila, Glòria. (2019). Parental Alienation Syndrome in Spain: opposed by the Government but accepted in the Courts. *Journal of Social Welfare and Family Law*. 42. 1-11. 10.1080/09649069.2019.1701923; Sueur, G. et Prigent, P.-G. (2018, 26 avril), *Histoire et usage du syndrome d'aliénation parentale contre les mères séparées en France*. Communication présentée au Colloque "L'aliénation parentale : une menace pour les femmes et les féministes ?", Université du Québec à Montréal; and Birchall, J. and Choudhry, S. (2018) "What About My Right Not To Be Abused: Domestic Abuse, Human Rights and the Family Courts", Bristol: Women's Aid.
110. See GREVIO's baseline evaluation reports on: Austria, paragraphs 133-137; France, paragraphs 179-185; Italy, paragraphs 180-187; Portugal, paragraphs 159-163; and Spain, paragraphs 196-206.
111. See GREVIO's baseline evaluation reports on: Belgium, paragraph 148; Portugal, paragraphs 159-163; and Italy, paragraphs 180-187
112. See GREVIO's baseline evaluation reports on: Austria, paragraphs 133-137; Montenegro, paragraphs 163-167; Serbia, paragraphs 166-171; Sweden, paragraphs 163-170; and Turkey, paragraphs 206-211.
113. See GREVIO's baseline evaluation reports on: Italy, paragraphs 180-188; and Malta, paragraphs 155-159.
114. See *Violence against Women: Psychological violence and coercive control Study*, Study requested by the FEMM Committee, European Parliament (2020), page 35. This study notes that although the phenomenon of the "parental alienation syndrome" lacks universal clinical or scientific definition, it is generally referred to the presumption that a child's fear or rejection of one parent (typically the non-custodial parent) stems from the malevolent influence of the preferred (typically custodial) parent. In its baseline evaluation reports GREVIO has consistently referred to the statement of December 2017 by the European Association for Psychotherapy (EAP), which draws attention to the fact that the concepts of "parental alienation syndrome" (PAS) and "parental alienation" (PA) are unsuitable for use in any psychotherapeutic practice. This statement by the EAP, which is made up of 128 psychotherapy organisations from 41 European countries, acts as a guiding principle for European psychotherapists.

note that the extensive in-service training provided to Consultative Teams of Court Specialists (OZSS) which operate in the district courts and are mandated to prepare, at the order of the public prosecutor or court, opinions on questions related to custody and parental authority, comprises the notion of parental alienation.¹¹⁵ Shortcomings related to the lack of training of court appointed professionals are also discussed in the Mid-Term Horizontal Review of GREVIO baseline evaluation reports.¹¹⁶

83. A further worrying trend is the demonstration of bias against women who raise issues of domestic violence in proceedings related to custody and visitation. In its baseline evaluation reports on Denmark and Italy, GREVIO noted with concern that victims who raise the issue of domestic violence as a reason for not attending meetings in the presence of the perpetrators or not agreeing to custody or visitation, are labelled as an unco-operative parent and thus, paradoxically, “unfit for parenting.”¹¹⁷ In Slovenia, GREVIO heard evidence that women’s allegations regarding domestic violence or child abuse are often dismissed without any investigation, resulting in custody or visitation decisions that may expose them and their children to ongoing danger. According to indications provided to GREVIO by women’s rights groups and NGOs, the experience of violence in the past and its impact on contact around visitation and custody is minimised, resulting in courts prioritising the perpetrator’s right to contact with their child over the right of the victims to be safe from all violence.¹¹⁸ Similarly, in Sweden the notion of an abused mother as unfit to fully care for her children is generally established.¹¹⁹

Penalising child victims for their experiences of violence

84. GREVIO has emphasised that the healing process is greatly enhanced if children are permitted to stay within their own home and with their attachment figures. GREVIO has also consistently advocated for the focus to be placed onto securing protection for the abused parent as a primary measure of safety before exploring other avenues of protection for the child.¹²⁰ However, despite this, it can be seen that rather than ensuring the protection of the woman victim of gender-based violence as the primary measure to ensure the safety of children, many states parties interpret the best interest of the child in a very narrow manner and often this translates in children effectively being penalised for their experiences of violence. In Denmark, GREVIO noted with concern that following disclosures of experiencing domestic abuse, the removal of the child from the family home and therefore, from their mother, is always an option.¹²¹ Likewise, in its baseline evaluation report on Serbia, GREVIO has noted the practice of placing the child with other family members or in foster care.¹²² It further discussed the alarming practice of removing children from their mother’s care in cases of domestic violence, particularly in the

115. See GREVIO’s baseline evaluation report on Poland, paragraph 188.

116. Under Article 15, Challenges, Shortcomings that are specific to categories of professionals, Training of relevant court appointed professionals.

117. See GREVIO’s baseline evaluation reports on: Denmark, paragraph 154; and Italy, paragraph 185.

118. See GREVIO’s baseline evaluation report on Slovenia, paragraph 237.

119. See GREVIO’s baseline evaluation report on Sweden, paragraph 165.

120. See GREVIO’s baseline evaluation report on Denmark, paragraph 133.

121. See GREVIO’s baseline evaluation report on Denmark, paragraph 133.

122. See GREVIO’s baseline evaluation report on Serbia, paragraphs 163-170.

Roma community, which appeared to equate the inability to protect children to a lack of parental ability.¹²³

85. Furthermore, in its evaluation report on San Marino, it was noted that the wording of the relevant legislation fails to acknowledge the power imbalance between perpetrators and victims in cases of domestic violence against women and treats them equally by stipulating that the suspension of parental rights may be ordered with respect to both the defendant and the parent who tolerated the violence. This provision may lead to protection mechanisms turning against women victims of intimate partner violence and exposing them to secondary victimisation by restricting the exercise of their parental rights.¹²⁴ In Poland, GREVIO noted in its evaluation that great weight is attached to the material living conditions that a parent is in a position to offer, often to the detriment of women victims of intimate partner violence who have sought safety in a domestic violence shelter and may not (temporarily) possess adequate financial means.¹²⁵

Signs of progress

Recognising the impact of domestic violence on children

86. GREVIO has noted that many states parties recognise directly or indirectly the harmful effects that witnessing domestic violence has on children and provide for the obligation to inform the relevant authority, be it the municipality, child protection or child welfare services, of any suspicion or confirmed incident whereby a child has witnessed or has been a direct victim of violence.¹²⁶ In some countries such as Montenegro and Italy, GREVIO has observed that the commission of domestic violence in the presence of children entails aggravated sentences.¹²⁷ Moreover, once again in Italy, as well as in the Netherlands, committing violence against women in the presence of a child is equated to a form of child abuse.¹²⁸ In Andorra, Montenegro, and Turkey, witnessing such violence is considered tantamount to experiencing it directly as legislation calls for the same level of protection and support by statutory agencies.¹²⁹ By way of example, Andorran legislation defines all women who have been the object of gender-based violence as well as their minor children as “victims” so that they can be granted the right to social, psychological and medical support.¹³⁰ In its baseline evaluation report on Spain, GREVIO commended the official recognition of children’s victimisation when they witness intimate partner violence.

123. See GREVIO’s baseline evaluation report on Serbia, paragraph 171.

124. See GREVIO’s baseline evaluation report on San Marino, paragraph 141.

125. See GREVIO’s baseline evaluation report on Poland, paragraph 193.

126. See GREVIO’s baseline evaluation reports on Andorra, paragraph 130; Austria, paragraph 116; Denmark, paragraph 131; Finland, paragraph 128; Italy, paragraph 159; Monaco, paragraph 96; and Montenegro, paragraph 140.

127. See GREVIO’s baseline evaluation reports: on Italy, paragraph 159; and Montenegro, paragraph 140.

128. See GREVIO’s baseline evaluation reports: on Italy, paragraph 159; and the Netherlands, paragraph 175.

129. See GREVIO’s baseline evaluation reports on: Montenegro, paragraph 140; and Turkey, paragraph 181. In Montenegro’s case it is the Protocol on Actions, Prevention of and Protection Against Family Violence which equalled clearly witnessing domestic violence with experiencing it.

