

STUDY

Requested by the FEMM committee



# The legislative frameworks for victims of gender- based violence (including children) in the 27 Member States





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## **Abstract**

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee, provides an overview of the legislative frameworks for victims (including children) of gender-based violence in the 27 Member States. It provides analysis of measures in place at both Member State and EU level, and recommendations to prevent and combat gender-based violence.

This document was requested by the European Parliament's Committee on Women's Rights and Gender Equality (FEMM).

## **AUTHORS**

Claire WALKEY, ICF  
Katerina MANTOUVALOU, ICF  
Nathalie MEURENS, Independent  
Océane KOUAYA, ICF  
Inga PAVLOVAITE, Independent.

## **COUNTRY EXPERTS**

Austria	Almina BESIC
Belgium	Els LEYE
Bulgaria	Kadieva MILENA
Croatia	Marinella MATEJČIĆ
Cyprus	Susana PAVLOU
Czech Republic	Marta VOHLIDALOV
Denmark	Christine JØRGENSEN
Estonia	Anu LAAS
Finland	Armi MUSTOSMAKI
France	Nathalie MEURENS & Océane KOUAYA
Germany	Helen QUARESMA & Caroline EULER
Greece	Susana PAVLOU
Hungary	Eniko PAP
Ireland	Nathalie MEURENS & Hadewich VAN ALST
Italy	Valentina MUSSO
Latvia	Inta MIERINA
Lithuania	Mažvydas KARALIUS
Luxembourg	Nathalie MEURENS & Océane KOUAYA
Malta	Nathalie MEURENS & Claire WALKEY
Netherlands	Annemarie MIDDELBURG & Hadewich VAN ALST
Poland	Julia MURASZKIEWICZ
Portugal	Ana RITA ALFAIATE
Romania	Ioana BORZA
Slovakia	Zuzana MAGUROVA
Slovenia	Mojca PLESNIČAR
Spain	Lucrecia RUBIO GRUNDELL
Sweden	Maria PERROTA BERLIN

## **ADMINISTRATOR RESPONSIBLE**

Jos HEEZEN

## **EDITORIAL ASSISTANT**

Sybille PECSTEEN de BUYTSWERVE

## **LINGUISTIC VERSIONS**

Original: EN

## **ABOUT THE EDITOR**

Policy departments provide in-house and external expertise to support EP committees and other parliamentary bodies in shaping legislation and exercising democratic scrutiny over EU internal policies.

To contact the Policy Department or to subscribe for updates, please write to:

Policy Department for Citizens' Rights and Constitutional Affairs

European Parliament

B-1047 Brussels

Email: [poldep-citizens@europarl.europa.eu](mailto:poldep-citizens@europarl.europa.eu)

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## LIST OF ABBREVIATIONS

<b>CJEU</b>	Court of Justice of the European Union
<b>CSAM</b>	Child sexual abuse material
<b>ECHR</b>	European Convention on Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>EDF</b>	European Disability Forum
<b>EIGE</b>	European Institute for Gender Equality
<b>EPO</b>	European protection order
<b>EU</b>	European Union
<b>EU-27</b>	27 Member States of the EU
<b>FGM</b>	Female genital mutilation
<b>FRA</b>	European Union Agency for Fundamental Rights
<b>GBV</b>	Gender-based violence
<b>GREVIO</b>	Group of experts on action against violence against women and domestic violence
<b>IPV</b>	Intimate partner violence
<b>Istanbul Convention</b>	Convention on preventing and combating violence against women and domestic violence
<b>NGO</b>	Non-governmental organisation
<b>SVRC</b>	Sexual violence referral centres
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNCRPD</b>	United Nations Convention on the Rights of Persons with Disabilities
<b>VAW</b>	Violence against women

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## EXECUTIVE SUMMARY

### Aim and background

This study outlines the current situation for victims of gender-based violence (GBV) in the 27 Member States (EU-27), focusing on women and child victims, through an analysis of legal and policy provisions and their implementation. It also proposes policy recommendations to better prevent and combat GBV.

The study aims to support the European Parliament's resolutions to address disparities in laws and policies between Member States in preventing and combating GBV, as well as its call for an EU directive. It assesses whether current gaps are addressed by the European Commission's proposed Directive on combating violence against women and domestic violence ('the proposed Directive') published in March 2022. Assessments are against the benchmarks in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), as the only international instrument to set legally binding standards on combating violence against women (VAW) and domestic violence, through a holistic and gender-sensitive approach.

### Methods

The study primarily used desk research. Key sources of information include monitoring of relevant EU legislation and monitoring of the Istanbul Convention by the independent Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), as well as academic and policy research. The study also draws on research commissioned by the European Commission as part of its initiative to propose new legislation on combating VAW and domestic violence. Findings are complemented by interviews with national police representatives and original policy and legal analysis to ensure that findings reflect new developments.

### Key findings

The study analyses six topics: criminal law frameworks; procedural law frameworks; victim support; interaction with professionals; prevention and reparation measures; data collection methods and financial resources. Gaps are identified across these topics, and the proposed Directive is considered to address many of these gaps. Recommendations contained in this report therefore seek to build on, rather than replace, the proposed measures to further strengthen its impact on preventing and combating GBV.

On **criminal law frameworks**, findings show that levels of criminalisation for different forms of GBV vary across the EU, including whether they are criminalised directly or through aggravating circumstances. High rates of criminalisation are in place for: forced marriage (24); female genital mutilation (FGM) (27); forced abortion (26) and forced sterilisation (24). Rates of criminalisation for other forms of GBV are more mixed: only 15 Member States have criminalised psychological, physical, economic and sexual forms of domestic violence; femicide is directly criminalised in two Member States and through aggravating circumstances in 13 Member States; and non-consensual dissemination of private images is criminalised in 16 Member States. Criminalisation of online forms of GBV is also very mixed, with cyber stalking explicitly criminalised in 17 Member States, albeit cyber harassment and cyber incitement to violence or hatred criminalised in only two and seven Member States, respectively.

- **Proposed Directive:** criminalises cyber stalking, cyber harassment and cyber incitement to violence or hatred, and non-consensual sharing of private images.
- **Recommendation:**
  - **EU institutions:** introduce GBV as a new area of crime pursuant to Article 83(1) of the Treaty on the Functioning of the European Union (TFEU), as it is a particularly serious crime, with a cross-border dimension.
  - **Member States:** criminalise all forms of GBV in line with the Istanbul Convention.

**Procedural law frameworks** for GBV vary considerably, likely reflecting the limited EU competence in this area. Procedural rules on the burden of proof vary, with a high or discretionary burden of proof in 12 Member States perhaps making convictions less likely. Similarly, criminal sanctions vary substantially and are widely regarded as insufficiently dissuasive. Only six Member States ensure that violence is taken into account in child custody decisions, suggesting that children in other Member States may be at risk of violence through continued contact with the perpetrator, despite clear guidance from the United Nations Convention on the Rights of the Child (UNCRC). Only Spain has a specialist court to deal with GBV, and the specialist knowledge of professionals is shown to lead to higher prosecution and conviction rates.

- **Proposed Directive:** no measures, as largely outside EU competence.
- **Recommendations:**
  - **EU institutions:** shift the burden of proof for sexual harassment, in line with revisions on equal pay in the proposed Pay Transparency Directive (1). This would mean that in cases where a worker feels that the principle of non-discrimination in relation to sexual harassment has not been applied and takes the case to court, national legislation should oblige the employer to prove that there has been no discrimination (2);
  - **Member States:** ensure that national criminal procedural laws do not bind the prosecution to an overly high burden of proof requirement, such as to establish the facts beyond reasonable doubt. Similarly, ensure that the burden of proof does not fall on the victim in administrative and civil cases related to discrimination (e.g. sexual harassment in employment);
  - **Member States:** increase awareness and understanding of the causes and dynamics of GBV cases among judges to ensure dissuasive sanctions and best practice in custody decisions, in line with guidance from the UNCRC, and to improve the handling of GBV cases more broadly to increase prosecution and conviction rates.

**Protection measures** are an area of procedural law that faces particular implementation challenges. The Victims' Rights Directive (2012/29/EU) sets out provisions to protect victims in judicial proceedings and to limit the risk of victimisation through their involvement in legal proceedings. However, key measures to implement this provision are missing. Victims must attend protection order hearings in 12 out of the 22 mapped Member States, and only eight Member States have a legal obligation to minimise victims' interactions with the justice systems. Other important protection measures such as emergency barring orders are in place in only 18 Member States, although mid-term and long-term protection orders are available in all Member States. Both emergency barring orders and protection orders experience implementation challenges that prevent many victims from accessing them.

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(1) European Commission, [Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms](#), COM/2021/93, 2021.

(2) European Commission, [Evaluation of the provisions in the Directive 2006/54/EC implementing the Treaty principle on 'equal pay'](#), Publications Office of the European Union, Luxembourg, 2010, pp. 25-27.

- **Proposed Directive:** increases availability of emergency barring orders, in line with the Istanbul Convention, and criminalises breaches.
- **Recommendations:**
  - **Member States:** implement protection measures during judicial proceedings, in line with the Victims' Rights Directive (2012/29/EU), to ensure that victims avoid contact with perpetrators, have minimal involvement in criminal procedures, and are accompanied by a person of their choice during criminal proceedings;
  - **Member States:** provide mandatory and continuous capacity-building, education and training for police on combating and preventing GBV, with a specific focus on: the importance of emergency barring orders, protection orders and risk assessments; and ensure that risk assessments lead to appropriate risk management strategies.

Access to **victim support** services such as shelters and rape crisis referral centres is lacking across much of the EU when compared to Council of Europe targets. The Victims' Rights Directive (2012/29/EU) specifically mandates the provision of general and specialist support for victims of GBV, but does not specify the forms of specialist support nor provide for particular at-risk groups, contributing to access challenge. Support for victims to report crimes – and thus tackle widespread under-reporting – is hindered by confidentiality rules that restrict third-party reporting by professionals. Similarly, online reporting of GBV can be more accessible for some victims, but only two Member States have an online reporting mechanism with specific provisions related to GBV.

- **Proposed Directive:** Specifies forms of specialist support (e.g. rape crisis referral centres) and more targeted support for particular groups of victims, although it does not set targets for levels of provision required; proposes comprehensive measures to encourage reporting.
- **Recommendations:**
  - **EU institutions:** allocate additional resources through funding programmes to support the development of specialist support services for victims and sharing best practice between Member States to support implementation of the Victims' Rights Directive (2012/29/EU);
  - **Member States:** ensure the establishment of general and specialised support services, helplines, shelters, women's centres and rape crisis or sexual violence referral centres, and ensure that services are accessible for victims, in line with Council of Europe targets.

Awareness-raising campaigns that challenge negative gender norms, ideas and attitudes that perpetuate GBV are a key means to **prevent** GBV. Member States are obliged to raise awareness of the rights contained in the Victims' Rights Directive (2012/29/EU), which specifically include victims of gender-based violence. However, implementation of this provision varies substantially in campaign regularity, level of funding, and coverage of different forms of GBV. At EU level, GBV awareness-raising campaigns are primarily driven by international efforts, with only ad hoc EU-led initiatives. Perpetrator programmes, which seek to change the behaviour of perpetrators, are not regulated specifically under EU law but have been established in all Member States, except Hungary. They vary in their availability and measures to ensure take-up, however.

- **Proposed Directive:** more targeted provisions on awareness-raising campaigns than those provided in the Victims' Rights Directive (2012/29/EU) although it does not indicate the regularity of such campaigns or the need for sufficient resources; mandates Member States to establish 'targeted and effective' perpetrator programmes.
- **Recommendations:**
  - **EU institutions:** carry out regular EU-specific GBV awareness-raising campaigns that highlight gender equality as a core value of the EU;

- **Member States:** implement regular and sufficiently resourced awareness-raising campaigns that reach target groups and target negative social norms that underpin GBV.

There are legal provisions for victims of GBV to access compensation as a form of **reparation** from perpetrators in all Member States. Only 21 Member States provide for the right to compensation from the state if the perpetrator cannot pay or cannot be found. Eligibility criteria can restrict access and there are limits on the types of damages included.

- **Proposed Directive:** increases access to compensation from the perpetrator (but not the state) by setting up minimum rules on the provision of such compensation.
- **Recommendations:**
  - **Member States:** ensure that all victims of forms of GBV that qualify as a violent intentional crime have access to state compensation, including are victims of non-physical forms of GBV, in accordance with the Compensation Directive (2004/80/EC).

**Data** on GBV can provide crucial information about the current situation and facilitate evaluation of the effectiveness of measures in place. Administrative data from police and judicial sources capture rates of reporting, prosecution and conviction for GBV. However, Member States vary in the forms of GBV captured, and harmonisation of administrative data at EU level is complicated by the different definitions used. Population surveys can help to capture a more complete picture of rates of GBV, as many instances are unreported and do not appear in administrative data. Population surveys at Member State level are often irregular and may not include all forms of GBV. At EU-level, a 2014 pan-European survey by the European Union Agency for Fundamental Rights (FRA) is set to be repeated in 2022-2023.

- **Proposed Directive:** extensive measures to ensure the collection and harmonisation of administrative data; regulates carrying out an EU-level population survey every five years.
- **Recommendations:** none.

Information on levels of **financial resources** allocated specifically to GBV is very limited, although experts believe that resources are insufficient given the scale and cost of the problem.

- **Proposed Directive:** no overarching provisions on resources to be made available, only an indication that there should 'sufficient resources' for specialist support services, investigations and prosecutions.
- **Recommendations:**
  - **EU institutions:** through funding programmes, allocate additional, appropriate, proportionate resources in a comprehensive and holistic manner to combat and prevent GBV; support efforts at national level to collect data on levels of resources allocated to GBV;
  - **Member States:** allocate additional resources in a comprehensive and holistic manner to combat and prevent GBV that are proportionate to the scale of the challenge and costs involved. Collect data on levels of financial resources dedicated to GBV, drawing on best practice identified in Portugal <sup>(3)</sup>

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<sup>(3)</sup> As noted by GREVIO, Law No. 129/2015 obliges every ministry in Portugal to report its budget line(s) for tackling GBV to the Commission for Citizenship and Gender Equality, allowing it to monitor and assess the use of specific public funds for GBV.



## 1. INTRODUCTION

This study provides an overview of the legislative frameworks and current situation for victims of gender-based violence (GBV) in the 27 Member States (EU-27), focusing on women and child victims. Combating and preventing GBV is high on the EU political agenda, with significant efforts to promote new relevant legislation.

**The political context is in response to the high prevalence of GBV.** In 2014, the European Union Agency for Fundamental Rights (FRA) EU-wide survey on violence against women (VAW) <sup>(4)</sup> found one in three women aged 15 or above reported experiencing some form of physical and/or sexual violence. New challenges and issues continue to emerge, including a spike in cases during ‘stay at home’ measures implemented during COVID-19 pandemic <sup>(5)</sup> and new forms of online GBV, such as cyberstalking.

**The current political priorities are in response to the lack of tailored and specific GBV legislation in place at EU level.** Legislation remains fragmented across various directives and regulations that focus on specific forms of GBV, such as the Anti-Trafficking Directive (2011/36/EU) or victims generally, in the case of the Victims’ Rights Directive (2012/29/EU). The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is in place at European level and, as of August 2022, is ratified by 21 Member States. Further progress has stalled, however. The EU itself signed the Convention on 13 June 2017 but ratification has been prevented by several Member States who have not themselves ratified it, and Poland, which has indicated its intention to withdraw from the Convention <sup>(6)</sup>. In 2021, the Court of Justice of the European Union (CJEU) published its Opinion 1/19 <sup>(7)</sup>, which indicated that the accession decision only required a qualified majority but nevertheless advised the EU and the Council of Europe to achieve a common political agreement.

**This study aims to support the European Parliament’s efforts to address gaps in current legislation.** In January 2021, the European Parliament underlined the need for measures to address the disparities in laws and policies between the Member States and called for an EU framework directive on the matter <sup>(8)</sup>. In its resolution of 14 December 2021 <sup>(9)</sup>, the European Parliament called on the European Commission to use the then-forthcoming proposal for a Directive on combating GBV to criminalise gender-based cyber-violence. The European Commission published its proposed Directive in March 2022 <sup>(10)</sup>.

**This study examines the current state of play in the EU, analysing legal and policy provisions and how these are implemented in practice.** It also assesses whether these gaps will be addressed by the

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<sup>(4)</sup> FRA, *Violence against women: an EU-wide survey. Main results*, Publications Office of the European Union, Luxembourg, 2014.

<sup>(5)</sup> See Shreeves, R., *Coronavirus and the shadow pandemic of violence against women*, European Parliamentary Research Service (EPRS), European Parliament, 2020.

<sup>(6)</sup> Council of Europe, ‘Poland should not withdraw from the Istanbul Convention, says Secretary General’, 2020, <https://www.coe.int/en/web/istanbul-convention/-/poland-should-not-withdraw-from-the-istanbul-convention-says-secretary-general>

<sup>(7)</sup> Opinion 1/19 of the Court (Grand Chamber), 6 October 2021, <https://curia.europa.eu/juris/document/document.jsf?text=&docid=247081&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=467501>

<sup>(8)</sup> European Parliament, Resolution on the EU Strategy for Gender Equality, 2019/2169(INI), 21 January 2021.

<sup>(9)</sup> [Gender-based cyberviolence: Parliament calls for EU law to tackle the problem | News | European Parliament \(europa.eu\)](#).

<sup>(10)</sup> Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence, COM/2022/105 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0105>

European Commission's proposed Directive and provides policy recommendations on how to better prevent and combat GBV. Assessments are made against the benchmarks in the Istanbul Convention, which is the only international instrument to set legally binding standards on combating violence against women and domestic violence through a holistic and gender-sensitive approach <sup>(1)</sup>.

Throughout the study, GBV is understood as a form of violence primarily inflicted on women and girls by men, and is therefore used interchangeably with VAW.

#### Box 1: Defining GBV

As GBV is primarily inflicted on women and girls by men, the term can be used interchangeably with VAW. The link between GBV and VAW is evident in the definition used in the Istanbul Convention, and that definition is used in this study.

Article 3a of the Istanbul Convention defines GBV/VAW:

*as a violation of human rights and a form of discrimination, violence against women shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;*

This study also uses the definition of domestic violence in the Istanbul Convention (Article 3b), which includes children as well as men:

*all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;.*

The study is based primarily on existing research. Key sources of information are monitoring of relevant EU legislation, the monitoring of the Istanbul Convention by the independent group of experts on action against violence against women and domestic violence (GREVIO), as well as academic and policy research. The study draws on research commissioned by the European Commission as part of its initiative to propose new legislation on combating violence against women and domestic violence. This research includes reports completed at Member State level by independent experts, and a targeted consultation (questionnaire) with Member State authorities. The findings are complemented by interviews with national police representatives and original policy and legal analysis to ensure that findings reflect recent developments.

The study is structured into six thematic chapters: Chapter 1 covers criminal law frameworks; Chapter 2 looks at procedural law frameworks; Chapter 3 analyses supports available for victims; Chapter 4 considers how professionals, particularly the police, interact with victims of GBV; Chapter 5 examines prevention measures, focusing on awareness-raising campaigns, along with perpetrator programmes and compensation as a deterrent; Chapter 6 examines the types of data collected at Member State level and their harmonisation at EU level, as well as financial resources committed to GBV at EU and Member State level.

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<sup>(1)</sup> As of August 2022, the Istanbul Convention has been ratified by all Member States except Bulgaria, Czechia, Hungary, Latvia, Lithuania and Slovakia.

## 2. CRIMINAL LAW FRAMEWORKS

### 2.1. How is GBV criminalised?

#### KEY FINDINGS

- Only six Member States have adopted a definition of GBV, GBV against women or VAW in their legislation.
- Femicide is explicitly defined/criminalised in two Member States, while 13 others recognise femicide through the use of aggravating circumstances to the crime of homicide.
- Only 15 Member States cover the four forms of domestic violence specified in Article 3 of the Istanbul Convention within their criminalisation or definition of domestic violence. More specifically, economic violence is not recognised in 12 Member States.
- Despite being required under the Istanbul Convention, only three Member States have explicitly criminalised forced marriage, FGM, forced abortion and forced sterilisation. Most Member States criminalise those four forms of GBV through other offences.
- The growing phenomenon of so-called ‘revenge pornography’ has led many Member States to adopt specific legal provisions, with 16 Member States explicitly criminalising non-consensual sharing of intimate images.
- Cyber-stalking is specifically criminalised in 17 Member States, while cyber harassment and cyber incitement to violence and hatred is not specifically regulated in most Member States.

Chapter 2 analyses whether and how different forms of GBV are criminalised in the EU, including GBV/VAW overall, domestic violence, femicide, forced marriage, female genital mutilation (FGM), forced abortion and forced sterilisation, all of which are criminalised in the Istanbul Convention (Sections 2.1.1 to 2.1.4). It examines the criminalisation of online forms of GBV, which are not covered by the Istanbul Convention but are prevalent and growing (Section 2.1.6), and non-consensual sharing of private images (Sections 2.1.5). Criminalisation is crucial in order that victims can access justice, while facilitating better monitoring through the collection of administrative data and enabling social messaging to help to change social norms. The section ends with an analysis of the extent to which the proposed Directive would address key gaps in the criminalisation of different forms of violence (Section 2.2). Findings are based on a review of legislation conducted in August 2022.

#### 2.1.1. GBV or VAW

GBV is not recognised or defined in the legislation of most Member States. **Six Member States have adopted a specific definition of GBV, GBV against women or VAW.** Ensuring a legal definition of GBV or GBV against women recognises the gendered nature of those forms of violence. GREVIO has criticised gender-neutral laws for failing to recognise that such violence disproportionately affects

women and children at the hand of male perpetrators. Nor do gender-neutral approaches address women's different safety and protection needs compared to men<sup>(12)</sup>

Table 1: Existing national definitions of GBV or VAW

Member State	Definitions of GBV or VAW
<b>Cyprus</b>	GBV means violence that is directed against a woman because of her gender or violence that affects a woman disproportionately <sup>(13)</sup>
<b>Greece</b>	GBV against women means violence that is directed against women simply because they are women or that affects women disproportionately <sup>(14)</sup>
<b>Malta</b>	GBV means all acts or omissions that are directed against a person because of their gender, that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life <sup>(15)</sup>
<b>Romania</b>	GBV is defined as violence directed against a woman or a man motivated by gender GBV against women or VAW represents any form of violence that affects women disproportionately GBV includes, but is not limited to, domestic violence, sexual violence, FGM, forced marriage, forced abortion and forced sterilisation, sexual harassment, trafficking in human beings and forced prostitution <sup>(16)</sup>
<b>Spain</b>	GBV encompasses all acts of physical and psychological violence, including offences against sexual liberty, threats, coercion and the arbitrary deprivation of liberty <sup>(17)</sup>
<b>Sweden</b>	'Men's VAW' encompasses all types of physical and psychological violence against women and girls, including sexual violence, honour-related violence and oppression, as well as prostitution and trafficking for the purposes of sexual exploitation. The concept covers exploitation of the female body in the media, pornography and advertisement <sup>(18)</sup>

<sup>(12)</sup> GREVIO, *First general report on GREVIO's activities*, 2020, <https://rm.coe.int/1st-general-report-on-grevio-s-activities/16809cd382>

<sup>(13)</sup> Cyprus: Law 115(1)/2021 on the prevention and combating of violence against women and domestic violence and related matters, <http://www.familyviolence.gov.cy/upload/20220303/1646318711-01559.pdf>

<sup>(14)</sup> Greece: Law 4531/2018 ratifying the Contract of the Council of Europe for the prevention and combating of violence against women and domestic violence, <https://www.e-nomothesia.gr/oikogeneia/nomos-4531-2018-phek-62a-5-4-2018.html>

<sup>(15)</sup> Malta: Gender-based violence and domestic violence act of 14 May 2018, <https://legislation.mt/eli/cap/581/eng>

<sup>(16)</sup> Romania: Law No 178/2018.

<sup>(17)</sup> Spain: Organic Law 1/2004 of 28 December 2004 on integrated protection measures against gender violence.

<sup>(18)</sup> Sweden: Government Bill 2005/06:155, Government Communication 2016/17:10.

### 2.1.2. Domestic violence

Article 3 of the Istanbul Convention defines four forms of domestic violence: physical, sexual, psychological or economic violence. **Only 15 Member States<sup>(19)</sup> either include the four forms within their definition of domestic violence or criminalise (explicitly or through various offences) the four forms of violence.**

Physical violence refers to bodily harm, including violence resulting in the death of the victim<sup>(20)</sup>. **Physical violence is criminalised in all Member States**, often through offences such as bodily harm, aggravated assault, manslaughter, homicide and murder, with an aggravating circumstance when committed in the context of intimate partner violence (IPV).

Sexual violence covers non-consensual acts of a sexual nature, including rape. **Sexual violence is criminalised in all Member States**, often through various offences, such as rape, sexual assault, violation of sexual integrity or sexual coercion, with an aggravating circumstance when committed by a current or former partner or family member.

Psychological violence is defined as 'the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats'. **Psychological violence is criminalised in all Member States, except Czechia and Italy.** Most Member States criminalised it through the offences of threat, coercion, petty assault, menace, harassment or coercive control.

Economic violence is not defined by the Istanbul Convention, despite being included within domestic violence. **Economic violence is not criminalised in 12 Member States<sup>(21)</sup>.** In the other 15 Member States, it is criminalised through the offence of family abandonment for not paying alimony, the offence of maltreatment of a close person or a person in care, or through the offence of domestic violence without being defined. Two Member States have adopted specific definitions of economic violence. Romania defines economic violence as 'prohibition of professional activity, deprivation of economic means, including lack of primary means of existence, such as food, medication, basic necessities, the intentional theft of a person's property, the prohibition of the right to possess, use and dispose of common goods, unfair control over common goods and resources, refusal to support the family, imposition of hard and harmful work to the detriment of health, including a minor family member, as well as other actions with a similar effect'<sup>(22)</sup>. Cyprus established a specific offence of economic violence: 'A spouse or companion of a woman, upon whom she is economically dependent, who denies her the essential economic means for living, including food, medical care, clothing and shelter, with the purpose of causing physical and /or psychological harm to her and/or with the purpose of forcing her to proceed to any act or omission and/or is being unthoughtful or reckless as to whether he will cause her physical or psychological harm, is guilty of an offence and is liable on conviction, with imprisonment not exceeding five (5) years or with a fine not exceeding ten thousand euros (EUR10 000) or both'<sup>(23)</sup>.

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<sup>(19)</sup> BE, BG, FR, HR, CY, LT, LU, HU, MT, NL, AT, PL, PT, RO, SK.

<sup>(20)</sup> Council of Europe, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, 2011, <https://rm.coe.int/1680a48903>

<sup>(21)</sup> CZ, DE, DK, EE, EL, ES, IE, IT, LV, SI, FI, SE.

<sup>(22)</sup> Romania: Article 4(e) of Law 217/2003.

<sup>(23)</sup> Cyprus: Law 115(1)/2021 on the prevention and combating of violence against women and domestic violence and related matters, <http://www.familyviolence.gov.cy/upload/20220303/1646318711-01559.pdf>

Table 2 presents an overview of the forms of violence covered under the criminalisation of domestic violence across the Member States.

Table 2: Criminalisation of domestic violence through the four forms of violence in the EU-27

Physical violence (27)	Sexual violence (27)	Psychological violence (25)	Economic violence (15)	All forms (15)
BE, BG, CZ, DK, DE, EE, IE, EL, ES, FR, HR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, SE	BE, BG, CZ, DK, DE, EE, IE, EL, ES, FR, HR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SK, SI, FI, SE	BE, BG, DK, DE, EE, IE, EL, ES, FR, HR, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SK, SI, FI, SE	BE, BG, FR, HR, CY, LT, LU, HU, MT, NL, AT, PL, PT, RO, SK	BE, BG, FR, HR, CY, LT, LU, HU, MT, NL, AT, PL, PT, RO, SK

### 2.1.3. Femicide

Femicide generally refers to the ‘killing of women and girls because of their gender’<sup>(24)</sup>. Several terms are used interchangeably with femicide, including ‘femicide’, ‘gendercide’, ‘intimate partner homicide’ or ‘gender-based killing of women and girls’<sup>(25)</sup>. The focus of the term is to highlight killings that specifically target or affect women because of their gender. Encapsulating those phenomena within a criminal offence not only makes it possible to recognise the specific dynamics of those crimes, it also enables relevant authorities to increase their visibility and to collect adequate crime data.

Femicide can take various forms<sup>(26)</sup>. The most common is so-called intimate femicide, which concerns the killing of women as a result of IPV. It can include violence such as the killing of women and girls as a result or for the purpose of sexual violence, the torture and misogynist killing of women, honour-based killing of women and girls, or female infanticide and gender-based sex selection foeticide<sup>(27)</sup>.

**In 2022, two Member States became the first to introduce femicide in their Criminal Codes (CY, MT).**

In July 2022, Cyprus adopted an amendment to Law 115(1)/2021 on the prevention and combating of violence against women and domestic violence and related matters, introducing the offence of femicide<sup>(28)</sup>. It also added aggravating circumstances under which femicide will lead to a higher sanction (see Table 3).

<sup>(24)</sup> European Institute for Gender Equality (EIGE), [Glossary and Thesaurus](#).

<sup>(25)</sup> EIGE, [Terminology and indicators for data collection: Rape, femicide and intimate partner violence](#), 2017, p. 33.

<sup>(26)</sup> EIGE, ‘Femicide’, (n.d.), <https://eige.europa.eu/thesaurus/terms/1128>

<sup>(27)</sup> EIGE, [Terminology and indicators for data collection: Rape, femicide and intimate partner violence](#), 2017, p. 33.

<sup>(28)</sup> Cyprus: Law 115(1)/2021 on the prevention and combating of violence against women and domestic violence and related matters, <http://www.familyviolence.gov.cy/upload/20220303/1646318711-01559.pdf>

Table 3: Criminalisation of femicide in Cyprus

Amendment to 115(I)/2021 on violence against women on 7 July 2022
<p>Section 10A.-(1) A person who causes the death of a woman by an unlawful act or omission shall be guilty of the offence of femicide and shall be liable to imprisonment for life: Provided that unlawful omission shall constitute culpable negligence in failing to perform a duty, even though there is no intention to cause death.</p> <p>(2) [...] the Court, when calculating and imposing the sentence for the offence of femicide, shall take into account, as an aggravating factor, that the death occurred as a result of:</p> <ul style="list-style-type: none"> <li>• violence by a sexual partner;</li> <li>• torture or violence due to misogyny;</li> <li>• domestic violence;</li> <li>• violence on grounds of honour;</li> <li>• violence on grounds of religious belief;</li> <li>• violence based on sexual orientation or gender identity;</li> <li>• committing the offence of female genital mutilation;</li> <li>• the use of violence for the purpose of or in connection with sexual exploitation and/or trafficking in persons and/or drug trafficking and/or organised crime;</li> <li>• the use of force to achieve unlawful sexual intercourse; or</li> <li>• targeted violence against women in the context of armed conflict.</li> </ul>

Note: unofficial translation.

Table 4: Definition of femicide introduced in the Maltese Criminal Code in June 2022

Section 211A of Criminal Code
<p>In sentencing a person convicted of the wilful homicide or the attempted wilful homicide of a person of the female gender the court shall, in establishing the punishment, give due consideration to whether the homicide or attempted homicide:</p> <ul style="list-style-type: none"> <li>• was the result of violence committed by an intimate partner with whom the victim was or is still in a relationship or of whom the victim is the spouse or former spouse; or</li> <li>• resulted from violence by a member or members of the family; or</li> <li>• was committed for misogynist motives; or</li> <li>• was committed for reasons of honour of the perpetrator, or of family reputation, or for reasons related to religious or cult belief or practices; or</li> <li>• was committed due to motives based on the gender, or gender identity, or sex or sexual orientation of the victim; or</li> <li>• was committed as a result of sexual violence or of acts of a sexual nature; or</li> <li>• was committed due to the victim being involved in prostitution, or being subjected to sexual exploitation or being the victim of human trafficking for purposes of sexual exploitation, and the court shall consider the existence of any of the said circumstances as a factor militating against leniency in punishment.</li> </ul>

Note: definition introduced by Act No. X of 2022.

The lack of a specific femicide criminal offence in the remaining 25 Member States does not mean that femicide is not criminalised. It can also be recognised as a so-called 'aggravating circumstance' in the crime of homicide, triggering higher sanctions. There are four common aggravating circumstances.

Firstly, a common manner to recognise femicide is through the **aggravating circumstances connected to the crime of homicide, which identify as particularly serious the fact of having committed the homicide against the current or former intimate partner, spouse or cohabitant. This is recognised in 12 Member States** (see Table 5). In Croatia, for example, Article 111 of the Criminal Code provides that for the offence of aggravated murder, the prison sentence should be at least 10 years or a long-term prison sentence if the perpetrator kills 'a close person whom they have previously abused'. A close person includes family members, current or former spouse or partner in an intimate relationship, persons who have a common child and persons living in a joint household (Article 87 Criminal Code).

A second relevant aggravating circumstance that can reflect femicide is where the perpetrator is a family member, a cohabitant or a person abusing their authority. This covers situations where the perpetrator kills their **female partner, female sibling or child. This is covered in 13 Member States** (see Table 5). In Luxembourg, this aggravating circumstance is limited to involuntary manslaughter as a result of physical violence against a child by their parents (Article 401bis Criminal Code). In Spain, Article 23 of the Criminal Code includes kinship as a circumstance that can aggravate responsibility. Jurisprudence has established that it applies as an aggravating factor in crimes against persons and sexual freedom. Kinship is defined as being or having been the spouse or a person who is or has been linked in a stable way by analogous relationship of affection, or being ascendant, descendant or sibling by nature or adoption of the offender or his spouse or partner. In Lithuania, the murder of a close relative or family member is punished by a custodial sentence for a term of 8-20 years, or by a custodial life sentence (Article 129 Criminal Code).

Thirdly, a clear indication of femicide is whether the offence was committed due to the **victim's gender. Eleven Member States have included such a motive as an aggravating circumstance** (see Table 5). In France, Article 132-77 of the Criminal Code provides that homicide committed on the ground of sex, gender or sexual orientation is an aggravating circumstance. In Spain, Organic Law 1/2015 introduced gender as a general aggravating factor in the Criminal Code. It applies to homicide under Article 22(4) of the Code.

Finally, death **resulting from or for the purpose of sexual violence** against girls and women is taken into account in the establishment of the sanction in seven Member States (see Table 5). In Malta, the provision on femicide provides that a homicide committed as a result of sexual violence or of acts of a sexual nature will receive a higher punishment (Section 211A Criminal Code). In Belgium, a new provision punishes non-consensual sexual acts resulting in death, with imprisonment for 20-30 years. It is not necessary for the perpetrator to have intended to cause death for the aggravating circumstance to apply (Article 417/12 Criminal Code).



Table 5 presents an overview of the criminalisation of femicide in the EU-27.

Table 5: Overview of criminalisation of femicide across the EU-27

Member State	Specific definition of femicide	Homicide: Aggravations: victim is a former or current spouse or partner	Femicide: Aggravations: perpetrator is a family member, a cohabitant or a person having abused their authority	Femicide: Aggravations: offence committed on the grounds of the victim's gender	Femicide: Aggravations: following sexual offence
Belgium				x	x
Bulgaria		x			
Czechia					
Denmark					
Germany					
Estonia		x	x		
Ireland					
Greece					
Spain			x	x	x
France		x	x	x	
Croatia		x	x	x	
Italy					
Cyprus	x	x	x	x	x
Lithuania		x	x	x	
Latvia					
Luxembourg			x		x
Hungary					
Malta	x	x	x	x	x
Netherlands		x	x	x	x
Austria		x	x	x	x
Poland					
Portugal		x	x	x	
Romania					
Slovakia		x	x		
Slovenia				x	
Finland					
Sweden		x	x		

## Box 2: Policy measures on femicide

Policy measures on femicide internationally have tended to focus on improving data collection to facilitate monitoring of femicide, such as the UN Femicide Watch Initiative and the UN Special Rapporteur on Femicide, UNSA Vienna data (latest FEMICIDE Volume XIII on "Collecting Data on Femicide") and European Observatory on Femicide.

However, specific policy measures on femicide – rather than GBV more broadly – are not very prevalent at either EU or Member State level. There is no mention of femicide in the EU Strategy on Gender Equality, for example.

An analysis of current national action plans and strategies related to GBV policy shows that four Member States have policy measures specifically related to femicide (BE, EL, ES, FI). Similar to international level, these measures focus on the collection of data and understanding femicide.

Spain's State Pact against Gender Violence (*Pacto de Estado contra la Violencia de Género*) (2018-2022) contains three measures to prevent and fight femicide. One is for local authorities to cover the costs of funeral costs for victims of femicide (Measure 171), one covers the collection of data on femicide of mothers, although the focus is on the impact on children (Measure 234) and another covers 'the accumulation effect' of two consecutive connected instances of femicide (Measure 239).

Belgium's National Action Plan in the Fight Against Gender-related Violence 2021-2025 (*Nationaal Actieplan in de Strijd Tegen Gendergerelateerd geweld 2021-2025 Strategische pijlers en belangrijkste maatregelen*) contains measures to clarify the concept and application of femicide when implementing policies. There is also a measure to study the possibility of establishing a mechanism for the analysis of gender-based homicide, with a special focus on femicide. Both measures intend to consider the systemic dimension of violence more efficiently in order to understand patterns of femicide.

Finland's Action Plan for Combating Violence against Women for 2020-2023 contains a measure on improving femicide data to further understand the chains of events leading to intimate partner homicides against women.

Greece's National Action Plan for Gender Equality 2021-25 (*Εθνικό Σχέδιο Δράσης για την Ισότητα των Φύλων 2021-2025*) includes a measure to develop a study on the extent of the crime of femicide in Greece in the last 10 years..

#### 2.1.4. Forced marriage, FGM, forced abortion and forced sterilisation

Articles 37-39 of the Istanbul Convention require forced marriage, FGM, forced abortion and forced sterilisation to be criminalised. However, **only three Member States (ES, MT, SE) have explicitly criminalised all four forms of GBV.**

**Forced marriage is explicitly criminalised in 17 Member States** (see Table 6). It is criminalised through other offences, such as trafficking or coercion, in seven Member States. Forced marriage is not criminalised, neither explicitly or through other offences, in three Member States (CZ, LT, RO).

**FGM is criminalised in all Member States** either explicitly (15 Member States) or through other offences such as bodily harm, violence leading to mutilation or aggravated assault (12 Member States) (see Table 6).

**Twenty Member States explicitly criminalise forced abortion** (see Table 6). In many Member States, abortion is illegal by default, while most allow for exemptions, such as at request of the pregnant person up until 18-24 weeks of pregnancy, or as a result of sexual violence <sup>(29)</sup>. Therefore, abortion without consent is criminalised. Forced abortion is not criminalised in only one Member State (BG).

**Forced sterilisation is explicitly criminalised in seven Member States** (see Table 6). In most Member States (17), forced sterilisation is criminalised under offences such as bodily harm or violence causing serious health injuries. Forced sterilisation is not criminalised in three Member States (BG, LV, FI).