130. See GREVIO’s baseline evaluation report on Andorra, paragraph 130.

It noted that the applicable legislation includes children who are underage or under the guardianship or custody of women who are victims of intimate partner violence in the scope of the holistic support and protection offered by this law.¹³¹

Improving support services for victims of domestic violence

87. Bearing in mind the difficulties encountered in its practical implementation, nonetheless, in its baseline evaluation report on Spain, GREVIO welcomed a recent change to Article 156 of the Civil Code that removes the requirement of both parents' consent for psychological counselling and support for common children. The perpetrator can thus no longer prevent his children from attending much-needed counselling sessions – a frequent obstacle to children receiving psychological support.¹³² Of note is also the Danish Stalking Centre, which offers psychological support to children who have witnessed the effects of the stalking on their parent(s).¹³³ In terms of child victims of sexual abuse, GREVIO noted the five state-funded Children Aid Centres in Poland, created in 2018 and run by the Foundation Empowering Children which offer free-of-charge psychological, educational and legal support to abused children and their guardians,¹³⁴ and in its baseline evaluation report on Denmark, the Children's Houses, available across the five regions of Denmark which offer professional support and psychological counselling for child victims of sexual abuse. Their child-friendly environment may be also used by law enforcement agencies to carry out interviews with children exposed to domestic violence by one parent against the other.¹³⁵

Improving the legal framework on custody and visitation

88. In its baseline evaluation report, GREVIO considered that Austria has established an excellent legal basis on which to prevent the granting of custody to abusive parents, following the signature of the Istanbul Convention.¹³⁶ It pointed out that the civil code foresees the notion of "reducing the risk of a child to suffer violence or to witness violence inflicted upon people close to them" when considering the best interest of the child. Moreover, in Austria a group of professionals (social workers, psychologists, and child pedagogues) are available as part of an institution called "family court assistance", set up in 2013 following the signature of the Istanbul Convention, to assist family judges in reaching satisfactory decisions. In France, GREVIO noted with interest the "measure of accompaniment under protection" which provides for the child to be accompanied by an adult other than a family member during the exercise of visitation rights.¹³⁷

131. See GREVIO's baseline evaluation report on Spain, paragraph 178.

132. See GREVIO's baseline evaluation report on Spain, paragraph 178.

133. See GREVIO's baseline evaluation report on Denmark, paragraph 130.

134. See GREVIO's baseline evaluation report on Poland, paragraph 164.

135. See GREVIO's baseline evaluation report on Denmark, paragraph 130.

136. See GREVIO's baseline evaluation report on Austria, paragraphs 133-137.

137. See GREVIO's baseline evaluation report on France, paragraphs 179-185.

Twelve steps towards continued progress

89. Although this focus section has highlighted a wide range of issues which continue to persist and require action by a number of authorities, it is also clear that there are positive signs of improvement, which in some cases has been as a direct result of GREVIO's intervention and monitoring work. This demonstrates not only the enduring purpose of the monitoring process but also the value in GREVIO's consistent identification, and, where relevant, repetition of the steps that need to be taken to improve the situation for victims in order to further reaffirm the rights and dignity of the victims of domestic violence that are guaranteed under the Istanbul Convention.¹³⁸ To that end, GREVIO has identified twelve cross cutting actions to take in order to achieve continued progress on improving the situation for victims of domestic violence in relation to custody and visitation:

1. ensure that adequate screening of family court applications, including a mandatory question regarding violence, is undertaken, and disclose risk assessments originating from other authorities;
2. strengthen inter-institutional co-operation and information exchange between civil courts and criminal courts, as well as between these courts and services that assist and support victims of violence and their children or other bodies (such as women's specialist services, social protection and health services, or educational institutions), in order to prevent, inter alia, ordering contact between a perpetrator and a child/children in spite of a restraining order issued by another court;
3. build in safeguards to the procedure for victims of domestic violence, such as offering parents separate appointments and separate waiting areas in courts and/or monitoring court practices;
4. provide appropriate training, together with the development of professional guidelines, including on the level of violence required and/or what tests should be applied by judges in reaching a decision on custody and visitation rights, with a view to raising awareness among the professionals concerned as to the harmful effects of exposure to violence on children;
5. ensure that, where allegations of domestic violence are made, courts do not mandate the use of mediation or other dispute resolution processes;
6. step up efforts to ensure wider levels of awareness among the professionals concerned, such as educators, teachers, social workers, legal and health professionals, and psychologists, of the harmful effects of witnessing domestic violence on children, and to provide access for child witnesses to appropriate, age-specific support services based on a gendered understanding of violence against women and pay due regard to the best interests of the child;

138. See Choudhry, S. "When Women's Rights are Not Human Rights – the Non-Performativity of the Human rights of Victims of Domestic Abuse within English Family Law", *Modern Law Review*, 92(1)90-82: 1072-1106.

7. ensure the recognition of witnessing violence against a close person as jeopardising the best interest of the child and take their wishes and feelings into account where possible with regard to custody and visitation, including in judicial proceedings;
8. explicitly recognise the need to take into account incidents of violence covered by the scope of the Istanbul Convention in the determination of custody and visitation rights of children, including by consulting with all relevant professionals and/or conducting independent investigations, as well as amending the law to remedy existing gaps;
9. ensure that only those professionals, including psychologists and child psychiatrists, who are attuned to the issue of violence against women and the requirements of the Istanbul Convention, are asked to give expertise or are appointed by courts to provide advice on issues of custody and visitation in situations of violence against women;
10. ensure the necessary resources/infrastructure are in place to ensure safe and sensitive supervised visitation, including sufficient training for personnel involved in the supervision of visitation, and that clear rules and protocols are provided to govern visitation;
11. introduce dedicated specialist support services for children who are victims of or exposed to any forms of violence against women, such as age-appropriate psychosocial counselling both in and outside shelters and in conditions that ensure their continuity and quality, while at the same time ensuring their safety in conditions that allow them to remain with the non-abusive parent, preferably in their own home; and
12. ensure that relevant professionals are informed of the absence of scientific grounds for “parental alienation syndrome” and the use of the notion of “parental alienation” in the context of domestic violence against women to overshadow the violence and control exerted by abusive men over women and their children, and their perpetuation through child contact.



Relation with the Committee of the Parties

90. The Committee of the Parties and GREVIO represent the two pillars of the monitoring system set up by the Istanbul Convention. In accordance with Article 68, paragraph 12, the Committee of the Parties may, on the basis of GREVIO's baseline evaluation reports and conclusions, issue recommendations to states parties, thus ensuring the equal participation of all the states parties in the monitoring procedure of the convention, strengthening co-operation between the parties and between them and GREVIO to ensure the proper and effective implementation of the convention.

91. Under Rule 26 of GREVIO's internal rules of procedure, the President of GREVIO may periodically meet with the Committee of the Parties to inform it about its work, as well as any other issue relating to the good functioning of the monitoring mechanism of the convention. Under this same provision, GREVIO may decide to invite the Chair of the Committee of the Parties for exchanges of views.

92. During the period covered by this report, both the outgoing and the incoming Presidents of GREVIO, Marceline Naudi and Iris Luarasi, exchanged with the Committee of the Parties. While Marceline Naudi addressed, during the Committee's 10th meeting (on 13 April 2021), the impact of the Covid-19 pandemic on violence against women and victims' access to support services as laid out in its 2nd General Report on GREVIO's activities, Iris Luarasi informed the Committee, during its 11th meeting in December 2021, of the adoption and publication of GREVIO's General Recommendation No.1 on the Digital Dimension of Violence against Women and the

contribution it aims to make to the Istanbul Convention's application to the manifestations of violence against women in the digital sphere or through technology. The Committee considered the Recommendation a welcome interpretative tool that offers guidance on this important topic and was among several bodies and committees that had provided comments during the consultation process initiated by GREVIO in spring 2021.

93. This is one example of the deepening of the relationship between these two bodies built over the course of the previous years and deepened under the second term of the Committee's President Nina Nordström, Ambassador Extraordinary and Plenipotentiary and Permanent Representative of Finland to the Council of Europe, who herself exchanged, upon invitation, with GREVIO during its 25th meeting (from 19 to 21 October 2021). Another example is that of the role assigned to GREVIO in the Committee's approach to supervising the implementation of its recommendations addressed to states parties: since 2018, the Committee of the Parties has been adopting - on the basis of GREVIO's findings - recommendations to states parties to further the implementation of the convention. States parties are given a period of three years to implement such recommendations and report back to the Committee. With the adoption, in April 2021, of a standardised reporting form which focuses on a maximum of eight areas of the convention, common for all states parties, and two areas specifically selected for each state, the Committee decided on a supervision framework that offers not only civil society organisations the possibility of providing information but that actively seeks the expertise of GREVIO and its individual members who acted as rapporteurs for the respective state parties. This opportunity was seized with four GREVIO members offering their knowledge to the Committee during its adoption of its first set of conclusions on the implementation of its recommendations in respect of Albania, Austria, Denmark and Monaco at its 11th meeting (on 7 December 2021). The GREVIO rapporteurs for each of the four states parties took the floor to share their impressions on the states parties' implementation of the recommendations (Helena Leitão for Albania; Marceline Naudi for Austria; Iris Luarasi for Denmark; and Françoise Brié for Monaco).

94. In addition, and in accordance with Article 66, paragraphs 11 and 12, of the Istanbul Convention, three GREVIO baseline evaluation reports were transmitted to the Committee of the Parties, which it also considered at its 11th meeting (7 December 2021). These concerned Poland, San Marino and Slovenia. As per the Committee's standard approach, it recommended that the respective governments take immediate action in respect of certain findings made by GREVIO in its baseline evaluation report. It further recommended to report to the Committee of the Parties, within three years, on the measures taken to improve the implementation of the convention in those areas and to take measures to implement the further conclusions of GREVIO's baseline evaluation report.