Table 6 summarises how the four forms of violence are criminalised in the EU.

Table 6: Overview of criminalisation of forced marriage, FGM, forced abortion and forced sterilisation in the EU-27

Forced marriage		FGM		Forced abortion		Forced sterilisation	
Specific offence (17)	Criminalised via other offences (7)	Specific offence (15)	Criminalised via other offences (12)	Specific offence (20)	Criminalised via other offences (6)	Specific offence (7)	Criminalised via other offences (17)
BE, BG, DK, DE, IE, ES, FR, HR, IT, CY, LU, MT, NL, AT, PT, SI, SE	EE, EL, HU, LV, PL, SK, FI	BE, DK, DE, EE, IE, EL, ES, HR, IT, CY, LU, MT, NL, PT, SE	BG, CZ, FR, HU, LV, LT, AT, PL, RO, SK, SI, FI	BE, CZ, DE, EE, IE, EL, ES, FR, HR, CY, LV, LT, LU, HU, MT, AT, PT, RO, SK, SE	DK, IT, NL, PL, SI, FI	CZ, EE, ES, FR, MT, SK, SE	BE, DK, DE, IE, EL, HR, IT, CY, LT, LU, HU, NL, AT, PL, PT, RO, SI

### 2.1.5. Non-consensual dissemination of private images

Non-consensual dissemination of private images refers to sharing private images, often of a sexual nature, obtained with or without consent of the person depicted in the image.

In a global survey, almost one-third (29%) of young respondents had someone share sexually explicit images and/or videos of them without their permission when they were under 18 years old <sup>(30)</sup>.

The offence may be committed by anyone, but it is common that the perpetrator is a former partner who shares, without consent, images originally obtained with consent during the relationship. The phenomenon is often known as ‘revenge porn’ <sup>(31)</sup>. In the global survey mentioned above, 18% of

<sup>(29)</sup> Centre for Reproductive Rights, *European abortion laws. A comparative overview*, 2020, <https://reproductiverights.org/wp-content/uploads/2020/12/European-abortion-law-a-comparative-review.pdf>

<sup>(30)</sup> WeProtect, *A global study of childhood experiences of 18-20-year-olds*, 2022, <https://www.weprotect.org/economist-impact-global-survey/>

<sup>(31)</sup> European Commission, European Equality Law Network, *Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence*, Publications Office of the European Union, Luxembourg, 2021, p.68, <https://www.equalitylaw.eu/downloads/5535-criminalisation-of-gender-based-violence-against-women-in-european-states-including-ict-facilitated-violence-1-97-mb>

respondents reported having had a sexually explicit image of themselves shared by a peer, without their consent <sup>(32)</sup>.

EU law does not regulate the non-consensual sharing of intimate images. However, if such images qualify as child sexual abuse material (CSAM), then it falls under the Directive on combating sexual abuse and exploitation of children and child pornography (2011/93/EU), which criminalises CSAM. The Directive allows Member States to adopt an exemption of criminalisation of CSAM when exchanged consensually among peers, but does not harmonise such an exemption. As a result, children could, in theory, be prosecuted in some Member States when texting sexually explicit material, even with consent.

**The non-consensual sharing of intimate images is explicitly recognised in 17 Member States** (see Table 7). In eight Member States, this explicit recognition is very recent – in the last two years or so (BE, CY, FI, HR, IE, LT, RO, SK).

In Belgium, the Act of 4 May 2020 introduced into the Criminal Code the non-consensual dissemination of images and recordings of a sexual nature. It consists of showing, making available or disseminating visual or audio content of a nude person or of a person engaging in explicit sexual activity, without their consent or knowledge, even if that person consented to the activity itself. This offence is punishable by imprisonment of six months to five years (Article 417/9 Criminal Code).

In Cyprus, Article 9 of Law 115(I)/2021 provides that any person who sends, disseminates, circulates, publishes, spreads, reproduces or broadcasts through any electronic, digital, printed or other means of any nature, material of pornographic or sexual content relating to a woman, without her consent, under conditions of reasonable expectation of privacy, with the purpose of frightening and/or humiliating and/or harassing and/or causing her emotional upset and/or economic or other damage or harm and/or obtaining an illegal economic benefit, is guilty of a felony and is liable on conviction, to imprisonment not exceeding 14 years. It also criminalises the use of such material to blackmail or threaten a woman.

In Finland, Act 723/2022 introduced into the Criminal Code the explicit criminalisation of non-consensual dissemination of sexual images or recordings (Chapter 20, Section 7 Criminal Code).

In Romania, Article 226 of the Criminal Code (violation of private life) entered into force in June 2022. It stipulates that infringing on private life, without right, by photographing, capturing or recording images, listening with technical means or audio recording of a person in a dwelling or room or a dependency belonging to it or of a private conversation is punishable by imprisonment from one month to six months, or a fine. The disclosure, broadcast, presentation or transmission, without right, of the sounds, conversations or images, to another person or to the public, shall be punished with imprisonment from three months to two years, or a fine.

**Ten Member States implicitly criminalise the non-consensual dissemination of private images, often through offences related to the violation of private life or offences related to defamation and slander** (see Table 7).

In Luxembourg, Article 443 of the Criminal Code (slander and defamation) provides that whoever has maliciously imputed to a person a specific fact which is of such a nature as to prejudice the honour of that person or to expose them to public contempt, is guilty of slander. This could cover certain situations of non-consensual dissemination of private images.

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<sup>(32)</sup> WeProtect, *A global study of childhood experiences of 18-20-year-olds*, 2022, <https://www.weprotect.org/economist-impact-global-survey/>

In Germany, the Criminal Code establishes an offence for violation of intimate privacy in a photograph or other images without a woman’s consent (Section 201a(1) Criminal Code) and criminalises ‘upskirting’ (unsolicited pictures or videos taken under a person's skirt or bustline) (Section 184k as amended on 9 October 2020). However, it falls short of fully criminalising non-consensual dissemination of private images.

Table 7 summarises the criminalisation of non-consensual dissemination of private images in the EU-27.

Table 7: Overview of explicit/implicit criminalisation of non-consensual dissemination of private images across the EU-27

Non-consensual dissemination of private images - explicit criminalisation (17)	Non-consensual dissemination of private images - non-explicit criminalisation (10)
BE, IE, ES, FR, HR, IT, CY, LT, MT, NL, PL, PT, RO, SK, FI, SE, SI	BG, CZ, DK, DE, EE, EL, LU, LV, HU, AT

### 2.1.6. Cyber stalking, cyber harassment and cyber incitement to hatred

The Istanbul Convention does not include any online-related offence nor does it make any reference to cybercrime or electronic communications, although the offences established by the Convention apply to the online environment. While cybercrimes are covered by the Convention on Cybercrime (Budapest Convention<sup>33</sup>), it does not cover GBV cybercrime other than online CSAM (<sup>34</sup>).

Aside from cyber stalking, most Member States have not specifically regulated the online dimension of crimes. Rather, generic criminal offences apply to the online sphere.

**Cyber stalking is specifically criminalised in 17 Member States** (see Table 8). Additionally, in Sweden, it is considered an aggravating circumstance when the offence of stalking is carried out online. Belgium criminalises any person who uses a means of electronic communications to harass a person or to cause damage, with sanctions of a fine and/or imprisonment of 15 days to two years (<sup>35</sup>). In Malta, Article 251 AA of the Criminal Code criminalises stalking, including through ‘monitoring the use by a person of the internet, email or any other form of electronic communication’.

**Cyber harassment is specifically criminalised in five Member States** (see Table 8), while **Greece and France foresee an aggravating circumstance where harassment is carried out through electronic communication means**. In Cyprus, Article 9 of Law 115(I)/2021 criminalises specific forms of sexual and gendered online harassment, such as sexual images/videos taken without consent and disseminated online or digitally. In France, acts of harassment are punishable by two years of imprisonment and a fine of EUR 30 000 where they have been committed through the use of an online public communication service or through a digital or electronic medium (<sup>36</sup>).

<sup>33</sup>) The Convention is the first international treaty on crimes committed via the Internet, dealing particularly with infringements of copyright, computer-related fraud, child pornography and violations of network security. It also contains a series of powers and procedures such as the search of computer networks and interception. Its main objective, set out in the preamble, is to pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering international co-operation. It entered into force on 01 July 2004.

<sup>34</sup>) Council of Europe, Convention on Cybercrime (ETS No. 185), 2001, <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatyid=185>

<sup>35</sup>) Belgium: Article 145§3bis Act of June 13 2005 on electronic communication.

<sup>36</sup>) France: Article 222-33-2-2 Criminal Code.

**Cyber incitement to violence or hatred is explicitly covered in seven Member States** (see Table 8). Romania criminalised online gender-based hate messages <sup>(37)</sup>. In Latvia, Article 150(2) of the Criminal Code refers to the crime of incitement to hatred committed 'using an automated data processing system' as an aggravating circumstance. In Spain, Article 510.3 of the Penal Code includes 'means of social communication, through the Internet or through the use of information technologies, so that, that makes it accessible to a large number of people' as an aggravating factor in hate crimes.

Table 8 summarises the criminalisation of these three cybercrimes through specific offences explicitly referring the online dimension in the EU-27.

Table 8: Overview of the specific offences of cyber stalking, cyber harassment and cyber incitement to violence or hatred in the EU-27

Cyber stalking (17)	Stalking: aggravating circumstance if committed online (1)	Cyber harassment (5)	Cyber harassment: aggravating circumstance if committed online (2)	Cyber incitement to violence or hatred (7)
BE, BG, CZ, DE, EE, EL, ES, FR, IT, CY, MT, AT, PL, RO, SK, SI, FI	SE	BE, CY, AT, RO, FI	EL, FR	EL, ES, HR, LV, AT, RO, FI

## 2.2. Conclusion

No form of GBV is consistently criminalised across the Member States, although some forms are more likely than others to be reflected in explicit provisions. That lack of criminalisation restricts access to justice for victims of GBV and can have knock-on effects, such as limited administrative data to monitor rates, or sending the message that such phenomena are tolerated in society.

The European Commission's proposed Directive on combating violence against women and domestic violence will address key gaps in criminalisation, particularly cyber violence and non-consensual sharing of private images. The proposed Directive also criminalises FGM, although this is already criminalised either directly or indirectly in 26 Member States. Key gaps remain for certain forms of domestic violence, particularly economic violence, and femicide. Additionally, the proposed Directive offers the first definition of VAW in EU law. Table 9 presents a summary of the gaps and the ways in which they are addressed in the proposed Directive.

<sup>(37)</sup> Romania: Article 4(h) Law 217/2003, changed in July 2020.

Table 9: Levels of criminalisation of GBV and provisions in European Commission’s proposed Directive on violence against women and domestic violence

Form of GBV	Criminalised in Member State <i>Explicitly criminalised   aggravating circumstance (total)</i>	Provision in European Commission proposed Directive
GBV/VAW	6 (6)	-
Domestic violence (all forms)	15 (15)	-
Femicide	2   14 (16)	-
Forced marriage	17   7 (24)	-
FGM	15   12 (27)	Article 6
Forced abortion	20   6 (26)	-
Forced sterilisation	7   17 (24)	-
Non-consensual dissemination of private images	16 (16)	Article 7
Cyber stalking	17   1 (18)	Article 8
Cyber harassment	2   7 (9)	Article 9
Cyber incitement to violence or hatred	7 (7)	Article 10

### 3. PROCEDURAL LAW FRAMEWORKS

#### KEY FINDINGS

- In GBV cases, the standard of **burden of proof** varies. Nine Member States apply the principle of proof beyond reasonable doubt, which is a high burden of proof, while judges have freedom in their consideration of the evidence in eight of the mapped Member States, and another three apply *in dubio pro reo*. Where the testimony of the victims is the only evidence, a high burden of proof becomes a barrier to justice.
- **Sanctions** for GBV crimes are not regulated in EU law and vary across the Member States, reflecting the divergence in definitions used, including aggravating circumstances. In practice, sanctions are reportedly too lenient to be dissuasive and, when combined with low conviction rates, contribute to impunity.
- Where parents have separated because of GBV (typically domestic violence), there can be legal disputes about the **custody of the child and/or visitation rights**. According to the Istanbul Convention, special rules should be developed to take account of any violence and not maintain the child's contact with both parents where this could expose the child to violence. Such special rules have been developed in only six Member States.
- **Specialist courts** are better placed to protect victims and child witnesses of GBV. Judges and lawyers in specialist courts are typically specialists who are trained to handle GBV cases in a gender-sensitive manner. Only Spain has established VAW Courts, which have jurisdiction over both civil and criminal procedures related to VAW. Their success is attested by low dismissal (2.3%) and high conviction (78%) rates.
- **Emergency protection or barring orders** prohibit (potential) offenders from entering the victim's home and its immediate surroundings, thus protecting them from (further) violence. Such measures exist in only 18 Member States, while eight Member States have no individual assessment of the protection needs of victims of domestic violence. In practice, emergency barring orders are used infrequently, often due to a too-high threshold to trigger the order, such as the risk of death or other serious violence.
- **Mid-term and long-term protection orders** are available in all Member States to provide longer-term protection for victims. However, they are not available for all forms of GBV in all Member States, and the measures sometimes restrict the freedom of victims rather than offenders.
- Victims risk further traumatisation if forced to see their perpetrator in legal proceedings, and, under the Victims' Rights Directive, are **protected in judicial proceedings**. Currently, victims do not need to attend protection order hearings in 10 out of the 22 mapped Member States. Only eight Member States have a legal obligation minimising the interactions of the victims with the justice system.

#### 3.1. What is the relevant criminal procedural law in the Member States?

This section describes and maps the procedural legal framework in the Member States relevant to GBV, covering: burden of proof (Section 3.1.1), criminal sanctions (Section 3.1.2), custody rights (Section 3.1.3), the existence of specialist courts for GBV (Section 3.1.4), contact bans and protection orders (Section 3.1.5) and the protection of victims in judicial proceedings (Section 3.1.6). These wide-reaching



aspects of procedural law have an impact on victims' access to justice and protection from further violence and re-victimisation.

### 3.1.1. Burden of proof

The burden of proof is the duty of a party to provide sufficient evidence to establish the facts supporting their claim.

The burden of proof can have a significant impact on the authorities' decision to prosecute a case, as well as the likelihood of conviction. In criminal cases, law enforcement authorities and the prosecution office are competent to initiate investigation of GBV cases and to gather the necessary evidence to prosecute the offender. This means that the prosecution holds the burden of proof and the role of victims is, in principle, limited. Depending on the national criminal procedural laws, the prosecution may be bound by high burden of proof requirements, such as to establish the facts beyond reasonable doubt, or lower burden of proof requirements, such as probable cause or credible evidence. In administrative and civil cases related to discrimination (e.g. sexual harassment in employment), the burden of proof falls on victims. The burden threshold can vary by country and type of case.

In some cases, there is no codified burden of proof standard and courts are free in their consideration of the evidence (aside from some key principles, such as the legality of the evidence, i.e. the evidence must not be obtained illegally, such as through the commission of a crime).

At EU level, regulation of the burden of proof in EU law is contained in the Equality Directives: Directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (2006/54/EC) and Council Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services (2004/113/EC). The Directives provide a basic requirement for the burden of proof in cases of discrimination on the ground of sex, which includes sexual harassment. Accordingly, victims must first establish facts 'from which it may be presumed that there has been direct or indirect discrimination'. It refers to a mechanism where victims must provide minimal evidence to trigger the 'reversed burden of proof'. In 2008, the CJEU explained the mechanism of the reversed burden of proof in harassment cases as applying: 'in the event that (the claimant) establishes facts from which it may be presumed that there has been harassment, the effective application of the principle of equal treatment then requires that the burden of proof should fall on the defendants, who must prove that there has been no harassment in the circumstances of the present case' <sup>(38)</sup>.

This approach is widely noted as having been poorly implemented. The European Commission evaluation observed significant issues in the application of the reversed burden of proof in 11 Member States <sup>(39)</sup>, while the issue is moderate in 15 Member States <sup>(40)</sup> and the issue is limited only in Sweden <sup>(41)</sup>. The evaluation of Directive 2006/54/EC mentions the need for revision in this respect <sup>(42)</sup>.

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<sup>(38)</sup> Judgment of 17 July 2008, [Coleman v Attridge Law and Steve Law](#), C-303/06, EU:C:2008:415.

<sup>(39)</sup> BG, CZ, EE, EL, HR, CY, NL, AT, PL, SK, SI.

<sup>(40)</sup> BE, DK, DE, IE, ES, FR, IT, LT, LV, LU, HU, MT, PT, RO, FI.

<sup>(41)</sup> European Commission, *Harassment related to sex and sexual harassment law in 33 European countries: discrimination versus dignity*, Publications Office of the European Union, Luxembourg, 2013, p. 19; Mapping of the application of the reversed burden of proof is contained in: European Commission, *Evaluation of the provisions in the Directive 2006/54/EC implementing the Treaty principle on 'equal pay'*, Publications Office of the European Union, Luxembourg, 2010, pp.16, 25-27.

<sup>(42)</sup> European Commission, *Evaluation of the provisions in the Directive 2006/54/EC implementing the Treaty principle on 'equal pay'*, Publications Office of the European Union, Luxembourg, 2010, pp.16, 25-27.

EU law is silent on the burden of proof for criminal GBV cases, as the EU criminal law framework is limited in respect of GBV. The Victims' Rights Directive, for instance, provides the right for victims to be heard during criminal proceedings and to provide evidence (Article 10). However, Member States have considerable discretion on how to implement this right.

The Istanbul Convention provides some key requirements in relation to the burden of proof. It requires (but does not regulate) State Parties to ensure that physical and sexual violence, stalking, forced marriage and FGM be investigated and prosecuted, irrespective of whether or not a victim filed a complaint (Article 55). According to the Explanatory Report to the Convention, law enforcement should proactively collect evidence, including medical expertise and testimonies<sup>(43)</sup>. Article 56 of the Convention also provides that victims should be allowed to supply evidence.

The legal mapping carried out by the law firm Baker McKenzie<sup>(44)</sup> offers an overview of Member States' rules on the burden of proof in domestic violence cases. **Nine Member States<sup>(45)</sup> apply the principle of proof beyond reasonable doubt**, meaning that a court may only convict the accused when it is convinced that the charge was proven beyond any reasonable doubt.

**Judges have freedom in their consideration of the evidence in eight of the mapped Member States<sup>(46)</sup>**. Here, courts will generally require that the evidence be admissible, lawful and sufficiently convincing. In Denmark, the degree of proof is not codified. In practice, courts may also apply the principle of proof beyond reasonable doubt or the *in dubio pro reo* principle.

**The *in dubio pro reo* principle is applied in Spain, France and Poland.** Under this principle, evidence must effectively rebut the presumption of innocence in order to lead to a conviction.

In addition to standards related to the burden of proof, there are rules on the types of evidence admissible by courts. The rules surrounding evidence admissibility can make it easier or harder to establish the facts. For instance, in Estonia, the police uniform camera can be used to collect evidence from their intervention and follow-ups, including in cases of domestic violence<sup>(47)</sup>.

The manner in which the evidence is obtained is also relevant, with evidence obtained illegally generally considered inadmissible. For instance, Article 101 of the Romanian Criminal Procedure Code prohibits the use of 'violence, threats or other coercive means, as well as promises or inducements' in order to obtain evidence<sup>(48)</sup>.

Table 10 provides some examples of the types of evidence required in domestic violence cases. In Bulgaria, the mechanism of using declaration can help to lower the threshold of evidence requirements, recognising that evidence may be difficult to produce in cases of GBV that frequently happen behind closed doors.

<sup>(43)</sup> Council of Europe, [Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence](#), No 210, Strasbourg, 2011.

<sup>(44)</sup> Baker McKenzie, '[Fighting domestic violence](#)', n.d.

<sup>(45)</sup> BE, CZ, DE, IE, EL, IT, HU, RO, SE.

<sup>(46)</sup> BG, CY, DK, HR, MT, NL, AT, FI.

<sup>(47)</sup> GREVIO, [Report submitted by Estonia pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Baseline Report\)](#), Council of Europe, Strasbourg, 2021.

<sup>(48)</sup> Baker McKenzie, '[Fighting domestic violence](#)', n.d.

Table 10: Examples of evidence requirements in some Member States

Member State	Evidence requirements
<b>BE</b>	The general principle is that evidence can be provided by all means. Examples of evidence are: medical/psychological exam/certificates; pictures; letters; statements; text messages; emails; police reports; Any piece of clothing or hair can also be used as evidence. Certain initiatives and collaborations with other services can facilitate the gathering of evidence and deal with victims of domestic violence and sexual aggression cases. However, the judge may not take into account certain evidence where that evidence has been unlawfully obtained
<b>BG</b>	Where there is physical, sexual, emotional or psychological violence, evidence from a medical doctor certifying the trauma or injury will be especially helpful. The declaration by the applicant under Section 9(3) of the Bulgarian Protection Against Domestic Violence Act that the stated facts of domestic violence are indeed true must be joined to the application for protection. The declaration is necessary because in domestic violence cases, due to their intimate character, it is often the case that the victims have no objective evidence such as video footage or witness evidence. As a result, the standard of proof is intentionally significantly lowered and the court may issue a protection order even solely based on a declaration. However, the declaration may be rebutted by contradictory evidence.
<b>ES</b>	For the evidence presented to be admitted in court, it must contribute to the clarification of the facts deemed controversial. Expert testimonies are only permitted in cases where specific knowledge may be necessary to prove that the facts that are relevant to the matter at issue. Experts may be appointed by the parties or by the court (if the parties request the court to do so).
<b>FR</b>	Domestic violence can be proven by any means. The evidence must be fair and lawful. An audio recording made without the violent spouse's knowledge could be declared inadmissible. Medical certificates, testimonies and minutes of complaints or notification of incidents remain extremely useful evidence. The evidence commonly accepted includes photographs, videos, screenshots or copies of written correspondence (letters, emails, text messages, etc.) or verbal exchanges (voicemail). Each testimony must be dated and signed, handwritten and accompanied by a photocopy of the author's ID. There is no minimum age for a minor child to testify before the court. The judge determines the discernment of the child.
<b>PL</b>	In principle, any means that are not prohibited by the Code of Criminal Procedure are admissible. According to the Polish criminal procedure, evidence can be divided into two main groups: <ul style="list-style-type: none"> <li>• Personal — explanations of the accused, testimonies of witnesses, opinions of experts and information obtained from them, etc.</li> <li>• Material — autopsies, trial experiment, secured tangible and intangible traces, recorded conversations, etc.</li> </ul>

Source: Baker McKenzie legal mapping.

**Challenges exist in relation to the collection and admissibility of evidence in domestic violence cases.** Very often the testimony of the victims may be the only evidence, in the absence of physical

injuries certified by medical experts. In some countries, barriers exist in producing crucial evidence. In Croatia, non-governmental organisations (NGOs) report that medical certificates must be produced in order to prosecute physical violence. However, victims of domestic violence may take years before reporting violence and have not documented their injuries through medical certificates. As a result, many offenders are prosecuted for threats of violence, which carries a lower sanction <sup>(49)</sup>.

Evidence in cases of sexual violence is time-sensitive. Victims need to undergo immediate forensic examination in order to collect the necessary evidence for prosecution. This is particularly important because the definition of rape in many countries still requires evidence of use of violence instead of being based on lack of consent <sup>(50)</sup>.

Access to such examinations should not be tied to filing a claim. This can be problematic in countries that have yet to establish rape crisis centres (see Section 4.2.2). GREVIO has reported issues in Slovenia, where victims can only undergo a medical forensic examination after notifying the police, 'who are in charge of supplying rape kits and taking the samples to a forensic laboratory' <sup>(51)</sup>.

### 3.1.2. Criminal sanctions

Criminal sanctions that are perceived as fair and proportionate to the harm inflicted are a crucial part of access to justice for victims. They also have an impact on prevention, with strong sanctions having a deterrent effect on potential perpetrators and reducing re-offending. It can also send a strong message to society that such crimes are not tolerated <sup>(52)</sup>.

The EU has regulated only three crimes related to GBV – sexual harassment, child abuse and trafficking in human beings:

- EU law on sexual harassment (Directive 2006/54/EC and Directive 2004/113/EC) only requires penalties or reparation to be real, effective, proportionate and dissuasive, without setting any maximum sanction. The two Directives specifically allow the use of compensation that is 'dissuasive and proportionate to the damage suffered' as a penalty <sup>(53)</sup>. **The lack of adequate compensation has been reported as a key challenge in the implementation of the Equality Directives**, creating obstacle for victims of sexual harassment in accessing justice <sup>(54)</sup>. For instance, in Finland, compensation for victims of harassment must cover the damage to the human dignity of the victim, while the Tort Liability Act covers material damage only. A European Commission study to support the fitness check on prevention and combating violence against women and domestic violence and impact assessment for a proposal on the topic (hereafter, 'European Commission study supporting the fitness check'), noted that the Equality Ombudsman considered the approach too low and ineffective <sup>(55)</sup>.

<sup>49)</sup> Autonomous Women's House Zagreb, [Women against Violence against Women & Centre for Women War Victims – ROSA, Croatia's compliance with the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence \(the Istanbul Convention\)](#), Council of Europe, 2022.

<sup>50)</sup> GREVIO, [Second general report on GREVIO's activities](#), Council of Europe, Strasbourg, 2021.

<sup>51)</sup> GREVIO, [Baseline evaluation report Slovenia](#), Council of Europe, Strasbourg, 2021.

<sup>52)</sup> FRA, *Sanctions that do justice – justice for victims of violent crimes part III*, 2019, p.19, <https://fra.europa.eu/en/publication/2019/sanctions-do-justice-justice-victims-violent-crime-part-iii>

<sup>53)</sup> Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (Articles 18 and 25); Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (Article 14).

<sup>54)</sup> European Commission, [Commission Staff Working Document Impact Assessment Report accompanying the document Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence](#), Publications Office of the European Union, Luxembourg, 2022, p. 22.

<sup>55)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Finland, unpublished.

- Directive on combating the sexual abuse and sexual exploitation of children and child pornography (2011/93/EU) establishes maximum penalties for the offences related to grooming and CSAM. For instance, the production of CSAM must have a maximum term of imprisonment of at least three years (Article 5), while the offence of grooming must carry a maximum term of imprisonment of at least one year (Article 6). **Those maximum sanctions appear too low to be sufficiently dissuasive, especially considering the seriousness of the crimes.**
- Directive on preventing and combating trafficking in human beings and protecting its victims (2011/36/EU) also establishes where a maximum penalty applies, of at least five years of imprisonment, reaching 10 years when a victim is particularly vulnerable (including child victims), was committed within organised crimes, endangered the life of the victim or seriously harmed them (Article 4). Due to the lack of minimum standards, the approach to sanctioning and aggravating circumstances varies among Member States. According to the 2016 European Commission compliance report, **only Belgium, Hungary and Austria adopted the maximum five-year imprisonment sanction for trafficking offences, while all other Member States adopted stricter sanctions, ranging from 6-20 years** <sup>(56)</sup>.

**Sanctions at Member State level for other forms of GBV not regulated in EU law vary, reflecting the divergence in the definitions used, including aggravating circumstances.** In the Netherlands, the maximum penalty for rape is 12 years' imprisonment, although in practice the average sentence is two years. In Finland, rape is sanctioned by imprisonment of between one and six years. In practice, more than 60% of the cases are suspended when the offenders are sentenced with an imprisonment term of under two years <sup>(57)</sup>.

A review of the country reports undertaken for the European Commission study supporting the fitness check clearly shows **a trend of lack of dissuasive sentencing in practice, even in countries with dissuasive sanctions in law.** In 20 Member States <sup>(58)</sup>, there is a clear discrepancy between the law, which enacts sufficiently dissuasive sanctions, and practice, where judges tend to order low penalties (through declassifying the offence to a lower offence category or using the lower sanction) or suspended sentence. GREVIO has reported that **suspended and conditional sentences are common practice and that courts do not use the full range of sanctions available**, e.g. the use of fines in case of GBV in Finland <sup>(59)</sup>.

Table 11 provides an overview of the issues reported in sentencing GBV offences, which point to a trend among courts to use lower sentences, mild and conditional sanctions, and generally leniency, together with low conviction rates.

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<sup>(56)</sup> European Commission, [Report from the Commission to the European Parliament and the Council assessing the extent to which Member States have taken the necessary measures in order to comply with Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims in accordance with Article 23](#), Publications Office of the European Union, Luxembourg, 2016.

<sup>(57)</sup> European Parliament, [Gender-based violence as a new area of crime listed in Article 83\(1\) TFEU European added value assessment](#), 2021, p.29.

<sup>(58)</sup> BE, BG, CZ, DK, DE, EE, EL, FR, HR, IT, LT, LU, HU, MT, PL, PT, RO, SI, SK, FI.

<sup>(59)</sup> GREVIO, [Mid-term Horizontal Review of GREVIO baseline evaluation reports](#), Council of Europe, Strasbourg, 2021.

Table 11: Overview of issues related to lack of dissuasive sanctions in practice at Member State level

Member State	Examples of issues
<b>BE</b>	Data show that in IPV cases, only 18% of those accused were referred for trial, of which 7% were offered criminal mediation and 11% were convicted. Offenders were ordered to serve an average of six months' imprisonment in 21% of convictions, while 70% of the convicted offenders were fined <sup>(.60)</sup> . GREVIO criticised Belgium for using preventive intervention and treatment programmes as alternatives rather than a complement to criminal conviction. This approach hampers dissuasiveness of the criminal justice response <sup>(.61)</sup> .
<b>CZ</b>	Sentencing for rape is reported to be low, with offenders receiving only probation in approximately 50% of rape cases <sup>(.62)</sup> .
<b>DE</b>	Court decisions tend to issue mild/reduced sanctions in cases of GBV. Lack of conviction is also problematic. In 2017, the conviction rate in cases of rape and aggravated sexual assault was 8.4 % <sup>(.63)</sup> .
<b>EE</b>	High numbers of cases are directed to the 'compromise procedure', which allows for mild and conditional punishment. Imprisonment is mostly applied in cases where the offender committed new crimes during a probation period or in case of more 'serious' crime (such as rape or serious damage to health) <sup>(.64)</sup> .
<b>EL</b>	A common practice in trafficking cases is to reclassify trafficking, charging the offenders with pimping (a misdemeanour) instead of trafficking (a felony) <sup>(.65)</sup> .
<b>FR</b>	Domestic violence cases tend to be sanctioned with firm imprisonment (where the sentence is carried out in a prison facility) or imprisonment (which can be carried out in various facilities with more focus on reintegration into the community), with an average sentence of 12 years (2014-2018). GREVIO notes a practice of reclassifying rape and sexual violence, effectively decreasing dissuasiveness of sanctions <sup>(.66)</sup> . Another issue reported to GREVIO is the lack of recognition of certain aggravating circumstances, such as recidivism, violence committed in the presence of a child, and serious psychological harm <sup>(.67)</sup> .
<b>LU</b>	The sanctions established in law are dissuasive; however, judges have discretionary powers and tend to want to give a second chance to first-time offenders through suspended sentences, despite the seriousness of the crime <sup>(.68)</sup> .

<sup>(60)</sup> GREVIO, *Baseline evaluation report Belgium*, Council of Europe, Strasbourg, 2020.

<sup>(61)</sup> GREVIO, *Baseline evaluation report Belgium*, Council of Europe, Strasbourg, 2020.

<sup>(62)</sup> Bidram, M., *Za znásilnění často jen podmínka: Trauma není pro soudce to, co bodnutí do nohy (Probation period for rape: Judges do not consider trauma to be the same injury as stabbing)*, Seznam Zprávy, 2020.

<sup>(63)</sup> German Istanbul Convention Alliance, *Alternative Report*, 2021, p. 133.

<sup>(64)</sup> Ülvieste, A., *Lähisuhtevägivalakuritegudes läbiviidud kriminaalmenetluste analüüs* (Analysis of criminal proceedings in crimes of intimate partner violence). *Riigiprokuratuur*, 2018.

<sup>(65)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Greece, unpublished.

<sup>(66)</sup> GREVIO, *Baseline evaluation report France*. Council of Europe, Strasbourg, 2019.

<sup>(67)</sup> Rapport des Associations Spécialisées, *Évaluation de la mise en œuvre en France de la Convention d'Istanbul de Lutte contre la Violence à l'égard des Femmes et la Violence Domestique* (Shadow report to GREVIO), 2018.

<sup>(68)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Luxembourg, unpublished.

<b>HU</b>	Sentencing in domestic violence and child abuse cases is reportedly too lenient, e.g. suspended imprisonment or application of less serious sanctions <sup>(.69)</sup> .
<b>PT</b>	Provisional suspension of proceedings or suspension of the penalty of imprisonment are frequently used in domestic violence cases. The conviction rates for domestic violence remain low ( ).
<b>RO</b>	Despite strong legal provisions, the courts frequently choose mild or symbolic sanctions, rendering the sanctioning mechanism ineffective <sup>(.70)</sup> .
<b>SI</b>	In practice, sanctions lack a dissuasive character due to the low conviction rate and the practice of suspended sentences <sup>(.71)</sup>
<b>SK</b>	Research shows that perpetrators of VAW and domestic violence tend to receive a sanction within or below the lower limit of the penalty rate set by the Criminal Code, with two-thirds of perpetrators receiving suspended sentences <sup>(.72)</sup> .

The dissuasive effect of sanctions is supported by evidence on public perceptions of these sanctions. FRA research on criminal justice from the perspectives of crime victims in general found that **victims raised concerns with the effectiveness of sanctions and the minimisation of violence where sanctions were too lenient**. In particular, victims felt that suspended sentences and community service conveyed the message that the violence was not taken seriously. Victims of domestic violence, in particular, frequently felt that courts overlooked the extent of the victimisation over a long period of time and generally only looked at specific violent incident(s) in isolation. Crime victims were also keen to ensure that sanctions force offenders to reflect and change their behaviour <sup>(.73)</sup>. This view is supported by findings of a public consultation conducted by the European Commission <sup>(.74)</sup>. Respondents were asked whether they believed sanctions for GBV and domestic violence offences were sufficient in their country. The results showed that 75.4% of respondents said no, with only 10.6% saying yes.

### 3.1.3. Custody rights

This section analyses the legal framework for custody rights and visitation rights of children. Custody rights refer to parental responsibility for a child's well-being, education and care, as well as administration of the child's property. By default, parents exercise their parental responsibility jointly. In cases of separation, custody of the child may be shared or granted to a single parent by a judicial authority. This is relevant to GBV, as domestic violence, in particular, can involve the separation of parents and subsequent legal dispute over which parent will have custody of a children. Such decisions

<sup>(69)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Hungary, unpublished. GBV.

<sup>(70)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Romania, unpublished.

<sup>(71)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Slovenia, unpublished.

<sup>(72)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Slovakia, unpublished.

<sup>(73)</sup> FRA, *Sanctions that do justice: justice for victims of violent crimes part III*, Publications Office of the European Union, Luxembourg, 2019, p. 19.

<sup>(74)</sup> European Commission, [Combating gender-based violence against women and domestic violence – protecting victims and punishing offenders, Summary report – public consultation](#), 2021.

should ensure that children are protected from further violence in cases where a parent is a perpetrator of domestic violence.

Protection considerations are also important for establishing visitation rights, i.e. the right of the non-custodial parent to visit the child where sole custody is granted to the other parent. Article 9(3) of the United Nations Convention on the Rights of the Child (UNCRC) establishes the right of the child 'to maintain personal relations and direct contact with both parents on a regular basis'. Significantly, this does not apply where it would be 'contrary to the child's best interests', which must always be the primary consideration in all decisions about children (Article 3 UNCRC). The UN Committee on the Rights of the Child General Comment No. 14, on the notion of best interests of the child<sup>(75)</sup>, specifies that shared custody and visitation rights must not be granted automatically and that while it is key for the child to maintain relationship with both parents, that cannot be to the detriment of the child.

At EU level, the Charter of Fundamental Rights of the European Union (the Charter) enshrines the right set out in the UNCRC to have the child's best interests as a primary consideration (Article 24(2)), as well as the right to maintain, on a regular basis, a personal relationship and direct contact with both parents, unless that is contrary to the child's interests (Article 24(3)).

EU directives related to GBV do not regulate custody or visitation rights. However, the EU-level Brussels IIa Regulation<sup>(76)</sup> provides rules on judicial cooperation in case of parental separation and parental responsibility decisions in civil and family law proceedings with cross-border implications. It guarantees the rights of custody and access. The child's best interests is central to the Regulation.

The CJEU has further elaborated on the right of the child to maintain, on a regular basis, a personal relationship and direct contact with both parents. According to the CJEU, such rights can be derogated only if justified by another important interest of the child taking priority over the interest to maintain relationship with both parents. This derogation must be the result of a balanced and reasonable assessment of all interests involved, based on objective considerations of the child and their social environment<sup>(77)</sup>.

Two Council of Europe instruments are also relevant to custody and visitation rights in the context of GBV: the European Convention on Human Rights (ECHR)<sup>(78)</sup> and the Istanbul Convention. Article 8 of the ECHR guarantees the right to family life. The European Court of Human Rights (ECtHR) has established strong jurisprudence on these issues, with several cases affirming that the right of the child in maintaining contact with both parents can be limited by the child's best interests. According to the ECtHR, interference with the rights of the child in maintaining contact must be proportionate to the legitimate aim of ensuring the child's best interest<sup>(79)</sup>. The ECtHR ruled that the fact that a mother has been victim of trafficking, without taking into account her vulnerability, cannot alone be considered as justifiable factor in assessing her ability to have contact with her children<sup>(80)</sup>.

<sup>(75)</sup> UN Committee on the Rights of the Children, *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*, UN Office of the High Commissioner of Human Rights, 2013.

<sup>(76)</sup> Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast), OJ L 178, 2.7.2019, pp. 1-115, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELLAR%3A524570fa-9c9a-11e9-9d01-01aa75ed71a1>

<sup>(77)</sup> Judgment of 23 December 2009, *Jasna Detiček v Maurizio Squeglia*, 23 December 2009, C-403/09 PPU, EU:C:2009:810, para. 59, 60.

<sup>(78)</sup> Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms Rome, 4.XI.1950*, Council of Europe, Strasbourg, 2010.

<sup>(79)</sup> FRA, *Handbook on European law relating to the rights of the child*, Publication Office of the European Union, Luxembourg, 2022.

<sup>(80)</sup> ECtHR, *A.I. v. Italy*, No. 70896/17, Judgment 1.4.2021.



The Istanbul Convention deals directly with custody and visitation rights in the context of VAW/domestic violence cases. Article 31 of the Convention requires incidents of violence to be taken into account in the determination of custody and visitation rights, and the exercise of those rights must not jeopardise the rights and safety of children. The Istanbul Convention aims to ensure that both the best interest of the child and the incidents of violence contribute to the determination of custody and visitation rights. It recognises that children's safety and well-being can be hampered by contact orders and that maintaining contact with a violent parent is not necessarily in the child's best interests<sup>(81)</sup>.