95. During the adoption of its recommendations to states parties, many delegations took the floor to express gratitude to GREVIO for its constructive approach to and helpful insights offered during the monitoring process.

96. On the occasion of the 10th anniversary of the opening for signature to the Istanbul Convention, the Committee of the Parties issued, on 6 May 2021, a declaration,

highlighting 10 steps for a renewed decade of action.¹³⁹ Through these 10 steps, it took stock of the major impact of the Istanbul Convention, shared its concern about persistent obstacles to the prevention and elimination of all forms of violence covered by the convention, and reiterated its will and determination to strengthen and accelerate efforts in the next decade to eliminate violence against women and domestic violence. Anchored in the aims and principles of the Istanbul Convention and recalling that violence against women constitutes a serious violation of human rights and a major obstacle to the achievement of gender equality, the declaration highlighted the potential for sustainable change through the full implementation of the Istanbul Convention. With this declaration, the Committee of the Parties recognises the added value of the Istanbul Convention and acknowledges the major contribution of its monitoring mechanism. Condemning any steps taken to move away from its standards, the Committee of the Parties invited Council of Europe member and non-member states to ratify the convention and join efforts to build a society free from violence against women.

139. See Declaration of the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on the 10th anniversary of the opening for signature of the Istanbul Convention, entitled "Celebrating ten years of joint efforts to prevent and combat violence against women and domestic violence: ten principles for a renewed decade of action", available at <https://rm.coe.int/cop-declaration-10th-anniversary-eng/1680a25cc0>.



Rik Daems, President of the Parliamentary Assembly of the Council of Europe



The **Istanbul Convention** is an essential component of the European human rights framework and must be put to use – offline and online. **Women's rights are human rights.**

Iris Luarasi, President of the GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence)



#EndVAW #IstanbulConventionSavesLives

Co-operation with other Council of Europe bodies and institutions

Committee of Ministers

97. As in previous years, GREVIO has continued to co-operate closely with other Council of Europe bodies such as the Committee of Ministers. This engagement is illustrated by the participation of the then President Marceline Naudi in a direct exchange of views with the Committee of Ministers on 2 June 2021, wherein she informed the Committee of recent developments involving GREVIO, including the publication of GREVIO's 2nd General Report on its activities, the launch of the Mid-term Horizontal Review of GREVIO baseline evaluation reports, and GREVIO's work to interpret the scope of the Istanbul Convention in relation to the digital dimension of violence against women, manifesting in its first ever General Recommendation which was subsequently published in November 2021. The exchange also enabled Marceline Naudi to share with the Committee of Ministers insights into the positive impact of GREVIO's monitoring work, such as progress in introducing legislation criminalising different forms of violence against women, setting up specialist support services and strengthening protection measures for women victims of violence.

98. Marceline Naudi further participated as a panellist at a side event organised on 17 March 2021 in the framework of the German Presidency of the Committee of Ministers around the 65th UN Commission on the Status of Women, entitled “Digital Gender Gaps and Opportunities: fostering equal participation and ending violence against women in a connected age.” The event allowed her to offer the perspective of GREVIO in response to questions posed to the panel on the role of the Istanbul Convention in tackling violence against women in the digital sphere. This further extended to discussions covering promising practices and challenges observed in states parties to the convention that have been monitored by GREVIO in relation to measures to prevent and combat such violence. The GREVIO President at the time engaged in a further event organised in the framework of the German Presidency on 11 May 2021 to mark the 10th anniversary of the opening for signature of the Istanbul Convention (see above).

Parliamentary Assembly

99. GREVIO continued its co-operation activities with the Parliamentary Assembly of the Council of Europe (PACE) throughout the period under review. Its Committee on Equality and Non-Discrimination sought GREVIO’s expertise in the area of violence against women in the preparation of its report “Strengthening the fight against so-called honour violence”, which led to the adoption, on 28 September 2021 by the Parliamentary Assembly, of Resolution 2395 (2021)¹⁴⁰ on the same issue. At a joint hearing held by the PACE Committee on Equality and Non-Discrimination and the Parliamentary Network Women Free from Violence on strengthening the fight against so-called “honour” crimes, GREVIO member Rachel Eapen Paul offered insights into GREVIO’s findings on the issue.

100. An exchange of views was also held between GREVIO Vice-President Simona Lanzoni and the PACE Standing Committee in Rome on 25 November 2021, marking the International Day for the Elimination of Violence against Women by focusing on the role of men and boys in stopping gender-based violence. On the same occasion, PACE further launched a video entitled “what men and boys can do to fight sexism”, in which the Istanbul Convention is highlighted as the gold standard for combating violence against women.¹⁴⁰ Deepening the working relations, GREVIO President Iris Luarasi spoke at the joint meeting of the PACE Committee on Equality and Non-Discrimination and the Parliamentary Network Free from Violence held 13 December 2021 on supporting the implementation of the Istanbul Convention in the context of mobilising political forces to prevent and combat violence against women.¹⁴¹ She shared her views on the main achievements with regard to the implementation of the Istanbul Convention and exchanged with members of the Parliamentary Assembly around the question of what parliamentarians can do to further support the implementation of the Istanbul Convention.

140. Available at <https://pace.coe.int/en/news/8513/-what-men-and-boys-can-do-to-fight-sexism-a-new-video-to-mark-end-violence-against-women-day>.

141. Available at <https://pace.coe.int/en/news/8551/online-conference-seeks-to-boost-political-support-for-the-istanbul-convention>.

101. PACE further undertook several independent initiatives highlighting the important role of the Istanbul Convention in preventing and combating violence against women. These included a special focus on the Istanbul Convention at PACE's 2021 Summer Session (from 21 to 24 June 2021) as part of celebrations around the 10th anniversary of the convention's opening for signature, including a hearing on the power of the convention as a tool to protect against violence, a high-level conference focusing on the Istanbul Convention, and an information stand at the seat of the Council of Europe in Strasbourg with resources for parliamentarians on the convention itself, on the on-going work in monitoring its implementation by GREVIO and the Committee of the Parties as well as the on-going technical support and capacity-building efforts on violence against women and domestic violence carried out in the framework of the Council of Europe's co-operation activities.

102. On the last day of the 16 Days of Activism against Gender-based Violence, 10 December 2021, the President of the Parliamentary Assembly, Rik Daems, and GREVIO President Iris Luarasi jointly took a stand for women's rights and reaffirmed the necessity to implement the Istanbul Convention, both offline and online. In a joint tweet shared on social media, they stated their respective support for the Istanbul Convention, calling the Istanbul Convention "an essential component of the European human rights framework" and called for it to be "put to use – online and offline".

Commissioner for Human Rights

103. In light of the focus placed by the Commissioner for Human Rights, Dunja Mijatović, on gender equality and women's rights, natural synergies were established between GREVIO and her mandate during the course of the year. An exchange of views held between GREVIO and the Commissioner at GREVIO's 24th meeting (from 21 to 23 June 2021), allowed for an in-camera discussion on a wide range of issues of common concern as well as mutual priorities. The Commissioner stressed that violence against women continued to be a priority issue, together with women's sexual and reproductive health and rights. Examples are her intervention as a third party before the European Court of Human Rights in a case concerning violence against women,¹⁴² as well as her raising of issues pertaining to violence against women with the authorities of several member states, in the context of country visits, reports and letters.¹⁴³

104. Over the past years, the Commissioner had made several public statements on violence against women, including on cyberviolence against women, sexist hate speech and harassment against female journalists and women's rights defenders - an issue of particular concern to her mandate.¹⁴⁴ This made her a natural partner in

142. See *Bălșan v. Romania*.

143. See *inter alia*, Report on the Commissioner's visit to Bulgaria from 25 to 29 November 2019; see the report of the Commissioner's visit to Moldova from 9 to 13 March 2020.

144. See the speech given on the occasion of the annual conference of the WAVE Network on 7 October 2020, available at www.coe.int/en/web/commissioner/-/structural-inequality-as-the-root-of-violence-against-women; and the statement of 25 November 2020 on Stop cyberviolence against women and girls, available at www.coe.int/en/web/commissioner/-/stop-cyberviolence-against-women-and-girls.



GREVIO's aim to launch its General Recommendation No.1 on the issue of the digital dimension of violence against women to a wide audience – despite the constraints imposed by the Covid-19 pandemic. The launch event organised to this extent on 24 November 2021 was greatly enhanced by the keynote speech delivered by the Commissioner for Human Rights, touching upon a wide range of digital forms of intimidation, harassment and control of women and girls that she has come across in her role as Commissioner, including examples of such abuse directed to herself.