According to the Baker McKenzie legal mapping, **21 Member States have temporary custody or child support orders available**<sup>(82)</sup>. In Spain, civil protection orders can also provide requirements related to child custody and food allowance regimes. Similarly in Malta, emergency protection orders can be issued so that victims, children or both can be protected in the best interests of the child. Child support orders (maintenance) are also available<sup>(83)</sup>.

**Belgium, Luxembourg and Austria do not appear to use temporary custody or child support orders in cases of domestic violence.** In Belgium, there are no specific temporary orders, but the judge can allocate the family home to the non-abusing parent in cases of child abuse.

**In several Member States, temporary custody or child support orders are not specific to domestic violence, but, rather, are measures to protect children in case of abuse or harm.** In Hungary, preventive civil protection orders can temporarily suspend custody or the right to keep contact with the child in cases where one of the parents abuses their parental responsibility<sup>(84)</sup>. This could apply in the case of domestic violence, although not necessarily. Similarly, in Cyprus, Court Orders for Removal are designed to provide temporary protection for children by removing them from their home and placing them in a safe place or under the care of the director of Social Welfare Services<sup>(85)</sup>. This type of order appears to be for cases of abuse or direct harm to children rather than domestic violence specifically.

**Special rules on custody or visitation rights exist in case of domestic violence in six Member States<sup>(86)</sup>, in line with the Istanbul Convention requirement that incidents of violence be taken into account in the determination of custody and visitation rights of children** (see Table 12). However, in its baseline evaluation of these six Member States, GREVIO found that the legal provisions on the basis of which custody and visitation rights can be limited in cases of violence were rarely used in practice.

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<sup>(81)</sup> Council of Europe, [Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence](#), No 210, Strasbourg, 2011.

<sup>(82)</sup> BG, CZ, DK, DE, EE, IE, EL, ES, FR, HR, IT, CY, HU, MT, NL, PL, PT, RO, SI, FI, SE (Baker McKenzie, [Fighting domestic violence](#), complemented by information from GREVIO baseline reports or state reports to GREVIO where available (EE, PT, SI)).

<sup>(83)</sup> Baker McKenzie, [Fighting domestic violence](#).

<sup>(84)</sup> Baker McKenzie, [Fighting domestic violence](#).

<sup>(85)</sup> Baker McKenzie, [Fighting domestic violence](#).

<sup>(86)</sup> EE, ES, NL, AT, PT, SE (Baker McKenzie, [Fighting domestic violence](#), with additional information from GREVIO baseline reports or state reports to GREVIO where available (EE, PT, SI)).

Table 12: Examples of special rules on custody or visitation rights in Member States

Examples of special rules on custody or visitation rights in case of domestic violence
<p>In <b>Estonia</b>, courts must consider whether a parent has been violent against the child or against the other parent in: 1) deciding on preliminary measures of a case, 2) hearing the opinion of the child, 3) cases of custody rights, and 4) promoting the mutual agreement of parents <sup>(.87)</sup>.</p>
<p>In <b>Spain</b>, a judge can suspend custody and visitation of children in domestic violence cases. If those rights are not suspended, the judge must establish specific rules for custody and visitation that ensure the child's and the woman's safety, including following-up their recovery <sup>(.88)</sup></p>
<p>In the <b>Netherlands</b>, IPV can be a reason to deny access or terminate parental authority if deemed in the child's interest. The district court may remove from a parent their right to exercise authority over one or more of their children on the ground that the parent is unfit to care for and raise their children. This can be done on the grounds of abuse of parental authority, poor lifestyle, an irrevocable conviction and the existence of well-substantiated grounds to fear that the interests of the child will be neglected <sup>(.89)</sup>.</p>
<p>In <b>Portugal</b>, Law No. 24/2017 explicitly provides that the joint exercise of parental responsibilities can be contrary to the best interests of the child when: 1) a measure is applied to the perpetrator prohibiting contact between parents; and/or 2) it would expose the victims of domestic violence to serious danger.</p> <p>However, the Law does not create an obligation for family judges to act on the information communicated by the prosecutor in a criminal case. This leads to decisions on visitation and parental responsibility ignoring issues of domestic violence <sup>(.90)</sup></p>

**No special rules have been identified in 18 Member States <sup>(.91)</sup>.** In the absence of specific rules, domestic violence may be taken into account in custody and visitation rights, at the discretion of the judge. Basing those decisions on the standard of the best interests of the child can be problematic in practice. In many cases, maintaining contact with both parents at all costs, despite the presence of violence, is considered to be the best interests of the child. GREVIO raised particular concerns about the risks to victims and children when maintaining contact without adequate protection measures. In absence of appropriate measures, victims may resort to refuse to comply with visitation orders in order to protect the children. This was reported in Belgium, Spain, France, Italy, Austria and Portugal <sup>(.92)</sup>.

In Germany, any court measures affecting a child must take into account the child's best interest. The court will apply two tests: 'Is it in the best interest of the child to end the shared custody of both parents?' and 'Which parent's custody is in the better interest of the child?' The court can order temporary sole custody/parental care of the children or supervised access such as 'accompanied

<sup>(87)</sup> GREVIO, [First report by Estonia on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence](#), Council of Europe, Strasbourg, 2021.

<sup>(88)</sup> Baker McKenzie, [Fighting domestic violence](#), complemented by information from GREVIO baseline reports or state reports to GREVIO where available (EE, PT, SI).

<sup>(89)</sup> Baker McKenzie, [Fighting domestic violence](#).

<sup>(90)</sup> Baker McKenzie, [Fighting domestic violence](#).

<sup>(91)</sup> BE, BG, CZ, DK, DE, IE, EL, FR, HR, IT, CY, LU, HU, MT, PL, RO, SI, FI (Baker McKenzie, [Fighting domestic violence](#), complemented by information from GREVIO baseline reports or state reports to GREVIO where available (EE, PT, SI)).

<sup>(92)</sup> GREVIO, [3rd General Report on GREVIO's activities](#), Council of Europe, Strasbourg, 2021.

contact', which entails visitation in the presence of a familiar person or an employee of the Youth Welfare Office, allowing contact with the child in a neutral place and in the presence of a specialist <sup>(93)</sup>.

Similarly in Greece, the court may award custody to one parent, divide it between both parents, or award custody to a third person. The main criterion when awarding custody is ensuring the child's best interests <sup>(94)</sup>.

In some countries, the rules make it difficult to take domestic violence into account, except in serious acts of violence. In Belgium, in cases of separation, the law obliges the competent judge to prioritise shared custody for children unless they are convinced that the concrete situation does not allow for shared custody. This act does not mention domestic violence <sup>(95)</sup>.

In its third general report, GREVIO noted concerns in relation to the implementation of the Istanbul Convention provisions on custody and visitation rights <sup>(96)</sup>. It highlighted some key shortcomings in Member States:

- Courts do not conduct **risk assessments** or check for the presence of domestic violence in decisions determining custody and visitation rights in cases of domestic violence. This issue was identified in France, Italy, the Netherlands, Poland and Portugal.
- The **lack of coordination** between civil and criminal processes, whereby civil courts do not check whether decisions are pending before criminal courts when taking decisions on custody and visitation (e.g. Italy and Malta) or contradictory decisions are made across the different courts (e.g. Slovenia).
- **Mediation is still encouraged** or required in case of parental separation, and mediation procedures can determine custody and visitation rights. GREVIO noted that mediation processes leave victims particularly vulnerable to the power imbalance typical of domestic violence cases, which impairs their ability to negotiate.
- **Courts minimise violence. Courts and professionals still use the so-called 'parental alienation syndrome'**, i.e. a parent manipulating a child to fear or reject the other parent. This concept has been heavily criticised and lacks scientific definition. It is most frequently used to negate claims of domestic and sexual abuse where a mother may have legitimate reasons to want to limit contact with the abuser for her and her children's safety. Domestic abuse claims have been used against women as 'evidence' of parental alienation. This issue has been reported in Belgium, Spain, France, Italy and Poland.
- **Bias and lack of training among professionals** leads to assumptions that maintaining contact is essential, even in situations of domestic abuse. Domestic violence remains misunderstood and downgraded by professionals, pointing to gender discrimination against women victims of violence.

GREVIO has cautioned that separation between abuser and victims is a particularly dangerous period, with victims and children at greatest risk of death and threats of harm and violence as a result of retaliation. Contact with children is often the opportunity for abusers to carry out further abuse and is the site of violence and even femicide <sup>(97)</sup>. One study found that 94% of women victims were abused

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<sup>(93)</sup> Baker McKenzie, [Fighting domestic violence](#).

<sup>(94)</sup> Baker McKenzie, [Fighting domestic violence](#).

<sup>(95)</sup> GREVIO, [3rd General Report on GREVIO's activities](#), Council of Europe, Strasbourg, 2021.

<sup>(96)</sup> GREVIO, [3rd General Report on GREVIO's activities](#), Council of Europe, Strasbourg, 2021.

<sup>(97)</sup> GREVIO, [3rd General Report on GREVIO's activities](#), Council of Europe, Strasbourg, 2021.

as a result of contact arrangements, for example by enabling the abuser to identify the new address of the mother and children <sup>(.98)</sup>.

As pointed out by GREVIO, **many Member States resort to a default rule of shared custody between parents despite domestic violence**. Contact between children and their abusive parent is justified by parental rights <sup>(.99)</sup> and the belief that contact is in the best interests of the child. Yet inappropriate custody, contact and visitation arrangements can lead to further violence <sup>(.100)</sup> and the exposure of children to witnessing such violence <sup>(.101)</sup>.

#### 3.1.4. Existence of specialist courts to address GBV

A specialised court suggests a societal shift towards recognising the importance of addressing domestic violence. Evidence suggests that specialist courts can have a significant impact on victims' experiences of the justice system, as well as on outcomes. Specialist courts bring in specialised practitioners with a better understanding of the issues at stake. They have been shown to demonstrate higher knowledge of the complexity of cases, the information needed, and how that information connects together <sup>(.102)</sup>.

Specialised domestic violence courts are relatively common in common-law countries outside the EU (e.g. Australia, Canada and the United States (US)). Most are criminal courts, only competent for the criminal aspects of domestic violence. Some courts combine civil and criminal jurisdictions <sup>(.103)</sup>.

Specialist courts have particular benefits for the protection of child victims and witnesses of GBV. Judges and lawyers are typically specialists who are trained in specialist courts, ensuring that women and child victims of GBV are treated in a gender-sensitive manner. It can prevent cases where, for instance, judges and lawyers presume that the best interests of the child means maintaining contact with a violent parent and decide on visitation rights or even shared custody, despite the domestic violence. Non-specialist courts also have less understanding of the traumatic consequences for children of witnessing violence, often wrongfully attributing the children's trauma response to 'parental alienation syndrome' <sup>(.104)</sup>. GREVIO also raised the issue of bias against women who refuse shared custody or visitation rights with a violent former partner and who are subsequently labelled as uncooperative and unfit parents <sup>(.105)</sup>. Training and specialist courts can help to ensure that gender bias does not influence such decisions.

Specialist courts may also reduce recidivism, thus helping prevent further cases of GBV. However, research is mixed: in a review of 26 studies on domestic violence recidivism, the rate of general recidivism for offenders was 5.65% lower for cases processed through the specialist courts and domestic violence recidivism was only 2.77 percentage points (p.p.) lower <sup>(.106)</sup>.

<sup>(98)</sup> GREVIO, *3rd General Report on GREVIO's activities*, Council of Europe, Strasbourg, 2021.

<sup>(99)</sup> European Network of Legal Experts in Gender Equality and Non-discrimination, *Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence*, European Commission, Publications Office of the European Union, Luxembourg, 2021.

<sup>(100)</sup> European Parliament, *Urgent measures needed to protect victims of partner violence in custody battles*, 2021.

<sup>(101)</sup> European Parliament, *Texts adopted: The impact of intimate partner violence and custody rights on women and children*, 2021.

<sup>(102)</sup> Baker McKenzie, *Fighting domestic violence*.

<sup>(103)</sup> Bond, C., Holder, R., Jeffries, S. Fleming, C., *Evaluation of the Specialist Domestic and Family Violence Court trial in Southport: Summary and final reports*, Griffith Criminology Institute, Griffith University, 2017.

<sup>(104)</sup> GREVIO, *3rd General Report on GREVIO's activities*, Council of Europe, Strasbourg, 2021.

<sup>(105)</sup> GREVIO, *3rd General Report on GREVIO's activities*, Council of Europe, Strasbourg, 2021.

<sup>(106)</sup> Gutierrez, L., Blais, J. and Bourgon, G., *'Do domestic violence courts work? A meta-analytic review examining treatment and study quality'*, *Justice Research and Policy*, Vol. 17, No 2, 2017, pp. 75-99.

Within the EU, **specialist courts have only been established in Spain** <sup>(107)</sup>, where courts dealing with VAW are competent for crimes related to domestic violence and GBV <sup>(108)</sup>. The Violence against Women Courts have jurisdiction over both civil and criminal procedures related to VAW. Table 13 presents the competence of the Violence against Women Courts under Article 44 of Organic Act 1/2004 of 28 December on integrated protection measures against gender violence. The wide range of criminal and civil law matters for which the Courts are competent enables them to take a more holistic approach to GBV and domestic violence, e.g. ensuring that divorce and custody issues consider violence.

There are one or more Violence against Women Courts per judicial district, indicating comprehensive coverage across Spain. The Courts can issue protection orders and there is an on-call service to deal with emergencies <sup>(109)</sup>. The judges, magistrates, prosecutors and court clerks receive specialist training on sexual equality, non-discrimination for reasons of sex, victims' vulnerability and issues of gender violence <sup>(110)</sup>. GREVIO has commended the Spanish specialist Violence against Women Courts. Data show that the Courts help to ensure prosecution and conviction: case dismissals by Violence against Women Courts are very low (2.3% in 2018), while 21% of the cases are settled with a plea bargain, and conviction rates are high, reaching 78% overall <sup>(111)</sup>. This compares to conviction rates for domestic violence of 11% in Belgium <sup>(112)</sup> and conviction rates for rape and aggravated sexual assault of 8.4% in Germany in 2017 <sup>(113)</sup>.

Table 13: Overview of competence of Spain's Violence against Women Courts

Criminal procedures	Civil procedures
<p>The following crimes when committed against a person who is or has been their wife or shares or has shared an analogous affective relationship, with or without cohabitation, and those committed against his descendants or those of their spouse or cohabiting partner, or against minors or incapacitated persons living with him or under the parental authority, guardianship, custody or foster care of their spouse or cohabiting partner, when an act of gender violence has also occurred:</p> <ul style="list-style-type: none"> <li>a) Murder, injury, injury to the foetus, crimes against a person's freedom, against a person's moral integrity, against a person's sexual freedom and inviolability, and any other crime involving violence or intimidation,</li> <li>b) Crimes against family rights and duties, when the victim is among the persons specified in a) above.</li> </ul>	<p>When one of the parties in the civil process is a victim of acts of gender violence or stands accused of perpetrating acts of gender violence or aiding or abetting in the same or within criminal proceedings for an act of violence against the woman, or a protection order issued, the Court is competent for:</p> <ul style="list-style-type: none"> <li>a) Filiation, maternity and paternity.</li> <li>b) Matrimonial annulment, separation and divorce.</li> <li>c) Parent-child relations.</li> <li>d) Adoption or modification of important measures affecting the family.</li> <li>e) Guardianship and custody of minors or alimony claims by one parent against the other on behalf of minors.</li> <li>f) Obligatory consent in cases of adoption.</li> <li>g) Contesting administrative decisions regarding the protection of minors.</li> </ul>

<sup>(107)</sup> Baker McKenzie, *Fighting domestic violence*.

<sup>(108)</sup> Law 38/1988 of 28 December on Jurisdiction and Judicial Organisation. Organic Law 6/1985 of 1 July on the Judiciary.

<sup>(109)</sup> Pour La Solidarité, *Specialised gender violence courts in Spain*, 2021.

<sup>(110)</sup> Article 47 of Organic Act 1/2004 of 28 December on integrated protection measures against gender violence, [https://violenciagenero.igualdad.gob.es/definicion/pdf/Ley\\_integral\\_ingles.pdf](https://violenciagenero.igualdad.gob.es/definicion/pdf/Ley_integral_ingles.pdf)

<sup>(111)</sup> GREVIO, *Baseline evaluation report Spain*, Council of Europe, Strasbourg, 2020.

<sup>(112)</sup> GREVIO, *Baseline evaluation report Belgium*, Council of Europe, Strasbourg, 2020.

<sup>(113)</sup> German Istanbul Convention Alliance, *Alternative Report*, 2021, p. 133.

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|---|--|
| <p>c) Adoption of the corresponding victim protection orders.</p> <p>d) The hearing and determination of responsibility for felonies against persons and properties offences.</p> |  |
|---|--|

In the remaining Member States, domestic violence cases are generally prosecuted in criminal courts, issues of custody and visitation rights are dealt with in family courts, and civil liability for damages is dealt with either within the criminal proceeding or in the civil courts. In some cases, while there are not specialist courts, 'specialised prosecutors have been selected to deal with these issues, such as in Finland (<sup>114</sup>).

### 3.1.5. Contact bans and protection orders

Contact ban or (emergency) barring orders are specific protection orders issued by a judicial body, which can require an offender to leave the residence of the victim or person at risk, prohibit entering the residence of the victim or person at risk, or prohibit them from contacting the victim or person at risk. They are usually short-term orders intended to protect victims from immediate danger.

In situations of domestic violence, victims or perpetrators often need to leave the shared residence. To avoid victims being forced to leave – and sometimes seek safety in shelters (often with children) – emergency barring orders enable authorities to require the perpetrator to leave the home (<sup>115</sup>). Emergency barring orders can impose a variety of obligations, such as prohibiting the offender from communicating or meeting with the victim. Table 14 provides examples of the different types of emergency barring orders in the Member States.

Table 14: Emergency barring orders available in the Member States

Emergency barring orders available in the Member States
<p>In <b>Austria</b>, the police can impose an emergency barring order against an abuser and evict the abuser from the residence in the event that they pose a threat and refuse to leave. The underlying principle is 'whoever hits must leave', which allows the victim to remain in the residence. Emergency barring orders are issued for two weeks and compliance is monitored by the police within the first three days. If the victim applies to the court for a civil protection order, the duration of the emergency barring order can be prolonged to four weeks. Emergency barring orders are limited to the home (residence), excluding protection at the workplace.</p>
<p>In <b>Czechia</b>, interim measures (<i>předběžné opatření</i>) can be imposed under Act No. 292/2013 Coll. The abuser could be ordered to (not exclusively):</p> <ul style="list-style-type: none"> <li>• Leave the common household, as well as its vicinity, and not to reside in the common household or enter it;</li> <li>• Refrain from entering the vicinity of the common household and not to reside there;</li> <li>• Refrain from meeting the victim;</li> <li>• Refrain from undesirable pursuit and bothering of the victim by any means.</li> </ul> <p>The court can pick one or more (or all) of the given options.</p>

(<sup>114</sup>) Baker McKenzie, [Fighting domestic violence](#).

(<sup>115</sup>) Council of Europe, [Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence](#), No 210, Strasbourg, 2011.

In **France**, a victim can obtain a civil protection order, which constitutes a civil emergency measure available to victims of domestic violence. This civil protection order is issued by a family court judge even if the victim of violence has not yet filed a criminal complaint. Judges have six days to issue a civil protection order. The judge may, for instance:

- Prohibit the defendant from going to certain places;
- Prohibit the offender from meeting with certain specially designated persons;
- Prohibit the defendant from possessing or carrying a weapon;
- Offer the perpetrator health, social or psychological care or order to attend an offender programme;
- Decide on the separate residence of the spouses;
- Allocate the use of the couple's residence to the victim;
- Decide on the arrangements for the exercise of parental authority;
- Allow the victim to conceal their domicile or residence.