105. Another area of concern shared by GREVIO and the Commissioner is the importance of comprehensive sexual education for children for the prevention of violence against women. Her 2020 Human Rights Comment entitled “Comprehensive sexuality education protects children and helps build a safer inclusive society”¹⁴⁵ states many principles which, on occasion, have been reinforced in GREVIO's baseline evaluation reports.¹⁴⁶

106. Following up on a number of GREVIO's findings contained in its baseline evaluation report of 2019 in respect of Portugal, the Commissioner issued, in March 2021, a memorandum devoted in part to violence against women and domestic violence in Portugal.¹⁴⁷ She reiterated in particular GREVIO's concerns about investigation, prosecution and sanctions in cases of violence against women, training of the judiciary and law enforcement on gender-based violence against women and the protection of child witnesses of domestic violence. This is testament to the Commissioner's shared

145. See Human Rights Comment: “Comprehensive sexuality education protects children and helps build a safer, inclusive society”, July 2020.

146. See GREVIO's baseline evaluation report on Belgium, paragraphs 71-74; GREVIO's baseline evaluation report on Portugal, paragraphs 88-90; and GREVIO's baseline evaluation report on Poland, paragraphs 84-85.

147. See Country Memorandum on combating racism and violence against women in Portugal, 24 March 2021.

commitment to ensuring the full implementation of the standards of the Istanbul Convention, a commitment that she stated in her Opinion Editorial published on the occasion of the 10th anniversary of the opening for signature of the Istanbul Convention on 11 May 2021.¹⁴⁸

European Court of Human Rights

107. Building on the growing corpus of case law emerging from the European Court of Human Rights (ECtHR) that refers to GREVIO baseline evaluation reports and the Istanbul Convention in cases that relate to domestic violence and sexual violence, the Grand Chamber of the Court issued, on 15 June 2021, a landmark decision in the case of *Kurt v. Austria* (application no. 62903/15).¹⁴⁹ This case concerned the murder of an eight-year-old boy by his father after previous allegations by the mother of domestic violence and constitutes the first Grand Chamber case dealing with the issue of domestic violence. In its first ever third-party submission GREVIO addressed, *inter alia*, the importance of applying a gendered understanding of domestic violence in order to ensure the effective investigation of such cases, prosecution of perpetrators and protection of victims.¹⁵⁰ While the Grand Chamber found no violation of Article 2 (right to life) of the European Convention on Human Rights (ECHR) and held that the Austrian authorities did not fail in their obligation to protect the lives of the applicant and her children, it methodically cited GREVIO's third-party intervention. The Court made ample reference to the arguments presented by GREVIO, which it integrated into the general principles it established. Moreover, the judgment referred extensively to Articles 18 and 49-53 of the Istanbul Convention and the role of GREVIO, including its baseline evaluation report on Austria. This is a remarkable outcome and contributes to a more gendered understanding of domestic violence and violence against women.

108. The general principles established in the *Kurt v. Austria* [GC] judgment also informed judgments handed down by the Court in other cases against states parties to the Istanbul Convention. This includes the case of *Tkheldize v. Georgia* (no. 33056/17, 8 July 2021), wherein the Court found a violation of Article 2 (right to life/failure to protect a victim of domestic violence, lack of effective investigation into the applicant's killing) taken in conjunction with Article 14 (prohibition of discrimination) of the ECHR. The *Kurt* principles were also applied in cases against states which have not signed the Istanbul Convention, such as the pilot judgment of *Tunikova and Others v. Russia* (nos. 55974/16 et al., 14 December 2021), and *Volodina v. Russia* (no. 2) (no. 40419/19, 14 September 2021).

109. More generally, it can be observed that the Istanbul Convention is increasingly used by the European Court of Human Rights as a tool to interpret the ECHR when issuing judgments relating to the prevention of, protection from and prosecution of violence against women with respect to Article 2 (the right to life), Article 3 (the

148. See Opinion Editorial, European treaty against women's violence 'saves lives', 11 May 2021.

149. For the full judgment of the Grand Chamber of the European Court of Human Rights, available at <https://hudoc.echr.coe.int/eng?i=001-210463>.

150. For further information regarding GREVIO's third party intervention on *Kurt v. Austria* [GC], see 2nd General Report on GREVIO's activities, page 15.

prohibition of torture and inhuman or degrading treatment), Article 8 (the right to respect for private and family life), and Article 14 (the prohibition of discrimination) of the ECHR. Recent examples include the cases of *Galović v. Croatia* (no. 45512/11, 31 August 2021), *Jurčić v. Croatia* (no. 54711/15, 4 February 2021), *Levchuk v. Ukraine* (no. 17496/19, 3 September 2020), *Association Innocence en Danger et Association Enfance et Partage v. France* (nos. 15343/15 and 16806/15, 4 June 2020), and *Z v. Bulgaria* (no. 39257/17, 28 May 2020), *Buturugă v. Romania* (no. 56867/15, 11 February 2020). A growing corpus of the Court's case law also refers to GREVIO baseline evaluation reports, such as *J.L. v. Italy* (no. 5671/16, 27 June 2021) and *Tërshana v. Albania* (no. 48756/14, 4 August 2020).

110. Another notable development is the easily accessible presentation of the impact of the European Convention of Human Rights, including in the area of women's protection from violence, by way of a new online tool. The section on "Freedom from violence against women" added in 2021 to the Council of Europe's dedicated website on the impact of the European Convention on Human Rights, brings the ECHR system closer to the very people it protects, highlighting the achievements that have been made as a consequence of the ECtHR's jurisprudence in the field of violence against women.¹⁵¹ It also references the fact that the case-law of the Court has significantly inspired the drafters of the Istanbul Convention.

Gender Equality Commission

111. GREVIO co-operated with the Gender Equality Commission (GEC) in various capacities throughout 2021, with initiatives largely revolving around the shared focus on gender equality issues in their respective mandates. For instance, GREVIO President at the time, Marceline Naudi, engaged in an exchange of views with the GEC on 14 April 2021, wherein she updated the GEC on key GREVIO activities, such as GREVIO's on-going monitoring work and the trends, shortcomings and good practices emerging in states parties in their implementation of the Istanbul Convention. She further informed the GEC of the publication of the 2nd General Report of GREVIO's activities, highlighting, as indicated in the report, GREVIO's work identifying the progress and challenges in states parties regarding the provision of specialist support services for women and girls who experience gender-based violence, as well as the impact of the Covid-19 pandemic in this regard.

112. The Council of Europe Gender Equality Strategy, which was adopted for the period 2018-2023, sets out "preventing and combating violence against women and domestic violence" as one of its main objectives, including the promotion of the ratification and implementation of the Istanbul Convention within and beyond Europe, and thus provides a strong framework for co-operation between GREVIO and the GEC. In this spirit, newly elected GREVIO President Iris Luarasi spoke, as one of three key speakers, during the high-level panel held by the GEC on 25 November 2021, organised as part of its 20th meeting and to commemorate the International Day for the Elimination of Violence Against Women. The participation of Iris Luarasi

151. Available at www.coe.int/en/web/impact-convention-human-rights/freedom-from-violence-against-women.

on the panel provided an opportunity to share some of the achievements made in implementing the Istanbul Convention over the past decade, notably in light of the 10-year anniversary of the convention's opening for signature, such as the increased criminalisation of violence against women in its various forms, the setting up of helplines for victims of violence and decreased impunity for perpetrators in different states parties.¹⁵² The year 2021 brought ample opportunity for the two bodies to engage in constructive dialogue and benefit from their respective expertise by offering input on key draft texts under preparation, thus deepening their working relations. GREVIO contributed to a consultation initiated by the GEC drafting Committee on Migrant Women (GEC-MIG) on its draft recommendation on protecting the rights of migrant, refugee and asylum-seeking women and girls. This collaborative approach helped to ensure the incorporation of a violence against women perspective into the recommendation, as well as of the relevant provisions of the Istanbul Convention, particularly those set out in Chapter VII (Migration and Asylum). In turn, the GEC provided valuable input into the draft General Recommendation No.1 on the digital dimension of violence against women as part of a wider consultation process which GREVIO initiated in the first half of 2021 involving various intergovernmental committees and monitoring bodies.

Council of Europe technical assistance/co-operation projects in the area of violence against women and domestic violence

113. Within the Council of Europe's dynamic triangle of standard setting, monitoring of legal instruments and co-operation work, GREVIO is working towards creating synergies between its body of findings made in the context of its monitoring work and the Organisation's on-going work to provide focused, flexible and responsive technical support to beneficiary countries in the area of preventing and combating violence against women, based on the Council of Europe's standards in this area, in particular the Istanbul Convention. While the monitoring mechanism of the Istanbul Convention assesses compliance with its standards and highlights areas that require improvements, co-operation activities target those areas where further progress is needed.

114. GREVIO has intensified its involvement in on-going co-operation projects, notably by presenting its work and findings in events. Its Secretariat continuously liaises with the Gender Equality Division's Capacity Building and Co-operation Project's Unit, and has actively contributed to the international conference "Women's Access to Justice: moving closer to full ratification and implementation of the Istanbul Convention" in October 2021 – a conference that promoted and enhanced understanding of the Istanbul Convention as a whole and as a sum of its parts through the exchange of good practices on how to address barriers and challenges for women accessing justice. It also generated knowledge about concrete steps and strategies to ensure access to justice for women victims of violence and domestic violence.