The public prosecutor may also give the victim a 'serious danger phone', a remote protection device that allows them to alert the public authorities. The victim can be geo-located at the time the alert is triggered.

In **Ireland**, there are three types of short-term civil orders: protection orders, interim barring orders, and emergency barring orders.

According to data collected up to 2017, the majority of civil orders were sought by spouse or civil partner applicants, with the next highest category being applications by parents against abusive children. Temporary orders are much more likely to be granted.

Protection orders are temporary safety orders. A protection order cannot compel the respondent to leave the family home. It will prohibit the offender from:

- Using, or threatening to use, violence;
- Watching or being near the victim's home;
- Following or making contact with the applicant or their dependent(s).

Interim barring orders are an alternative to a protection order and differ in that they can force a respondent to leave, or refrain from entering, the applicant's residence. Practically, an interim barring order will last for a maximum of eight days, ending with a court hearing.

An emergency barring order is a temporary order (similar to an interim barring order) that can exclude an abuser from the home. The order may also prohibit the person from further violence or threats of violence, watching or being near the applicant's home, or following or communicating with the applicant or a dependent. Spouses or civil partners may not apply for an emergency barring order, only for an interim barring order. An emergency barring order can last for a maximum of eight days.

Protection orders cover a wider category of measures and aim to protect victims of violence from further harm. Protection orders can impose a variety of measures on offenders, such as prohibiting or restraining certain dangerous behaviour. Protection orders are issued for longer-term protection of victims, usually by courts reviewing the domestic violence charges. Table 15 presents some example of protection orders in the Member States.

Table 15: Protection orders in the Member States

Protection orders in the Member States
<p>In <b>Belgium</b>, the Judicial Code enables the courts to prohibit one of the parties from entering the family home. In case of serious indications of rape or violence, the family home will be assigned to the spouse who is the victim of the abuse. In case of child abuse, the judge can allocate the use of the family home to the non-abusing parent.</p>
<p>In <b>Cyprus</b>, courts can issue restraining orders against a person charged with any violent offence that prohibit the person from entering or remaining in the marital home. They are flexible, as they can be valid for such a period and upon such conditions as the court sees fit. A restraining order needs to meet at least one of the following requirements:</p> <ul style="list-style-type: none"> <li>• The accused has a history of repeated acts of violence against members of the accused's family or has two convictions in the last two years for similar offences;</li> <li>• The violence used has caused such actual bodily, sexual or mental harm as to endanger the life, integrity or sexual or mental health of the victims;</li> </ul> <p>The accused refuses to be submitted to self-control treatment.</p>
<p>In <b>Germany</b>, under the Act on Civil Law Protection Against Violence, victims may apply for 'stay-away orders', which include ordering that the abuser:</p> <ul style="list-style-type: none"> <li>• Not enter the home;</li> <li>• Not come within a certain distance of the home;</li> <li>• Stay away from other specified places that the victim often visits, such as their workplace or school;</li> <li>• Not contact the victim, including by telecommunications (e.g. via phone, text or internet);</li> <li>• Not try to meet the victim.</li> </ul> <p>In certain cases, the victim may stay in the home for at least six months. The family court is required to take the necessary protection measures to avert a danger to the child's best interests.</p>
<p>In <b>Malta</b>, protection orders are given:</p> <ul style="list-style-type: none"> <li>• Where a person has been charged or accused with an offence before a court. The court may issue a protection order, either <i>ex officio</i> or at the request of any party to the proceedings, on reasonable grounds, for the purpose of providing for the safety or protecting the victim or other individuals from conduct that will cause a fear of violence.</li> <li>• Before issuing a protection order, the court takes into account various circumstances, such as the need for protection, the welfare of any dependents involved, the accommodation needs and the circumstances of the case. The court will always issue a protection order if the risk assessment finds the victim to be at very high risk.</li> </ul> <p>The order itself may prohibit the accused from approaching or following the injured party, prohibit or restrict access to premises in which the injured party lives, works or frequents, or prohibit the accused from contacting the injured party. These orders can remain in force for up to five years, but can be revoked or extended, as the court sees fit.</p>

Source: Baker McKenzie mapping.

The Istanbul Convention has a number of requirements aimed at ensuring adequate protection for victims of violence. It requires law enforcement authorities to respond appropriately to all forms of violence, with adequate protection measures. Competent authorities must also carry out risk



assessment of any lethal risk and risks of repeated violence in order to coordinate an adequate response. Countries that have ratified the Convention must also ensure that emergency barring orders (Article 52 Istanbul Convention) in situations of immediate danger and restraining or protection orders (Article 53 Istanbul Convention) can be ordered to protect victims.

Based on the jurisprudence of the ECHR, which has dealt with cases of domestic violence, emergency barring orders must be available in situations of immediate risk of 'any violence, and not [only] a risk of lethal violence or serious injury' <sup>(116)</sup>. In addition, barring orders can be issued for 'any situations of domestic violence in which harm is imminent or has already materialised and is likely to happen again' <sup>(117)</sup>.

Under EU law, three instruments are relevant: Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters <sup>(118)</sup>, Directive on the European Protection Order (EPO Directive) (2011/99/EU) <sup>(119)</sup> and the Victims' Rights Directive (2012/29/EU).

Regulation 606/2013 establishes a mechanism for the recognition of protection orders between Member States. Accordingly, a protection order issued in a Member State must be recognised in any other Member State, without any special procedure. It includes any decision imposing one or more obligations on the offender in order to protect a person whose physical or psychological integrity may be at risk. The order may relate to prohibition or regulation on entering the residence, work, or any other place the victim regularly visits, prohibition or regulation of contact in any form, or approaching the victim within a certain distance. This system is limited to civil law orders.

The EPO Directive establishes a system by which competent authorities can issue an EPO so that the protection order is recognised in another Member State. It covers protection measures adopted 'with a view to protecting a person against a criminal act by another person which may endanger their life, physical or psychological integrity, dignity, personal liberty or sexual integrity' (Article 1). The difference between Regulation 606/2013 and the EPO Directive is that the latter relates to criminal law protection orders, while the former deals with civil law protection orders.

**In its assessment of the EPO Directive, the European Commission deemed its effectiveness to be low, due to the take-up of the EPO instruments.** Statistics provided by Member States for 2015-2018 recorded a total of 37 EPOs issued, with 27 of those issued by one Member State <sup>(120)</sup>. Only 15 EPOs were recognised and led to the adoption of protection measures in the executing Member State <sup>(121)</sup>.

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<sup>(116)</sup> Logar, R. and Niemi, J., *Emergency barring orders in situations of domestic violence: Article 52 of the Istanbul Convention*, Council of Europe, Strasbourg, 2017.

<sup>(117)</sup> Council of Europe, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, No 210, Strasbourg, 2011.

<sup>(118)</sup> Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, OJ L 181, 29.6.2013, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0606>

<sup>(119)</sup> Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order. OJ L 338, 21.12.2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0099>

<sup>(120)</sup> The report does not specify the Member State. European Commission, *Report from the Commission to the European Parliament and the Council on the implementation of Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order*, p. 11.

<sup>(121)</sup> European Commission, *Report from the Commission to the European Parliament and the Council on the implementation of Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order*, p. 11.

In a targeted consultation with Member State authorities<sup>(122)</sup>, the Netherlands<sup>(123)</sup> and Czechia reported that foreign protection orders are not recognised and enforced. When asked about challenges in practice, several countries noted the lack of awareness of the measure by all relevant parties<sup>(124)</sup>, divergence of sanctions in different Member States for similar types of protection orders (the Netherlands, Bulgaria) and divergence among the protection measures in the Member States (the Netherlands, Romania). This is in part a result of the low efficiency of protection orders at national level. In addition, the Directive neither requires the availability of emergency barring orders and protection orders in all Member States, nor harmonises their modalities<sup>(125)</sup>.

The Victims' Rights Directive (2012/29/EU)<sup>(126)</sup> established the right of victims to protection. Accordingly, Member States must ensure that measures are available 'for the physical protection of victims and their family members' as well as for the protection from repeat victimisation, intimidation and retaliation, including the risk of emotional or psychological harm (Article 18).

**The vast majority of Member States have established specific measures for the protection of victims and their family members.** In some, however<sup>(127)</sup>, protection measures restrict the freedom of the victim rather than the offender, e.g. encouraging victims of domestic violence and trafficking to go to shelters or to engage in safety measures such as police protection, plastic surgery or change of identity<sup>(128)</sup>.

Article 22 of the Victims' Rights Directive (2012/29/EU) requires victims to receive an individual assessment to identify any specific protection need. The individual assessments must evaluate the risks of repeat victimisation, intimidation and retaliation. A review of the implementation of the Directive found that **eight Member States<sup>(129)</sup> had no individual assessment of the specific protection needs of victims of domestic violence in place, while Italy, Lithuania and Romania only partially implemented individual assessments<sup>(130)</sup>.**

Despite the Istanbul Convention, EctHR case-law and EU instruments, **emergency protection or barring orders prohibiting (potential) offenders from entering the victim's home and its immediate surroundings, exist in only 18 Member States<sup>(131)</sup>.** In the remainder, protection orders can be implemented in some, but not all, emergency situations of this kind of violence<sup>(132)</sup>.

<sup>(122)</sup> European Commission, European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Targeted consultation, q.18, unpublished.

<sup>(123)</sup> Figures from the Public Prosecution Service in the Netherlands show that EPOs are not yet used in practice (Candido, J., Hoendervoogt, M., Laatsch, N., van Dam, P. and Gest, M., *Slachtoffer en de rechtspraak: Handleiding voor de strafrechtspraktijk*, de Rechtspraak, June 2017, p. 213).

<sup>(124)</sup> BE, CZ, FR, NL, FI.

<sup>(125)</sup> European Commission, *Commission Staff Working Document Impact Assessment Report accompanying the document Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence*, Publications Office of the European Union, Luxembourg, 2022.

<sup>(126)</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. OJ L 315, 14.11.2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0029>

<sup>(127)</sup> BE, BG, CZ, LT, NL, PL, FI.

<sup>(128)</sup> Victim Support Europe, *Victims of Crime implementation analysis of rights in Europe: Synthesis report*, 2019, p. 134.

<sup>(129)</sup> BE, CZ, EE, LU, MT, RO, SI, SK.

<sup>(130)</sup> Victim Support Europe, *Victims of Crime implementation analysis of rights in Europe: Synthesis report*, 2019, p. 154.

<sup>(131)</sup> BE, BG, CZ, DK, DE, IE, HR, IT, LV, LU, HU, NL, AT, PL, RO, SI, SK, FI.

<sup>(132)</sup> European Network of Legal Experts in Gender Equality and Non-discrimination, *Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence*, European Commission, Publications Office of the European Union, Luxembourg, 2021.

GREVIO has identified a number of issues in relation to the implementation of emergency barring order and restraining or protection orders (<sup>133</sup>):

- **Infrequent use of emergency barring orders:** emergency barring orders are used infrequently in practice, often due to a too-high threshold to trigger the order. The use of barring orders does not require the risk of death or other serious violence, and they should also be issued for less serious violence. This issue was flagged in Finland, for example, where offenders are rarely expelled unless the threat of danger is very high. In Denmark, the low use of emergency barring orders in cases of domestic violence was similarly flagged. The police typically warn offenders or accept their offer to leave voluntarily. GREVIO confirmed that emergency barring orders should not depend on the will of the victim and law enforcement authorities should be proactive in issuing protective orders when a victim is in immediate danger.
- **Response to immediate danger without lengthy proceedings or high evidentiary requirements:** GREVIO pointed to failures in the procedures to adequately respond to the immediacy of the danger due to excessively long procedures or high evidentiary thresholds (in Spain, Malta and Sweden). In Spain, despite having specialised courts operating around the clock, it could still take up to 72 hours for an order to be issued. In Malta, the lengthy risk assessments were at fault. GREVIO specified that the issuance of emergency barring order should err on the side of safety, as risk assessments are not always accurate. In Sweden, prosecutors required evidence of a crime or of the abuser's intention to commit a crime.
- **Weaknesses in victim protection:** in the Netherlands, temporary restraining orders apply only to the victim's residence rather than to the victim herself. As a result, they cannot be issued when the victim and offender do not live together.
- **Enforcement and sanctions for breaches of emergency barring orders:** GREVIO noted issues in a number of countries in relation to monitoring and enforcement of orders. In Malta, the lack of a centralised system makes it difficult to record and monitor breaches of orders. In Belgium, despite the good practice of electronic tagging during regular meetings with the perpetrator and providing victims with alarms, the sanctions for breaches (e.g. monetary fines) are not sufficiently dissuasive and criminal sanctions would be preferable.
- **Availability for all forms of VAW:** under the Istanbul Convention, restraining or protection orders should be available for all forms of VAW. However, in France and Portugal, protection orders are only available for domestic violence victims.
- **Availability to victims irrespective of, or in addition to, other legal proceedings:** the Istanbul Convention requires that protection orders be made available irrespective of other legal proceedings. In Malta and Portugal, the issue of protection orders is linked to criminal proceedings or other proceedings. Protection orders should be available under civil law, regardless of whether or not victims file a claim or initiate a divorce, or if the prosecution presses criminal charges.
- **Training of relevant professionals on the use and importance of protection orders:** in a number of countries (<sup>134</sup>), low levels of implementation of restraining or protection orders are linked to inadequate understanding on the part of law enforcement, prosecution services, judges and lawyers of the need for (temporary) protection orders in breaking the cycle of violence. GREVIO has called for training for all relevant professionals on the use of protection orders.

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<sup>(133)</sup> GREVIO, [Mid-term Horizontal Review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2021.

<sup>134</sup> BE, DK, FR, MT, FI.

### 3.1.6. Protection of victims in judicial proceedings

Judicial proceedings, especially criminal proceedings, can become the setting for secondary victimisation and further victimisation for victims (i.e. harm due to the manner in which institutions deal with a victim) (<sup>135</sup>). Victims of violence may have to relive the trauma of the violence through the process of providing evidence and testimony. They may also experience secondary victimisation through the court proceedings (e.g. having their credibility questioned, being blamed in part or full for the violence, the seriousness of the harm being minimised) (<sup>136</sup>). Victims may also feel that their voice has not been heard, partly because proceedings focus on the state proving that the law has been violated, rather than the impact on the victim. Victims may also find it traumatic to see their perpetrator during legal proceedings, which may potentially expose them to further violence or threats.

The Istanbul Convention focuses on measures to limit contact between the victim and the perpetrator. It requires protection measures to be put in place to protect victims at all stages of investigations and judicial proceedings, including protection from intimidation, retaliation and repeat victimisation (Article 56 Istanbul Convention). It also requires a number of rights and specific measures to be in place, including:

- Ensuring that contact between victims and perpetrators is avoided where possible;
- Enabling victims to testify in the courtroom without being present (e.g. through teleconferencing) or without the presence of the perpetrator;
- Enabling victims 'to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered' (Article 56).

The list is non-exhaustive. Countries are bound by the general obligation to protect victims at all stages of investigations and judicial proceedings.

Under EU law, the Victims' Rights Directive (2012/29/EU) is the central instrument for rights aiming to minimise secondary victimisation. It reflects the standards of the Istanbul Convention in respect of the right to avoid contact, while expanding on requirements to minimise the risk of further traumatisation of victims in the justice system. In particular:

- The right to avoid contact between victim and offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact (Article 19);
- The right to protection for victims during criminal investigations, including having interviews of victims conducted without unjustified delay after the complaint; keeping the number of victims' interviews to a minimum and only where strictly necessary for the criminal investigation; right of victims to be accompanied by their legal representative and a person of their choice; and keeping medical examinations to a minimum and only where strictly necessary (Article 20).

This section analyses three key measures: to avoid contact with perpetrators, to minimise victims' involvement in criminal procedures, and victims' right to be accompanied by a person of their choice during criminal proceedings.

Firstly, the way premises are designed affects the implementation of the right to avoid contact. Some Member States have explicitly guaranteed in law that premises will be designed so as to avoid such contact. In Italy and Portugal, procedural laws require the use of special interview rooms and separate

<sup>135</sup> EIGE, [Secondary victimisation](#), n.d.

<sup>136</sup> Orth, U., '[Secondary victimization of crime victims by criminal proceedings](#)', *Social Justice Research*, Vol. 15, No 4, 2002, pp. 313-325;; Laxminarayan, M., '[Procedural justice and psychological effects of criminal proceedings: the moderating effect of offence type](#)', *Psychology, Crime & Law*, Vol. 20, No 8, pp. 781-797.

waiting areas to ensure that victims are separated from perpetrators (<sup>137</sup>) (<sup>138</sup>). According to research by Victim Support Europe (<sup>139</sup>), **most premises in Member States do not have separate entries (<sup>140</sup>) or separate waiting rooms for victims and offenders.** As a result, it is challenging to ensure the right to avoid contact in practice. Some Member States have established separate waiting rooms in most of their facilities, or at least in new facilities. This is reportedly the case in Czechia, Germany (<sup>141</sup>), Cyprus, the Netherlands and Finland.

In order to compensate for infrastructure deficiencies, practices have been developed to ensure that victims and offenders are scheduled to attend a hearing or deposit a statement on different days or at different times, or use different entrances/exits (<sup>142</sup>). The Victim Support Europe research found that, overall, separate waiting areas did not exist in almost 45% of cases and that separate entrances did not exist in over 50% of cases, according to victim support professionals (<sup>143</sup>).

Secondly, measures should be in place to minimise the requirement for victims to intervene in criminal proceedings, such as giving victims' testimony, attending hearings in person, or being in the same room as the alleged offender.

**At least 18 Member States can request children to testify in court (<sup>144</sup>).** In some countries, there are specific conditions to be met in order to be allowed to request a child to testify. For example, in Finland, a child under 15 years old or who is mentally disabled may be heard 'if (i) hearing them personally is of central significance to clarifying the matter and (ii) hearing the [child] would probably not cause the [child] suffering or other harm that can injure them or their development' (<sup>145</sup>). In France, child witnesses of domestic violence who are under 16 years old called to testify are not required to swear an oath and the judge will assess whether the testimony can cause trauma to the child and whether the child wants to be heard, without any pressure from one parent (<sup>146</sup>). In Hungary, children under 14 years old cannot be requested to testify and children between 14 and 18 years must consent to giving their testimony (<sup>147</sup>).

Where children are requested to testify, special measures must be in place for the hearing of the child, as outlined in Table 16.

Table 16: Special measures where a child witness is requested to testify

Special measures where a child witness is requested to testify
In <b>Belgium</b> , specific measures exist for questioning child victims or witnesses, which include audio-visual questioning. The child has the right to be accompanied by an adult of their choice, except if it is against the interests of the child. Child witnesses of a violation of the integrity of a person (sexual offence, assault, etc.) have their interviews recorded. The court may still require the child to testify during the trial if necessary to establish the truth. In that case, the child may testify via a video conference to avoid confronting the suspect.

(<sup>137</sup>) GREVIO, *Mid-term Horizontal Review of GREVIO baseline evaluation reports*. Council of Europe, Strasbourg, 2021.

(<sup>138</sup>) Victim Support Europe, *Victims of Crime implementation analysis of rights in Europe: Synthesis report*, 2019.

(<sup>139</sup>) BE, BG, DE, EE, IE, EL, ES, FR, HR, HU, MT, NL, PL, RO, SI, SK.

(<sup>140</sup>) BE, BG, EE, IE, EL, ES, FR, HR, IT, LT, LV, LU, HU, MT, PL, PT, RO, SI, SK, SE.

(<sup>141</sup>) Victim Support Europe, *Victims of Crime implementation analysis of rights in Europe: Synthesis report*, 2019.