152. Available at www.coe.int/en/web/genderequality/-/gender-equality-commission-adopts-draft-recommendation-on-protecting-the-rights-of-migrant-refugee-and-asylum-seeking-women-and-girls-and-hosts-high-l.

115. The co-operation projects carried out in 2021 provided a useful framework to translate Istanbul Convention communication and information materials into a variety of national languages, to disseminate GREVIO's General Recommendation No.1 and to contribute to the actions linked to the 10th anniversary of the opening of signature of the convention.

Group of Experts on Action against Trafficking in Human Beings (GRETA)

116. In view of the number of areas of shared interest between the Group of Experts on Action against Trafficking in Human Beings (GRETA) and GREVIO, Simona Lanzoni, First Vice-President of GREVIO, welcomed the invitation to an exchange of views with GRETA and presented, on 7 July 2021, on a number of developments and issues emerging in the context of GREVIO's on-going monitoring work.

117. She focused in particular on the issue of forced marriage as framed in the context of criminal offences of trafficking in human beings and the Istanbul Convention's set of standards as applied to women in prostitution in states parties' implementation efforts. On the first, Simona Lanzoni drew attention to the fact that GREVIO evaluation procedures focus on forced marriage as one of the forms of violence against women which the Istanbul Convention criminalises. GREVIO's baseline evaluation reports have revealed that in relation to some states parties the offence of forced marriage forms part of the offence of trafficking in human beings. In assessing such approaches, GREVIO benefits from the in-depth evaluation by GRETA, and where relevant, refers to GRETA's evaluation reports.

118. As regards women in prostitution, Simona Lanzoni informed GRETA that in its evaluation procedures GREVIO seeks to systematically address the situation of women in prostitution. Their specific challenges in accessing general and special support services, including access to shelters, are therefore frequently covered in GREVIO baseline evaluation reports, and their situation is also often referred to, as appropriate, in the sections dedicated to inter-sectional discrimination (Article 4, paragraph 3 of the Istanbul Convention).

Steering Committee for the Rights of the Child

119. During the reporting period, GREVIO continued its close co-operation with the Steering Committee for the Rights of the Child (CDENF), in particular its sub-ordinate body, the Committee of Experts on the rights and best interests of the child in the context of parental separation and in care proceedings (CJ/ENF-ISE). In this respect, GREVIO provided a written opinion on the feasibility study of a legal instrument on the protection of the best interests of the child in situations of parental separation, focussing on the importance of avoiding the use of concepts such as "parental alienation syndrome", explaining that this and related concepts are not scientifically proven (see Focus Section).



Co-operation with civil society and national institutions for the protection of human rights

Role of NGOs and civil society, including national human rights institutions

120. Civil society has long played an important role in preventing and combating violence against women, initiating progress in this area and shaping political and public awareness. Vital services for women victims of violence are provided by the non-governmental sector, and many organisations have built up expertise and knowledge over several decades. The Istanbul Convention duly recognises the importance of involving NGOs in all efforts to end violence against women at national level. It also sets out the opportunity for NGOs and national human rights institutions to contribute to the monitoring work of GREVIO.

121. A growing number of NGOs and civil society organisations are indeed uniting to submit consolidated reports to GREVIO on the full set of provisions of the convention, thus speaking with one voice. In the course of the evaluation of Germany, for example, no less than nine shadow reports were received from German NGOs, including a joint report by the German Alliance Istanbul Convention covering the entire spectrum of the convention.¹⁵³ In addition, international network NGOs are increasingly encouraging and assisting national member NGOs to submit reports

¹⁵³. The reports are publicly available on the dedicated monitoring site of Germany.

to GREVIO, including with the help of tailor-made information material explaining the practicalities to their member organisations.¹⁵⁴

122. GREVIO has also firmly anchored, in devising its evaluation visit programmes, the principle of exchanging in depth with a wide range of civil society representatives active in the field of violence against women (NGOs, lawyers, academics, journalists) and other relevant interlocutors, such as ombudsman institutions and/ or national human rights institutions. It also regularly conducts on-site visits to specialist support services for victims provided by NGOs.

123. In the period under review, GREVIO held exchanges of views with a number of civil society actors. On the occasion of its 23rd meeting (from 16 to 18 February 2021), it held an exchange of views with Marcella Pirrone, President of the WAVE Network, discussing a wide range of issues of common concern, while at its 25th meeting (from 19 to 21 October 2021), GREVIO held an exchange of views with Neil Datta, Secretary of the European Parliamentary Forum for Sexual and Reproductive Rights. At the same meeting, GREVIO exchanged with Alessandra Pauncz, the Executive Director of the European Network Work with Perpetrators, focusing on efforts to implement Article 16 of the Istanbul Convention. The organisation supports NGOs in taking a victim-centered approach to perpetrator programmes, aiming to stop men's violence against women and thereby interrupting the cycle of violence. The ensuing discussion with GREVIO centered on the evaluation and impact of perpetrator programmes, as well as their effectiveness and possible challenges.

Findings of GREVIO on state recognition of and support for NGOs and civil society

124. The importance of involving NGOs and civil society in establishing and implementing policies and measures to combat violence against women is explicitly recognised through Article 9 of the Istanbul Convention. GREVIO thus systematically assesses, in its baseline evaluation procedures, whether the states parties to the convention honour this obligation, and has emphasised the need to adopt an inclusive approach and develop formal and systematic consultation between governmental and non-governmental bodies involved in the area of preventing and combating violence against women and domestic violence. Its findings are developed in the context of trends identified that limit, in some countries, opportunities for civil society actors to engage.¹⁵⁵

125. In its analysis of 17 baseline evaluation reports,¹⁵⁶ GREVIO noted that across the evaluations undertaken to date, a certain level of public recognition and acknowledgement of the role of civil society exists, particularly of women's organisations, in providing specialist services to victims of violence against women, as well as in engaging in prevention efforts. Several promising practices were identified, such as

154. See for example the interview with the Executive Secretary of the Istanbul Convention on the role and functioning of NGO reporting to GREVIO, available at www.youtube.com/watch?v=f3ryQhvmj1k

155. For an overview, see the Human Rights Comment by the Council of Europe's former Commissioner of Human Rights, Nils Muižnieks, on "The Shrinking Space for Human Rights Organisations".

156. See GREVIO's Mid-term Horizontal Review Report, 2021.

informing violence intervention centres after an emergency barring order is issued;¹⁵⁷ using assets confiscated from organised crime for the benefit of victims of violence and thereby supporting the funding of specialised services;¹⁵⁸ and creating a legal basis to secure longer term funding of women's shelters.¹⁵⁹ Challenges were identified where co-operation between state actors and specialist services were lacking in policy documents, leading to increasing isolation of women's NGOs in their daily work.¹⁶⁰ In several countries under review, a decline in co-operation and dialogue with specialist organisations as well as in their involvement in political processes was observed.¹⁶¹

126. In its upcoming evaluation procedures, GREVIO will continue to pay close attention to the states parties' involvement of NGOs and civil society, which are vital in supporting women and girls victims of violence.

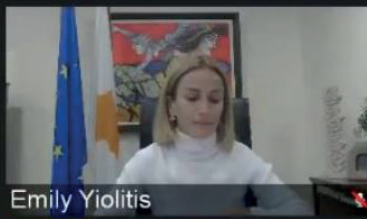
157. See GREVIO's baseline evaluation report on Austria, paragraphs 27-29.

158. See GREVIO's baseline evaluation report on Italy, paragraph 150.

159. See GREVIO's baseline evaluation report on Finland, paragraphs 112-115.

160. See GREVIO's baseline evaluation report on Serbia, paragraph 34.

161. See GREVIO's baseline evaluation reports on: France, paragraph 52; Montenegro, paragraph 39; Spain, paragraph 47; and Sweden, paragraph 39.



Co-operation with international organisations

127. Since its inception, GREVIO has engaged in co-operation with international organisations, intergovernmental structures and international and regional monitoring bodies that operate in the area of violence against women. GREVIO considers it essential to further explore synergies and co-operation with these entities in the context of its monitoring work and beyond, and to strengthen respect for international and regional standards in the area of women's rights – jointly and through the respective mandates – in the framework of the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform).

128. The GREVIO President and other members as well as the GREVIO Secretariat have attended events and meetings organised by various intergovernmental and regional organisations to present and engage in discussions around the convention and GREVIO's monitoring work. Moreover, during the course of the evaluation and in other contexts, GREVIO regularly exchanges information with a number of international bodies such as the UNHCR, UN Women, UNDP and UNFPA, as appropriate.