(<sup>142</sup>) BE, CZ, DE, EE, EL, FR, LT, HU, AT, PL, PT, SI, SK, FI.

(<sup>143</sup>) Victim Support Europe, *Victims of Crime implementation analysis of rights in Europe: Synthesis report*, 2019.

(<sup>144</sup>) BE, BG, CZ, DK, DE, IE, EL, ES, FR, HR, CY, LU, NL, AT, PL, RO, FI, SE (Baker McKenzie, *Fighting domestic violence*).

(<sup>145</sup>) Baker McKenzie, *Fighting domestic violence*.

(<sup>146</sup>) Baker McKenzie, *Fighting domestic violence*.

(<sup>147</sup>) Baker McKenzie, *Fighting domestic violence*.

In **Bulgaria**, the Code of Criminal Procedure provides special rules for child witnesses. The child must be examined in the presence of a psychologist or an expert in education and, if necessary, in the presence of a parent or guardian.

In **Ireland**, there are legislative protections in place to support child witnesses giving evidence. Those include the fact that 'a child under 14 years of age does not need to give evidence on oath, and there is no requirement for the corroboration of unsworn evidence of a child. A child under 17 years of age may give evidence through a live television link unless the court sees good reason to the contrary. A party may apply to the court to allow an intermediary to convey any questions being asked to the child under 17 years of age in a way appropriate to their age and mental condition. If an intermediary is not used, the wearing of wigs and gowns is not permitted by barristers and judges for the examination of a child witness under the age of 17 when giving evidence via television link'.

In **Cyprus**, the manual for inter-departmental coordination for domestic violence provides that the testimony of children, especially those under 10, must be avoided. Where such testimony is necessary, an inter-departmental meeting or a consultation with competent officers from the child psychology section of the health services and the family counsellors of the welfare services must take place first.

In **Austria**, when children are interviewed as witnesses in criminal proceedings, the presence of a trusted individual is required if the child is under 14 years old. Special child protection agencies are normally appointed to support children through the court process. Children can have separate and protective adversary questioning, without any direct confrontation with the accused.

**Victims do not need to attend protection order hearing in 10 of the 22 mapped Member States**

(<sup>148</sup>). For instance, in Cyprus, a victim can request that the court accept a video-recorded statement instead of appearing for a hearing in court, and the victim cannot appear before the court for cross-examination. In Germany, the decision is usually made without hearing the victim or the abuser, although the judge may require an oral hearing in some cases. In the main proceedings before the family courts, the victim and perpetrator may be heard in separate hearings if necessary to protect the victim, or a hearing of the victim may be omitted in case it significantly harms their health.

**In Denmark, Ireland, France and Hungary, victims must attend the hearings** related to protection orders due to the adversarial principle of justice. In France, the civil protection proceeding requires an oral and adversarial procedure. The judge can, however, hear the victims and offenders separately in order to avoid contact between them (<sup>149</sup>).

**In some Member States, victims may be required to testify** (HR, IT) if the court so orders (<sup>150</sup>). In Austria, victims required to testify can do so via video link, although GREVIO noted that this option is not always afforded to victims in practice (<sup>151</sup>).

Under Article 20 of the Victims' Rights Directive (2012/29/EU), **interviews with the victims must happen without delay. This is the case in eight Member States** (<sup>152</sup>), where there is an obligation to conduct the interview immediately after the complaint is made. Victim support professionals have estimated that there are delays in interviewing victims in more than 40% of cases as a result of lack of

(<sup>148</sup>) BE, BG, CZ, DE, EL, CY, LU, NL, PL, SE (Baker McKenzie, [Fighting domestic violence](#)).

(<sup>149</sup>) Baker McKenzie, [Fighting domestic violence](#).

(<sup>150</sup>) BE, MT, AT, PL (Baker McKenzie, [Fighting domestic violence](#)).

(<sup>151</sup>) GREVIO, [Mid-term Horizontal Review of GREVIO baseline evaluation reports](#), Council of Europe, 2022.

(<sup>152</sup>) ES, FR, HR, CY, LV, SK, FI, SE.

resources or coordination between the authorities. In fact, there is a lack of legal obligation to conduct interviews without delay in eight Member States <sup>(153)</sup>.

In terms of minimising the interactions of the victims with the justice system, **only eight Member States <sup>(154)</sup> have a legal obligation to limit to a minimum the number of interviews and medical examinations.** In Slovakia, a legal obligation exists to limit the numbers of interviews only <sup>(155)</sup>.

Finally, **the right to be accompanied by a person of their choice during criminal proceedings (Article 20 Victims' Rights Directive) appears to be the most implemented measure**, with 24 Member States <sup>(156)</sup> having adopted legal obligations to ensure this right. In practice, however, victim support professionals reported about one in three victims sometimes, rarely or never receive this form of support <sup>(157)</sup>.

### 3.2. Conclusion

Procedural law frameworks relating to GBV vary considerably across the EU, likely reflecting the limited scope of EU law. There are notable challenges in preventing and combating GBV, including a high or discretionary burden of proof in 12 Member States, which makes a conviction less likely. Similarly, criminal sanctions vary considerably and were widely seen as not dissuasive and thus failing to deter GBV. Only six Member States have special rules that ensure violence is taken into account when making custody decisions about children, meaning that in other Member States, children and other family members are at risk of further violence through enforced contact with the perpetrator. Only Spain has a specialist court to deal with GBV, and the specialist knowledge of professionals leads to higher prosecution and conviction rates. These issues are not addressed in the European Commission's proposed Directive on combating violence against women and domestic violence, largely due to limited EU competency. The absence of measures related to the protection of victims reflects implementation challenges in regards to the Victims' Rights Directive (2012/29/EU).

The proposed Directive potentially addresses the issue of harmonising barring orders and protection orders (Article 21 proposed Directive). The provision aligns with the Istanbul Convention in requiring the availability of emergency barring orders in situations of immediate danger (currently not available in nine Member States), as well the availability of restraining or protection orders for long-term protection (legal provisions are in place in all Member States). The proposed Directive would also criminalise breaches of emergency barring or restraining and protection orders, thereby helping to ensure compliance and effectiveness in protecting victims. Table 17 summarises current EU legislation, gaps and provisions in the proposed Directive.

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<sup>(153)</sup> DE, EE, IT, LT, LU, AT, PL, PT (Victim Support Europe, [Victims of Crime implementation analysis of rights in Europe: Synthesis report](#), 2019).

<sup>(154)</sup> CZ, DE, EL, ES, FR, CY, FI, SE.

<sup>(155)</sup> Victim Support Europe, [Victims of Crime implementation analysis of rights in Europe: Synthesis report](#), 2019.

<sup>(156)</sup> BE, BG, CZ, DE, EE, IE, EL, ES, FR, HR, IT, CY, LT, LU, HU, MT, LV, NL, PL, PT, SI, SK, FI, SE (Victim Support Europe, [Victims of Crime implementation analysis of rights in Europe: Synthesis report](#), 2019).

Table 17: Summary of current regulation and gaps in respect of GBV and corresponding measures in the European Commissions' proposed Directive on violence against women and domestic violence

Element of procedural law	Currently regulated at EU level	Current gaps	Provision in European Commission proposed Directive
Burden of proof	-	High burden of proof in nine Member States; at the discretion of the judge in three other Member States	-
Criminal sanctions	-	Sanctions vary considerably and are not considered dissuasive	-
Custody rights	-	Six Member States have special rules that take into account GBV in deciding custody rights	-
Specialist courts	-	Specialist courts only exist in Spain	-
Contact bans and protection orders	Victims' Rights Directive; EPO Directive	Emergency barring orders not legally available in nine Member States; other access challenges remain	Article 21
Protection of victims in judicial proceedings	Victims' Rights Directive	Victims do not need to attend protection order hearing in 10 of 22 mapped Member States; eight Member States have a legal obligation minimising the interactions of victims with the justice system	-



## 4. VICTIM SUPPORT

### KEY FINDINGS

- Provision of specialist support services is low in most of the EU. There is a shortfall compared to Council of Europe targets for the provisions of services per percentage of the population: 43% for shelters, 58% for women's centres and 87% for specialist services for victims of sexual assault.
- Helplines are the most commonly available specialist support service, with 18 Member States meeting the Council of Europe standards and providing helplines that are free and available 24/7, likely reflecting the lower costs involved.
- Women who experience multiple forms of discrimination face increased barriers to accessing support, particularly women with a disability and migrant women.
- Support for victims to report crimes is hindered by confidentiality rules that restrict third-party reporting by professionals. Similarly, options to report GBV online, which can be more accessible for some victims, are limited, with only two Member States having an online reporting mechanism with specific provisions related to GBV.

Support can be crucial for victims at various stages of GBV. It can be offered on an emergency basis, such as shelters providing victims with a safe place to stay if they are forced to leave their home because the perpetrator lives there, or rape crisis centres providing emergency medical support and collect the evidence needed for successful prosecution. Support can be in the form of a helpline offering advice, information and counselling for victims or others who are concerned about GBV at any time. Victims may also require support to report crimes and thus access justice. This can include online reporting mechanisms – which are often more accessible, particularly for online forms of GBV – and measures to ensure that professionals can report GBV on behalf of others.

This chapter examines the provision of general support services as public services available to all members of public (Section 4.1.1), but then focuses on services specifically for victims of GBV. It assesses different specialist services (Section 4.1.2), including shelters (Section 4.2) and helplines (Section 4.3) against the level of provision set out in Council of Europe targets. It takes an intersectional perspective to look at the accessibility of support services for all victims (Section 4.4). Finally, it analyses the measures in place to encourage reporting of GBV to law enforcement authorities (Section 4.5) and draws conclusions on whether or not the European Commission's proposed Directive on combating violence against women and domestic violence addresses the gaps identified.

### 4.1. Who is eligible for different forms of victim support services, i.e. does it vary according to the type of GBV or criminalisation or other categorisation in place?

This section looks at the availability of support services for victims of GBV. This question is interpreted as relating to the *provision of and access to* both general and specialist support services for different groups of victims of GBV. There is insufficient information available on support for different forms of GBV to identify any relationship with levels of criminalisation.

General support services refer to public services and are thus available to all people, not only victims of a crime. According to the Istanbul Convention, general support services include 'legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment' (Article 20(1)) and 'professionals in such services should be appropriately trained and services adequately resources' (Article 20(2)).

Specialist support services are for victims of crime, in this case victims of GBV. Specialist services are important because they can better meet victims' unique needs for specialist health services (e.g. in cases of sexual violence) and a victim-centred and gender-sensitive approach by professionals. Specialist support services include shelters and helplines, as well as women's centres and services for victims of sexual violence.

#### 4.1.1. General support services

The right to support services is set out in Article 8 of the Victims' Rights Directive (2012/29/EU), while Article 9 sets out the forms of support to be made available, including specifically for victims of 'sexual violence, victims of gender-based violence and victims of violence in close relationships' (<sup>158</sup>). The purpose of Articles 8 and 9 is to ensure that victims have access to general and specialist support services in accordance with their needs.

**Articles 8 and 9 of the Victims' Rights Directive (2012/29/EU) have faced challenges in their transposition.** The executive summary of the Evaluation of the Victim Rights' Directive in 2022 indicates a 'lack of certain types of specialised support services' (<sup>159</sup>). A report on implementation in 2020 highlighted that a number of Member States had not completely transposed Article 8(1) on general support services (<sup>160</sup>). Many Member States limit access to such services to victims of domestic violence or victims of trafficking in human beings, which may exclude victims of other forms of GBV. In addition, not all Member State provide for a right to support services for victims' family members, such as children. Similar problems of transposition were found in relation to Article 8(3), which requires Member States to establish free-of-charge and confidential specialist support services. A number of Member States either have not transposed this provision or have transposed it incompletely (e.g. providing for such services only to victims of domestic violence or child victims). Other issues were noted in several Member States in relation to the obligation that access to victim support services should not be dependent on the formal complaint of a victim (Article 8(5)). In one Member State, for example, only victims of domestic violence have access to support services without reporting a crime to police.

An implementation assessment by the NGO VOCIARE (<sup>161</sup>) in 2018-2019 showed that **19 Member States have both general and specialised support services**, indicating some level of provision for all

<sup>158</sup>) Article 9 includes the right to information (including on rights and compensation), psychological support, financial and practical advice, access to accommodation, as well as access to targeted and integrated support for victims with specific needs, such as victims of GBV and victims of violence in close relationships.

<sup>159</sup>) European Commission, [Commission Staff Working Document, Executive summary of the Evaluation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA](#), Publications Office of the European Union, Luxembourg, 2022.

<sup>160</sup>) European Commission, [Report from the Commission to the European Parliament and the Council on the implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA](#), Publications Office of the European Union, Luxembourg, 2020.

<sup>161</sup>) Victim Support Europe, [Victims of crime implementation analysis of rights in Europe: synthesis report](#), 2019, p. 55.

victims of crime (<sup>162</sup>). In **five Member States, only specialised support services are available** (<sup>163</sup>). In most Member States, support services are provided by both the state and NGOs, except in Ireland, Croatia and the Netherlands, where support services are provided solely by NGOs (<sup>164</sup>).

The provision of general support services is required under Article 20 of the Istanbul Convention. GREVIO notes that the diverse ways in which general support services are delivered across different countries makes it difficult to effectively compare the performance of different countries. There are, however, **common challenges**, including insufficient training of professionals (Belgium, Italy), inadequate support tailored to the individual specificities of vulnerable women (the Netherlands, Finland, Sweden), challenges in referrals among health care-professionals (France) and in access to specialist services (Belgium, Spain, Finland).

#### 4.1.2. Specialist support services

Specialist services provide crucial supports for victims of GBV. The right to specialist support services is set out in the Victims' Rights Directive (2012/29/EU) (see Section 4.1.1) and under Article 22 of the Istanbul Convention. In its monitoring of Article 22, GREVIO notes the limited availability of specialist services, with low numbers and distribution across countries. Where such services exist, they tend to focus on domestic violence, but this still does not ensure sufficient availability even for that single category of victims. GREVIO has noted particular gaps for women victims of online violence and women experiencing intersecting forms of discrimination. This section focuses on women's centres and support for victims of sexual violence, as core specialist services, and reflects the availability of comprehensive mapping of these services.

##### Women's centres

Women's centres are non-residential services supporting women victims of GBV and their children. The services provided at women's centres may include 'information, civil empowerment and rights advocacy, counselling, mediation in institutions, litigation and representation at courts, specialised legal and psychological help, material help (e.g. with food, clothing), practical advice in connection with education, employment, housing, legal rights, court accompaniment etc' (<sup>165</sup>). They may also engage in wider community education, awareness-raising and prevention.

In 2021, the NGO Women against Violence Europe (WAVE) carried out comprehensive mapping of specialist women's centres across the EU (and beyond). It found that **all Member States have some form of women's centres, with the exception of Hungary**. WAVE mapped the number of women's centres in relation to the total population to assess the extent to which Member States are meeting the Council of Europe target of at least one women's centre per 50 000 of the female population. This assessment showed **a shortfall of 58% in women centres across the EU**. WAVE also noted that even Member States with a higher provision of women's centres experienced challenges ensuring sufficient geographical coverage.

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<sup>(162)</sup> BE, CZ, DE, EE, IE, ES, FR, HR, IT, CY, HU, MT, NL, AT, PL, PT, SI, FI, SE. In the case of IT, there is no universal generic support service provider. Instead, the generic support to victims of crime is provided by different organisations at regional and provincial level, even though a national coordination of generic assistance centres for victims is due to be established (Victim Support Europe, *Victims of crime implementation analysis of rights in Europe: synthesis report*, 2019, p. 55).

<sup>(163)</sup> BG, EL, LT, RO, SK.

<sup>(164)</sup> The main organisation providing general and specialised support services is Victim Support Europe, which relies heavily on state (Ministry of Justice and Safety) and municipal funding (Victim Support Europe, *Victims of Crime implementation analysis of rights in Europe: Synthesis report*, 2019, p. 55).

<sup>165</sup> WAVE, *WAVE country report 2021: women's specialist support services in Europe and the impact of COVID-19 on their provision*, 2021.

## Specialist services for victims of sexual violence

Rape crisis centres are a type of specialist services specifically for victims of sexual violence. These centres support victims of recent or historic sexual violence and tend to provide immediate and long-term support. Sexual violence referral centres aim to provide immediate support to those who have been sexually assaulted, including specialist forensic and medical care. They often refer victims to other services, including rape crisis centres (<sup>166</sup>).

The need for such support is referenced in Article 25 of the Istanbul Convention, which recommends that there should be a centre for victims of sexual violence for every 200 000 inhabitants of a country (<sup>167</sup>). According to WAVE research, 14 Member States have a sexual violence referral centre, although not all meet the Istanbul Convention's requirements for qualifying as a rape crisis centre or sexual violence referral centre (<sup>168</sup>). There are only 296 centres across the EU (<sup>169</sup>), showing **a shortfall of 87% (1 941) centres to meet the Istanbul Convention standard** (<sup>170</sup>).

## 4.2. Are shelters available?

This section explores the availability and accessibility of shelters in the EU. Shelters offer a safe place to stay to women and child victims of GBV, particularly in cases of domestic violence where women are forced to leave their home to escape the perpetrator. Having access to such accommodation can help to protect them from further harm and provide the space and support they need to rebuild their lives.

### 4.2.1. Size of shelter provision

The provision of shelter remains a challenge across the EU. In 2021, WAVE measured the number of shelters accessible to women, by individual bed spaces, and found that **only six Member States** (<sup>171</sup>) **met the Istanbul Convention minimum standard of one shelter bed per 10 000 of the population**. The number of beds would need to nearly double across the EU to meet the Istanbul Convention minimum standards. This equates to 19 174 missing beds (43%), with the shortfall even higher for some individual countries, as shown in Table 18.

Table 18: Member States with the highest shortfall of beds (more than 70%, based on one bed per 10 000 population)

Member State	Proportion of beds missing (%)
Czechia	92%
Poland	83%
Bulgaria	82%
Ireland	72%

Source: WAVE, 2021.

(<sup>166</sup>) WAVE, [WAVE country report 2021: women's specialist support services in Europe and the impact of COVID-19 on their provision](#), 2021.

(<sup>167</sup>) Council of Europe, [Explanatory report to the Council of Europe Convention on preventing and combating violence against women and domestic violence](#), No 210, Strasbourg, 2011.

(<sup>168</sup>) European Parliament, [Tackling violence against women and domestic violence in Europe: The added value of the Istanbul Convention and remaining challenges](#), 2020.

(<sup>169</sup>) The actual number is likely to be slightly higher as France and Sweden have rape crisis centres and sexual violence referral centres, but no numbers were provided for these two Member States.

(<sup>170</sup>) WAVE, [WAVE country report 2021: women's specialist support services in Europe and the impact of COVID-19 on their provision](#), 2021.

(<sup>171</sup>) DK, LU, MT, SI, SE.

A comparison to 2018 WAVE data shows that while the total number of shelters accessible to women has reduced from 2 350 to 2 112, **the number of beds has actually increased by 4 000, indicating a slight improvement over time** <sup>(172)</sup>.

GREVIO's monitoring of Article 23 of the Istanbul Convention on shelter provision also finds shelter availability to be lacking. Unlike WAVE, which looks at number of beds, GREVIO assesses the number of 'family places', which consists of two beds (for one woman and one child <sup>(173)</sup>). In 2022, GREVIO found that of the 11 Member States evaluated <sup>(174)</sup>, only Austria met the standard of one family place per 10 000 population, with Malta close to reaching that target <sup>(175)</sup>.