United Nations

129. GREVIO has continued to engage in activities with UN entities and mandates, in particular the with the UN Special Rapporteur on Violence against Women, its Causes and Consequences, UN Women and with the United Nations Committee on the Status of Women. The CEDAW Committee, in the exercise of its mandate, systematically calls on member states of the Council of Europe to ratify the Istanbul Convention. In its views regarding a complaint submitted against the Government of Georgia concerning a

case of “honour-related” violence, the CEDAW Committee formally recommended Georgia to align its national legislation and policies with the Istanbul Convention and to “recognise explicitly that “honour”, along with culture, custom, religion and tradition, should not be regarded as a justification in criminal proceedings concerning the commission of gender-based violence against women.”¹⁶² In turn, and as appropriate, GREVIO baseline evaluation reports take into account and refer to the conclusions reached not only by the CEDAW Committee but also the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities.

130. The sixty-fifth session of the Commission on the Status of Women (CSW) took place from 15 to 26 March 2021, focussing on the priority theme of “Women’s full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls”. GREVIO’s profile during this session of the CSW was raised through a series of side events allowing both the President at the time, Marceline Naudi, and several of its members, to present on the work of GREVIO, its findings as well as the Istanbul Convention’s impact. A high-level side event organised by the German Presidency of the Council of Europe Committee of Ministers, the Council of Europe and the National Council of German Women’s organisations on the topic of “Digital Gender Gaps and Opportunities – Fostering equal participation and ending violence against women in a connected age” brought together representatives from national governments, international organisations and civil society from around the globe to discuss initiatives and strategies to achieve women’s equal digital participation, to end online violence against women and to promote women’s empowerment via digital technologies. It was an important opportunity to explore the added value of two relevant Council of Europe legal instruments: the Istanbul Convention and the Committee of Ministers’ Recommendation on preventing and combating sexism.



Iris Luarasi

President,
Council of Europe Group of Experts on Action against
Violence against Women and Domestic Violence (GREVIO)

” Women’s rights are human rights all over the world. The Istanbul Convention is an essential component of the European human rights framework and must be put to use, offline and online.

”

162. CEDAW Committee, Views adopted under Article 7, paragraph 3, of the Optional Protocol, concerning Communication No. 140/2019, CEDAW/C/80/D/140/2019, paragraph 9.b.iv.

131. The EU/UN Women Regional programme “Ending Violence Against Women in the Western Balkans and Turkey: Implementing Norms, Changing Minds” continued in 2021 with the active involvement of GREVIO. The series of webinars launched in 2020 under the title “A thousand ways to solve our problems: Preventing and responding to violence against women from an intersectional perspective in the Western Balkans and Turkey” in which several GREVIO members had participated previously continued with a seminar focusing on “intersectional solutions to end violence against Roma women and girls” held on 9 April 2021. Iris Luarasi, First Vice-President at the time, presented GREVIO’s findings in relation to states parties’ implementation of the Istanbul Convention with regard to Roma women and girls. She shared GREVIO’s perspective on the need to step up efforts to reduce their barriers in accessing dedicated support services and the criminal justice system for experiences of violence.

132. Special ties have existed throughout GREVIO’s existence with the UN Special Rapporteur on Violence against Women, its Causes and Consequences – a mandate exercised until 30 June 2021 by Dubravka Šimonović. An exchange of views with GREVIO at its 23rd meeting enabled both to explore synergies and further co-operation around common concerns, notably that of improving access to justice for victims of rape on the basis of consent-based criminal legislation. In her address to GREVIO, Dubravka Šimonović emphasised the significance of the 10th anniversary of the opening for signature of the Istanbul Convention. GREVIO thanked her for the contribution her mandate has made to the global efforts to prevent and combat violence against women.

133. GREVIO President Luarasi deepened the existing ties by engaging with Reem Alsalem, subsequently appointed as UN Special Rapporteur on Violence against Women as of 1 August 2021, on several occasions, notably by participating in the Special Rapporteur’s thematic consultation on psychological violence against women and the psychological consequences of violence on 21 September 2021 in order to contribute to her vision-setting paper to be published ahead of the 76th session of the UN General Assembly.

Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform)

134. The Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform) gathers seven United Nations and regional independent expert mechanisms on violence against women and women’s rights operating at the international and regional levels, including GREVIO. The Platform aims to strengthen institutional links and thematic co-operation between the mechanisms with a view to working towards harmonised strategies and undertaking joint action. By enhancing collaboration, its goal is to improve the implementation of the existing international legal and policy frameworks on violence against women and their discrimination. Since its launch in 2018, GREVIO is represented by its President, who takes part in regular meetings of the EDVAW Platform as well as in panels of the platform organised in the framework of international or regional meetings, such as the

25 YEARS IN REVIEW OF THE BEIJING PLATFORM FOR ACTION

Contributions of the Platform of independent expert mechanisms on the elimination of discrimination and violence against women (EDVAW Platform) towards its implementation (E-booklet 2020)

EDVAW Platform and the Commission on the Status of Women: Call for a Human Rights Based Approach in the Implementation of Strategies for the elimination of discrimination and violence against women (E-booklet 2021)

Commission of the Status of Women. For example, in the context of the 65th Session of the CSW in 2021, it organised, on 17 March, a side event entitled “Human-rights based implementation strategies and the CSW”, with Marceline Naudi, President of GREVIO at the time, among the list of speakers.

135. On the occasion of the CSW, the EDVAW Platform issued an update of its first e-booklet dedicated to the commemoration of 25 years of the Beijing Platform for Action.¹⁶³ Entitled “25 years in review of the Beijing Platform for Action: Contributions of the Platform of independent expert mechanisms on the elimination of discrimination and violence against women towards its implementation”, it considers how the women’s human rights expert mechanisms can better interact and contribute to the Commission on the Status of Women, and how to integrate a human rights-based approach in its deliberations. The e-booklet also provides examples of the work carried out by the expert mechanisms in detecting systematic obstacles in laws and in practice, as well as in the examination of cases of violence and discrimination against women.

136. Later in the year, the EDVAW Platform held its 10th meeting (via virtual means) at the invitation of the newly appointed UN Special Rapporteur on Violence against Women, its Causes and Consequences, Reem Alsalem, who proposed to introduce priority themes and other working modalities, such as the possibility of a rotating presidency. On the latter point, it was subsequently agreed to introduce a 12-month tenure as president of the EDVAW Platform and to rotate among the seven members, starting with GREVIO in 2022.

137. Contributing to the awareness raising on violence against women and the need to respond to it, on 25 November 2021, GREVIO, together with the EDVAW Platform, issued a statement calling on all forms of violence against women and

163. Available at <https://rm.coe.int/edvaw-booklets/1680a1cd95>



girls to stop.¹⁶⁴ The statement recalled that women and girls the world over are still at risk of being killed and subject to violence, intimidation and harassment when they speak out and that the spaces where this violence is perpetrated have multiplied. Nowhere was this more apparent than within online spaces, including social media. The EDVAW Platform members, supported by numerous additional UN special procedures mandates who signed the statement, reminded states and the international community of the obligation mandated by international human rights law and standards to address this violence.

Organisation for Security and Co-operation in Europe (OSCE)

138. In 2014, the OSCE's Ministerial Council demonstrated its support for the Istanbul Convention by adopting a decision on preventing and combating violence against women that explicitly calls on OSCE member states to sign and ratify it. Since then, co-operation between the OSCE and GREVIO has been ensured through fruitful exchanges of views in the framework of high-level political meetings organised by the OSCE Gender Section and the Office for Democratic Institutions and Human Rights (ODIHR), such as the OSCE Gender Equality Review Conferences and the Human Dimension Implementation Meetings.

139. The OSCE is the driving force behind many interesting and important projects that pursue the same goals as the Istanbul Convention. To cite just a few, in 2021, the OSCE Secretariat's Gender Issues Programme launched a large-scale, multi-year project called *WIN for Women and Men – Strengthening Comprehensive Security through Innovating and Networking for Gender Equality*. GREVIO President Iris Luarasi was invited to become a member of WIN's High-Level Advisory Group (HLAG), and

164. Available at www.ohchr.org/en/statements/2021/12/international-day-elimination-violence-against-women-25-november-2021.

participated at its inaugural meeting on 8 September 2021, which was chaired by OSCE Secretary General Helga Maria Schmid. The WIN project, which is running until December 2024, operates on the understanding that gender inequality is deeply rooted in inequitable social norms. This approach mirrors one of the purposes of the Istanbul Convention reflected in its Article 1, namely the elimination of all forms of discrimination against women and the promotion of substantive equality between women and men. Indeed, the WIN project aims at raising awareness of and providing training on substantive gender equality principles, both within the OSCE and with the stakeholders the organisation is working with, in order to achieve long-lasting stability and security in all societies.

140. In the framework of the WIN project, GREVIO member Biljana Branković participated in an online expert roundtable on “Police and justice sector training curricula on violence against women and girls - key findings from South-Eastern Europe”, which was held from 11-12 November 2021. The event brought together experts, police and justice sector representatives to create a platform for the exchange of information, good practices, and lessons learned on training curricula on violence against women.

141. Moreover, in the period under review, the OSCE launched the regional project “Enhancing Criminal Justice Capacities for Combating Gender-based Violence in South-Eastern Europe”.¹⁶⁵ One of its goals is to develop curricula for criminal justice practitioners in order to train them on the principles of the Istanbul Convention and related other international standards in the field of violence against women.

142. In addition, from 16-17 November 2021, GREVIO President Iris Luarasi took part in the OSCE Human Dimension Seminar on “Preventing and Combating Violence Against Women and Girls”, where the implementation of relevant OSCE commitments and international human rights standards on that issue were discussed among a wide variety of stakeholders.¹⁶⁶ It also took stock of progress achieved so far, identified good practices, and made recommendations to OSCE executive structures and field operations, participating states and other relevant actors on the topic.¹⁶⁷

European Union

143. Continuing on from the direct exchanges and collaboration established in previous years, GREVIO has maintained contact, together with its Secretariat, with several EU agencies and the European Commission and has exchanged with members of the European Parliament during virtual events. Marceline Naudi, GREVIO President at the time, addressed the Parliament’s Women’s Rights and Gender Equality Committee and the Committee on Civil Liberties, Justice and Home Affairs at an exchange of views organised jointly on 25 May 2021. Other events in which GREVIO or Secretariat members exchanged with the members of the European Parliament include a hearing on the issue of adding gender-based violence in the areas of crime listed in Article 83 of the Treaty on the Functioning of the European Union (TFEU)

165. Available at www.osce.org/secretariat/508007

166. Available at www.osce.org/odihr/504292.

167. Recording of the event, available at www.osce.org/odihr/hds_2021.

and an exchange on the question of the EU's accession to the Istanbul Convention initiated by members of the EPP Group in the European Parliament. Moreover, the Executive Secretary to the Istanbul Convention presented on the Istanbul Convention and its impact at the launch of the Citizens, Equality, Rights and Values Programme (CERV) 2021-2027, a programme which aims to promote the rights and values of the EU Treaties and the Charter of Fundamental Rights and offers funding possibilities for civil society organisations active in the area of violence against women at local, regional, national and transnational levels.

144. GREVIO was furthermore actively involved in the external consultation carried out by the European Commission on its draft legislative proposal in the area of gender-based violence. GREVIO member Maria-Andriani Kostopoulou participated, together with members of the Secretariat, in the targeted consultation workshop on preventing and combating gender-based violence against women and domestic violence held by DG JUST online on 8 July 2021, and provided important guidance on the scope of the Istanbul Convention and lessons learned from GREVIO's monitoring work of help to the process of shaping a legislative proposal in this area at EU level.

145. As regards developments on the EU's accession to the Istanbul Convention, which is possible under Article 75 of the Convention, the European Court of Justice (ECJ) delivered its opinion on the matter on 6 October 2021.¹⁶⁸ Requested by the European Parliament in 2019, Opinion 1/19 of the ECJ states that there was no obligation under the TFEU for the Council of the EU to wait for a common accord among the member states before starting the procedure to ratify an international convention. However, the Court equally found that it was left to the political discretion of the Council of the EU to decide on the timing for adopting such decision, which might well involve waiting for a common accord among the member states. The ECJ in its opinion went on to identify those articles of the Istanbul Convention where it considered the EU to have the competency to establish (minimum) rules, as well as those areas in which it considered the EU to be limited in its scope for action. Equally, the Court discussed GREVIO's monitoring function and its compatibility with the autonomy of EU law.

168. See the press release of the Court on Opinion 1/19, available at https://curia.europa.eu/jcms/jcms/p1_3578764/en/



Concluding Remarks

146. The 3rd General Report on GREVIO's activities marked the move towards yearly reporting, describing GREVIO's activities carried out during between January and December 2021. It evidences the notable work undertaken in 2021. Beyond GREVIO's monitoring activities, this includes the publication of GREVIO's General Recommendation No.1 on the Digital Dimension of Violence against Women, and its first Mid-Term Horizontal Review taking stock of the first five years of monitoring the implementation of the Istanbul Convention. Firmly anchored in the Istanbul Convention's four pillars, GREVIO continues to provide authoritative and respected expertise to states parties, without losing sight of the ultimate aims of the Istanbul Convention, which are: to prevent violence against women in Europe and beyond, to protect its victims and to prosecute its perpetrators through integrated policies.

147. This report and the activities and publications cited therein provide a clear picture of the Istanbul Convention's impact in the ten years since its opening for signature. It also provides a viewpoint to gauge the prevention, protection and prosecution work that remains to be done. The Focus Section on Child custody, visitation and domestic violence highlights the severe negative effect that domestic violence has on children, and the dangers that post-separation abuse and the prioritisation of shared custody and visitation over safety pose to women victims – and their children. Th Focus Section presents a number of shortcomings identified by GREVIO in states parties to the convention in this context, calling on parties to make more substantial efforts to guarantee the safety and integrity of women victims and their children.

148. The specific and broad challenges narrated in this report remind us of the importance of continually working towards the full implementation of the Istanbul Convention by states parties, and towards its ratification. Violence against women remains prevalent in Europe and beyond, making the standards under the convention a crucial tool in the path to fully realise the right of women and children to live a life free from violence. The established position of GREVIO as a monitoring body, the support for its findings and tailor-made assessment among state parties and the strength of the multi-stakeholder collaboration that has been developed in the last ten years constitute strong underpinnings for the further implementation of the convention's standards. The living nature of the convention allows for its measures on prevention, protection, prosecution and integrated policies against violence against women and domestic violence to be applied to manifestations of violence online and offline. . The recommendations contained in GREVIO's General Recommendation No.1<<< have made the scope of the Istanbul Convention even more relevant and comprehensive in today's digital age.

149. The period under review marks the first time GREVIO can see a clear endpoint in the baseline evaluation process, as all states currently party to the convention are expected to have undergone an initial review by the end of 2023. GREVIO's task of delimiting the next evaluation round will be a challenge that is taken with responsibility. Despite the fact that this new evaluation will not encompass the convention as a whole, GREVIO is set to ensure that its scope will be inclusive of all forms of violence against all women and girls, including women and girls at risk of or exposed to intersectional discrimination. As we look towards the future, GREVIO is reassured by the solidarity and support that the Istanbul Convention has been shown in the past year by states parties, heads of state, diplomats, NGOs, national human rights institutions, civil society actors and women and girl victims alike. This, it is hoped, can accelerate the move towards further ratifications, providing further hope for the ongoing and increasing implementation of this important treaty.

Appendix 1 – List of GREVIO activities between January and December 2021

GREVIO meetings

- ▶ 23rd GREVIO meeting, Strasbourg, 16-18 February 2021
- ▶ 24th GREVIO meeting, Strasbourg, 21-23 June 2021
- ▶ 25th GREVIO meeting, Strasbourg, 19-21 October 2021

GREVIO's first baseline evaluation reports (in order of publication)

- ▶ Poland (adopted during GREVIO's 24th meeting on 21 June 2021) published on 16 September 2021
- ▶ San Marino (adopted during GREVIO's 24th meeting on 22 June 2021) published on 23 September 2021
- ▶ Slovenia (adopted during GREVIO's 24th meeting on 23 June 2021) published on 12 October 2021

Evaluation visits

- ▶ Romania, 5-9 July 2021
- ▶ Germany, 4-10 September 2021
- ▶ Bosnia and Herzegovina, 6-14 October 2021
- ▶ Georgia, 8-12 November 2021
- ▶ Norway, 29 November – 3 December 2021

Appendix 2 – Timeline of GREVIO’s evaluation procedure 16 - 2023)

Parties to the Convention	Questionnaire to be sent	Deadline for state reports	Evaluation visits	Publication of GREVIO baseline evaluation reports
Austria Monaco	March 2016	September 2016	November 2016 December 2016	September 2017
Albania Denmark	September 2016	January 2017	April 2017 May 2017	November 2017
Montenegro Turkey	January 2017	May 2017	November 2017	September 2018
Portugal Sweden	May 2017	September 2017	February 2018 March 2018	January 2019
Finland France	November 2017	March 2018	October 2018	September 2019 December 2019
Italy Netherlands Serbia	February 2018	June 2018	March 2019	January 2020
Spain Belgium	September 2018	February 2019	October 2019	November 2020* September 2020
Andorra Malta	September 2018	February 2019	February 2020	November 2020
Poland San Marino Slovenia	February 2019 September 2019 February 2019	September 2019 February 2020 October 2019	September 2020	September 2021
Romania*	September 2019	February 2020	July 2021	June 2022

Parties to the Convention	Questionnaire to be sent	Deadline for state reports	Evaluation visits	Publication of GREVIO baseline evaluation reports
Bosnia and Herzegovina* Norway* Georgia* Germany*	September 2019 February 2020 February 2020	May 2020 October 2020 August 2020	Fall 2021	September 2022
Estonia* Cyprus Switzerland Iceland	October 2020 February 2021	March 2021 June 2021	February March 2022	November 2022
Greece Croatia Luxembourg North Macedonia	September 2021	February 2022	Fall 2022	September 2023
Ireland Liechtenstein	February 2022	June 2022	March 2023	November 2023

* Changes to the timeline due to the COVID-19 pandemic.

In respect of all States which ratified subsequent to 1 January 2017, the order of reporting will be determined by the date of ratification, and with respect for other international reporting obligations in related fields, in particular the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Council of Europe Convention on Action against Trafficking in Human Beings.

Appendix 3 - Signatures and Ratifications of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

	Signature	Ratification	Entry into Force
Albania	19/12/2011	04/02/2013	01/08/2014
Andorra	22/02/2013	22/04/2014	01/08/2014
Armenia	18/01/2018		
Austria	11/05/2011	14/11/2013	01/08/2014
Azerbaijan			
Belgium	11/09/2012	14/03/2016	01/07/2016
Bosnia and Herzegovina	08/03/2013	07/11/2013	01/08/2014
Bulgaria	21/04/2016		
Croatia	22/01/2013	12/06/2018	01/10/2018
Cyprus	16/06/2015	10/11/2017	01/03/2018
Czech Republic	02/05/2016		
Denmark	11/10/2013	23/04/2014	01/08/2014
Estonia	02/12/2014	26/10/2017	01/02/2018
Finland	11/05/2011	17/04/2015	01/08/2015
France	11/05/2011	04/07/2014	01/11/2014
Georgia	19/06/2014	19/05/2017	01/09/2017
Germany	11/05/2011	12/10/2017	01/02/2018
Greece	11/05/2011	18/06/2018	01/10/2018
Hungary	14/03/2014		
Iceland	11/05/2011	26/04/2018	01/08/2018
Ireland	05/11/2015	08/03/2019	01/07/2019

	Signature	Ratification	Entry into Force
Italy	27/09/2012	10/09/2013	01/08/2014
Latvia	18/05/2016		
Liechtenstein	10/11/2016	17/06/2021	01/10/2021
Lithuania	07/06/2013		
Luxembourg	11/05/2011	07/08/2018	01/12/2018
Malta	21/05/2012	29/07/2014	01/11/2014
Monaco	20/09/2012	07/10/2014	01/02/2015
Montenegro	11/05/2011	22/04/2013	01/08/2014
Netherlands	14/11/2012	18/11/2015	01/03/2016
North Macedonia	08/07/2011	23/03/2018	01/07/2018
Norway	07/07/2011	05/07/2017	01/11/2017
Poland	18/12/2012	27/04/2015	01/08/2015
Portugal	11/05/2011	05/02/2013	01/08/2014
Republic of Moldova	06/02/2017		
Romania	27/06/2014	23/05/2016	01/09/2016
Russian Federation			
San Marino	30/04/2014	28/01/2016	01/05/2016
Serbia	04/04/2012	21/11/2013	01/08/2014
Slovak Republic	11/05/2011		
Slovenia	08/09/2011	05/02/2015	01/06/2015
Spain	11/05/2011	10/04/2014	01/08/2014
Sweden	11/05/2011	01/07/2014	01/11/2014
Switzerland	11/09/2013	14/12/2017	01/04/2018
Turkey*	11/05/2011	14/03/2012	01/08/2014
Ukraine	07/11/2011		
United Kingdom	08/06/2012		

* Withdrawn with effect of 01/07/2021



Appendix 4 - List of GREVIO members

From 1 January to 23 June 2021

Name	Nominated by	Title	From	To
Marceline Naudi	Malta	President	01/06/2019	31/05/2023
Iris Luarasi	Albania	First Vice-President	01/06/2019	31/05/2023
Simona Lanzoni	Italy	Second Vice-President	01/06/2019	31/05/2023
Aşkin Asan	Turkey	Member	01/06/2019	21/04/2021
Biljana Branković	Serbia	Member	01/06/2019	31/05/2023
Françoise Brié	France	Member	01/06/2019	31/05/2023
Rachel Eapen Paul	Norway	Member	01/09/2018	31/08/2022
Marie Claude Hofner	Switzerland	Member	01/06/2019	31/08/2022
Per Arne Håkansson	Sweden	Member	01/09/2018	31/08/2022
Ivo Holc	Slovenia	Member	01/06/2019	31/05/2023
Maria-Andriani Kostopoulou	Greece	Member	01/06/2019	31/05/2023
Sabine Kräuter-Stockton	Germany	Member	01/09/2018	31/08/2022
Helena Leitão	Portugal	Member	01/06/2019	31/05/2023

Name	Nominated by	Title	From	To
Vladimer Mkervalishvili	Georgia	Member	01/09/2018	31/08/2022
Aleid Van den Brink	Netherlands	Member	01/09/2018	31/08/2022

As of 24 June to 31 December 2021

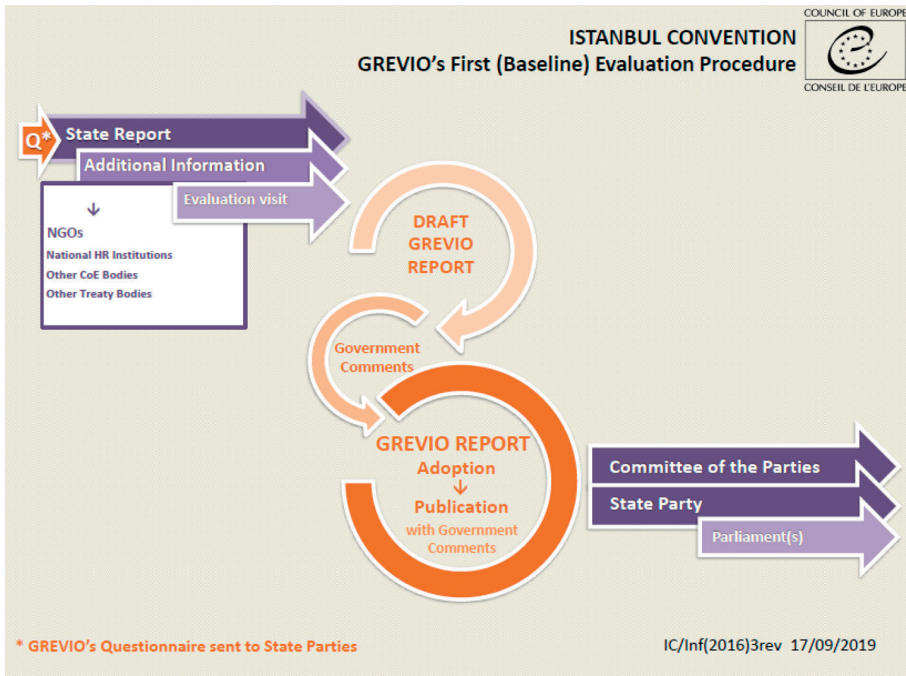
Name	Nominated by	Title	From	To
Iris Luarasi	Albania	President	01/06/2019	31/05/2023
Simona Lanzoni	Italy	First Vice-President	01/06/2019	31/05/2023
Maria-Andriani Kostopoulou	Greece	Second Vice-President	01/06/2019	31/05/2023
Maria Rún Bjarnadóttir	Iceland	Member	08/12/2021	31/05/2023
Biljana Branković	Serbia	Member	01/06/2019	31/05/2023
Françoise Brié	France	Member	01/06/2019	31/05/2023
Rachel Eapen Paul	Norway	Member	01/09/2018	31/08/2022
Per Arne Håkansson	Sweden	Member	01/09/2018	31/08/2022
Marie Claude Hofner	Switzerland	Member	01/06/2019	31/08/2022
Ivo Holc	Slovenia	Member	01/06/2019	31/05/2023
Sabine Kräuter-Stockton	Germany	Member	01/09/2018	31/08/2022
Helena Leitão	Portugal	Member	01/06/2019	31/05/2023
Vladimer Mkervalishvili	Georgia	Member	01/09/2018	31/08/2022
Marceline Naudi	Malta	Member	01/06/2019	31/05/2023
Aleid Van den Brink	Netherlands	Member	01/09/2018	31/08/2022



Appendix 5 - GREVIO's Secretariat (from January to December 2021)

- ▶ Johanna Nelles, Executive Secretary
- ▶ Carmela Apostol, Administrator
- ▶ Francesca Montagna, Administrator
- ▶ Françoise Kempf, Administrator (since October 2021)
- ▶ Sabrina Wittmann, Administrator (since July 2021)
- ▶ Elif Sariaydin, Administrator
- ▶ Valentine Josenhans, Project Assistant
- ▶ Camille Goy, Project Assistant (until 11 August 2021)
- ▶ Christine Ebel, Principal Administrative Assistant
- ▶ Nadia Bollender, Administrative Assistant (until 31 October 2021)
- ▶ Irida Varfi-Boehrer, Administrative Assistant
- ▶ Neil Fitzgerald, Project Support Assistant, (from 1 November to 31 December 2021)
- ▶ Sophia Lane, Trainee
- ▶ Lucia Yarza-Jordano, Trainee

Appendix 6 - GREVIO's first (baseline) evaluation procedure



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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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