**GREVIO's monitoring information identifies France and the Netherlands as particular areas of concern in terms of shelter provision.** In France, a substantial amount of provision is not tailored to the particular needs of women victims of GBV, e.g. emergency accommodation for the homeless. In the Netherlands, efforts to allocate resources geographically according to need have led to a reduction in capacity because, while regions required to reduce the number of shelters have done so, those required to increase their availability have not <sup>(176)</sup>.

WAVE has argued that women-only shelters (with appropriate funding) are the gold standard, as they can provide the necessary knowledge and expertise in relation to women's needs. Eight out of 10 (79%) shelters in the EU were for women only. However, it also noted concerns in respect **an increasing risk of a reduction or defunding of women-only shelters in favour of gender-neutral shelters.** This approach is criticised for creating a gender-neutral approach to support provision, failing to recognise the particular needs of women, and diverting funding towards men's services for which demand is very low <sup>(177)</sup>.

#### 4.2.2. Accessibility of shelter provision

As well as availability challenges in accessing shelters, certain groups of women victims of GBV face additional access issues. This section outlines the challenges faced by migrant women, women with complex needs, women victims of particular types of GBV and women living in rural areas.

**Migrant women victims of GBV who are undocumented can face challenges accessing shelters and support services because of the perceived and actual risk that their migration status will be shared with law enforcement agencies, potentially leading to deportation** (see Section 4.5.3 for a discussion of the effect on reporting). Research undertaken by the NGO 'Platform for International Cooperation on Undocumented Migrants' (PICUM) highlighted good practices to address this access challenge. These can include legal provisions, such as the legislation in Spain enabling undocumented women to access shelter under Article 14(3) of the 2009 Organic Law, which states that those pursuing a case against their abuser in court can access housing funds and, in cases of successful conviction, receive priority in accessing public housing <sup>(178)</sup>. Other barriers stem from funding mechanisms whereby the cost is covered by state social protection mechanisms, which undocumented women are

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<sup>(172)</sup> WAVE, [WAVE country report 2021: women's specialist support services in Europe and the impact of COVID-19 on their provision](#), 2021.

<sup>(173)</sup> WAVE, [WAVE country report 2021: women's specialist support services in Europe and the impact of COVID-19 on their provision](#), 2021.

<sup>(174)</sup> The Member States evaluated are: Austria, Belgium, Denmark, Finland, France, Italy, Malta, the Netherlands, Portugal, Spain and Sweden.

<sup>(175)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), Council of Europe, Strasbourg, 2021, p.81.

<sup>(176)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), Council of Europe, Strasbourg, 2021.

<sup>(177)</sup> [WAVE country report 2021: women's specialist support services in Europe and the impact of COVID-19 on their provision](#), 2021.

<sup>(178)</sup> PICUM, [The rights of undocumented victims: what to know if you're a women's organisation, shelter or service provider](#), n. d., p. 5.

unable to access<sup>(179)</sup>. Such barriers were found to differing extents in Belgium, Spain, France, Austria, Malta and Portugal<sup>(180)</sup>. The city of Gothenburg in Sweden has addressed this by the municipal body reimbursing providers for provision to undocumented women<sup>(181)</sup>. Migrant women may also face barriers to accessing shelters because of a lack of language or knowledge of the services available.

**GREVIO and WAVE have noted challenges for women victims of GBV with complex needs accessing shelters.** This includes shelters not having the capability to support older women, or victims with physical or learning disabilities, or mental health challenges. This can leave some of the most vulnerable women without access to the safety they need<sup>(182)</sup>.

**Most countries have some shelters for women who are victims of domestic violence, but tend to lack shelters for other forms of violence, such as sexual violence, FGM and forced marriage<sup>(183)</sup>.** WAVE found that only 12 Member States<sup>(184)</sup> had shelters to support women who had been trafficked, and only some have shelters available for victims of so-called honour-based violence, forced marriage and FGM<sup>(185)</sup>. Bulgaria, for example, has a dedicated shelter offering temporary accommodation for victims of human trafficking<sup>(186)</sup>. In Sweden, the NGO 'Sisters' Shelter Somaya' (*Systerjouren Somaya*) provides specialist services for women victims of domestic violence or so-called honour-related crimes. It focuses on women with a migrant background and provides services in many different languages<sup>(187)</sup>.

The Council of Europe recommends that shelters should be available in every region. In reality, however, **provision outside of main cities is uncommon<sup>(188)</sup>**. This is highlighted as a particular issue in Romania and southern regions of Italy<sup>(189)</sup>. There is evidence of some good practices, such as efforts by the German Ministry for Social Welfare, which committed EUR 9.2 million for the six counties without shelters in order to ensure appropriate geographical coverage and enable all counties to deliver activities to support victims of domestic violence<sup>(190)</sup>.

Overall, findings suggest a severe lack of availability of shelters. Women with precarious migration status, multiple complex needs, or victims of violence other than domestic violence face greater challenges in accessing appropriate shelter support.

<sup>(179)</sup> PICUM, *The rights of undocumented victims: what to know if you're a women's organisation, shelter or service provider*, n. d.

<sup>(180)</sup> GREVIO, *Mid-term horizontal review of GREVIO baseline evaluation reports*. Council of Europe, Strasbourg, 2021; PICUM, *The rights of undocumented victims: what to know if you're a women's organisation, shelter or service provider*, n. d.

<sup>(182)</sup> WAVE, *WAVE country report 2021: women's specialist support services in Europe and the impact of COVID-19 on their provision*, 2021.

<sup>(183)</sup> GREVIO, *Mid-term horizontal review of GREVIO baseline evaluation reports*. Council of Europe, Strasbourg, 2022.

<sup>(184)</sup> BE, BG, DK, DE, ES, IT, CY, LV, HU, NL, SI, SE.

<sup>(185)</sup> WAVE, *WAVE country report 2021: women's specialist support services in Europe and the impact of COVID-19 on their provision*, 2021.

<sup>(186)</sup> FRA, *Victims of crime in the EU: the extent and nature of support for victims*, Publications Office of the European Union, Luxembourg, 2015.

<sup>(187)</sup> FRA, *Victims of crime in the EU: the extent and nature of support for victims*, Publications Office of the European Union, Luxembourg, 2015.

<sup>(188)</sup> WAVE, *WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, 2021.

<sup>(189)</sup> WAVE, *WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision*, 2021, p. 51.

<sup>(190)</sup> German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, *Protecting women against violence – Best practices from all over Europe*, 2022.

### 4.3. Are there specific channels to denounce (e.g. specific phone lines) GBV?

This section explores the availability of telephone helplines within the EU to support women victims of GBV. Helplines offer immediate, low-threshold points of contact for victims with informed, non-judgemental support and advice from trained professionals. They can offer emergency advice in crises, referrals to other agencies, and signpost or transfer callers to local shelters, centres and other forms of specialist help. They may also give sustained counselling over a period of time to repeat callers. Offering anonymity and confidentiality, this support often encourages and enables women to seek help in person. They can be particularly useful for women living in remote or rural areas that lack local services (<sup>191</sup>).

In assessing the availability of helplines, this report draws on the standards in Article 24 of the Istanbul Convention, which indicates that helplines should be available 24 hours of day, free of charge, confidentially or with due regard for their anonymity, and apply to all forms of violence covered by the Convention.

#### 4.3.1. Availability of telephone helplines

In 2021, WAVE carried out comprehensive mapping of the availability of helplines for victims of GBV across the EU (and beyond), compared to the Istanbul Convention standards. These data were collected through an online questionnaire completed directly by women's specialist support services.

Table 19 shows comprehensive availability of helplines: **EU Member States provide a national women's helpline except Belgium, Czechia, Malta and the Netherlands.** Of these four, Belgium provides regional helplines for victims of violence generally and the Netherlands offers a national domestic violence helpline, which operates under a gender-neutral perspective. Similarly, Czechia and Malta offer a general helpline for all victims of violence (<sup>192</sup>).

**All but one Member State with a helpline (Poland) provide a helpline that is free of charge, and most operate round the clock except four** (France, Latvia, Luxembourg, Hungary). The French national women's helpline for instance operates 9am-10pm on weekdays and 9am-6pm on weekends and public holidays. However, it also provides a 24/7 online chat service that is run by trained law enforcement officials (<sup>193</sup>). Overall, 18 Member States met the Istanbul Convention standard of providing a national women's helpline that is free of charge and operating 24/7. This is an increase of three countries, with Croatia, Portugal and Slovenia all achieving this standard in the two years since the 2019 report.

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(<sup>191</sup>) WAVE, [WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision](#), 2021.

(<sup>192</sup>) WAVE, [WAVE Country Report 2021: Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision](#), 2021.

(<sup>193</sup>) European Parliament, [Tackling violence against women and domestic violence in Europe: The added value of the Istanbul convention and remaining challenges](#), Policy Department for Citizens' Rights and Constitutional Affairs, 2020.

Table 19: National women’s helplines, compared to Istanbul Convention standard

Member State	Existence of a national women’s helpline	National women’s helpline free of charge	National women’s helpline operation 24/7	Multilingual support
Belgium	<b>No</b>	-	-	-
Bulgaria	Yes	Yes	Yes	<b>No</b>
Czechia	<b>No</b>	-	-	-
Denmark	Yes	Yes	Yes	Yes
Germany	Yes	Yes	Yes	Yes
Estonia	Yes	Yes	Yes	Yes
Ireland	Yes	Yes	Yes	Yes
Greece	Yes	Yes	Yes	Yes
Spain	Yes	Yes	Yes	Yes
France	Yes	Yes	<b>No</b>	Yes
Croatia	Yes	Yes	Yes	Yes
Italy	Yes	Yes	Yes	Yes
Cyprus	Yes	Yes	Yes	Yes
Lithuania	Yes	Yes	Yes	Yes
Latvia	Yes	Yes	<b>No</b>	Yes
Luxembourg	Yes	Yes	<b>No</b>	Yes
Hungary	Yes	Yes	<b>No</b>	Yes
Malta	<b>No</b>	-	-	-
Netherlands	<b>No</b>	-	-	-
Austria	Yes	Yes	Yes	Yes
Poland	Yes	<b>No</b>	Yes	<b>No</b>
Portugal	Yes	Yes	Yes	<b>No</b>
Romania	Yes	Yes	Yes	Yes
Slovenia	Yes	Yes	Yes	Yes
Slovakia	Yes	Yes	Yes	Yes
Finland	Yes	Yes	Yes	Yes
Sweden	Yes	Yes	Yes	Yes
<b>Total</b>	<b>Yes = 23 No = 4</b>	<b>Yes = 22 No = 1</b>	<b>Yes = 19 No = 4</b>	<b>Yes = 20 No = 2</b>

Source: WAVE, 2021.

**There is limited availability of specialist helplines for all forms of GBV.** GREVIO monitoring found that the national women’s helplines in Portugal, and Spain were aimed solely at victims of domestic violence. The Finnish helpline technically offers support for all types of violence, but GREVIO reports that, in practice, it appears to focus on IPV. Denmark’s helpline covers domestic violence, dating violence and so called honour-based violence but does not include rape, FGM and forced marriage. However, The national helpline in Sweden (*Kvinnofridslinjen*) was highlighted as exemplifying good



practice because its helpline supports women who have experienced all types of violence and it is staffed by social workers and nurses, who have more specialist training (.<sup>194</sup>).

**The availability of helplines depends on sufficient funding, which is precarious in several Member States.** WAVE notes that most Member States receive state funding, sometimes supplemented by private donations. However, in Slovakia, the helpline is entirely financed through the European Social Fund (ESF), potentially indicating a lack of long-term state support, while in Bulgaria, despite receiving some state or international funding, women's helplines rely on volunteers to provide the service, rather than professionals who are more likely to have the expertise needed to effectively support callers (.<sup>195</sup>).

#### 4.3.2. Accessibility of telephone helplines

For helplines to be accessible to all women, it is important that they provide support in multiple languages. This is likely be particularly important for migrant and refugee women. WAVE identifies **20 Member States that offer 'multilingual support'** (see Table 19). Of these, 16 meet the Istanbul Convention standards of being a national women's helpline, that is free of charge and offered 24/7. However, the scope of that 'multilingual support' varies greatly. For instance, in Denmark, Croatia, Cyprus and Slovakia, the language offerings are only the native language of the country, and English. Some Member States provide a much broader offering. The national helpline in Spain, for instance, has been highlighted by GREVIO for its inclusivity, as it offers its service in 52 languages, visual interpretation, textphone and online chat. Ireland offers its service in over 170 languages through a telephone interpretation service. Germany's national helpline can cater for 20 languages (.<sup>196</sup>). This may perhaps reflect greater diversity within the populations, of these countries but it could also point to the difficulties for some women of minority backgrounds in accessing national helplines in certain Member States.

#### 4.4. What measures are in place to meet the needs of specific groups i.e. children, or women/girls with disabilities?

The category of GBV includes a wide variety of crimes and experiences. This study takes an intersectional approach to understand how different aspects of a person's identity shape their needs. This section focuses specifically on support measures in place for victims with a disability, and children.

FRA notes that some categories of victims, such as children and victims with disabilities, may be considered particularly vulnerable to secondary and repeat victimisation, intimidation and retaliation, and therefore require specific support and protection (.<sup>197</sup>).

##### 4.4.1. Support for victims with a disability

This section outlines the measures in place through support services to meet the specific needs of women victims of GBV living with a disability (see Chapter 4 on the use of risk assessments with victims of GBV with a disability). Support for victims of GBV living with a disability is important because, as

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(<sup>194</sup>) GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2022; [Kvinnofridslinjen](#) website.

(<sup>195</sup>) WAVE, [WAVE country report 2021: women's specialist support services in Europe and the impact of COVID-19 on their provision](#), 2021, p. 45.

(<sup>196</sup>) WAVE, [WAVE country report 2021: women's specialist support services in Europe and the impact of COVID-19 on their provision](#), 2021, p. 115.

(<sup>197</sup>) FRA, [Victims of crime in the EU: the extent and nature of support for victims](#), Publications Office of the European Union, Luxembourg, 2015.

noted by the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in General Comment no.3 (2016), 'women with disabilities are at a heightened risk of violence, exploitation and abuse compared to other women'. In 2015, the UNCRPD noted its concerns that, in the EU, 'persons with disabilities, especially women, girls and boys, and older persons, are subjected to violence, abuse and exploitation, **especially in institutional settings**' (<sup>198</sup>).

In line with equality legislation, victims have the right to access the support services included in the Victims' Rights Directive (2012/29/EU), with the preamble stating explicitly 'in applying this Directive, Member States should ensure that victims with disabilities are able to benefit fully from the rights set out in this Directive' (para 15).

Difficulties in implementation were noted in the targeted consultation with Member State authorities, where **just under half of Member States reported that support services for victims of violence are fully accessible to persons with disabilities** (i.e. availability of barrier-free environment, easy-to-read and understand language, sign language interpretation, etc.) (<sup>199</sup>). Twenty-five Member States reported that support services were available to all women victims of violence without discrimination on grounds such as racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The majority of country reports compiled as part of the European Commission study supporting the fitness check (<sup>200</sup>) similarly noted limitations in the protection and support for victims living with a disability. Challenges included **insufficient sensitisation and training of professionals** (<sup>201</sup>) and **lack of targeted support services and services that were not physically accessible** (<sup>202</sup>). This finding is supported by the European Disability Forum (EDF) (<sup>203</sup>), which noted the barriers faced by people living with a disability throughout the criminal justice process, including access to victims' support services because of a lack of qualified interpreters for deaf and deafblind women.

Most country reports noted a lack of measures responding to **multiple forms of discrimination**, taking into account both gender and disability, in dealing with victims of violence (<sup>204</sup>). For example, Luxembourg and Romania have an action plan related to disability that does not address victims of GBV/domestic violence, while the relevant national policies in Belgium, the Netherlands and Poland pay very little attention to disability.

These findings are supported by GREVIO's monitoring of the Istanbul Convention, which states that all provision of the Convention shall be secured without discrimination on the ground of disability. However, there are no specific articles in the Convention related to victims with a disability, which may contribute to the lack of granular assessment of issues faced by women with disabilities in GREVIO monitoring reports.

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(<sup>198</sup>) Committee on the Rights of Persons with Disability, [Concluding observations on the initial report of the European Union](#), 2015, p.6.

(<sup>199</sup>) European Commission, European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Targeted consultation, unpublished.

(<sup>200</sup>) 'To what extent have the directives [all relevant EU legislation] contributed to the protection of and support to victims living with a disability? What mechanisms and measures have been put in place to implement the directives in this regard?' (European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, unpublished).

(<sup>201</sup>) ES, HR, LT, AT, PL, PT, ES.

(<sup>202</sup>) HR, IE, MT, RO.

(<sup>203</sup>) EFD, '[EDF position paper on violence against women and girls with disability](#)', 2021, pp.12-13.

(<sup>204</sup>) BE, DE, EL, HR, IT, CY, LT, LU, PT, RO.

GREVIO notes that **reporting acts of violence** and seeking assistance is particularly difficult for women with disabilities and mothers of children with disabilities (<sup>205</sup>). Obstacles encountered include inaccessibility of police premises, lack of training and stereotypes among law enforcement officials (Malta). Similar issues were noted in accessing tailored support, due to 'cultural, language or other barriers when turning to social and health care services (the Netherlands, Finland, Sweden) (<sup>206</sup>). GREVIO notes 'shortcomings in the provision of specialist support services catered to the needs of specific groups of victims. In parties such as Austria, Belgium, Italy, Portugal, and Sweden, GREVIO baseline evaluation reports have also consistently identified shortcomings in the provision of specialist support services catered to the needs of specific groups of victims' (<sup>207</sup>).

#### 4.4.2. Support for child victims

This section focuses on the support measures in place for children. Issues of custody were discussed in Chapter 1, along with legislation on forced marriage and FGM, as areas with highest numbers of child victims of GBV.

Victims and their 'family members' have a right to access victim support services under Article 8 of the Victims' Rights Directive (2012/29/EU). This right must be applied in compliance with respect for the child's best interests, as per Article 24, Charter of Fundamental Rights of the European Union, and Article 3 of the UNCRC.

Children who are direct victims or witnesses of GBV require support because the experience frequently results in psychological and mental health challenges (<sup>208</sup>) and can have a detrimental impact on their long-term development, including poor health outcomes (<sup>209</sup>).

Children require support services to mitigate these impacts in the short and long-term, such as age-appropriate counselling and support services that take a child-sensitive approach. **Evidence suggests that such general support services that meet the needs of children are not available consistently across the Member States.** In a targeted consultation with Member State authorities, only 13 Member States reported that general support services systematically take into account the special needs of child victims and child witnesses of domestic violence based on a child-sensitive approach (<sup>210</sup>), while 10 report that this is in place, but not systematically (<sup>211</sup>). Children also perceive such gaps; a report published by FRA highlighted that children in several countries think that 'victim and witness support specialists are not widely available or play too passive a role' (<sup>212</sup>). This is supported by GREVIO monitoring of Article 26 of the Istanbul Convention on protection and support for child witnesses, 'Other general support services, such as social services and child protection services ... may not have the required training or expertise to support and protect children victims of domestic violence' (<sup>213</sup>).

GREVIO highlights the challenges children face in accessing services both within and outside shelters. It notes that 'parties mostly fail to provide appropriate and sufficient access to specialised and

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(<sup>205</sup>) BE, ES, IT, MT, NL, FI, SE (GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), 2022, p.23).

(<sup>206</sup>) GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), 2022, p.77.

(<sup>207</sup>) GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), 2022, p. 80.

(<sup>208</sup>) Kimball, E., 'Edleson revisited: reviewing children's witnessing of domestic violence 15 years later', *Journal of Family Violence*, Vol. 31, No 5, 2016, pp. 1-13.

(<sup>209</sup>) Monnat, S.M. and Chandler, R.F., 'Long-term physical health consequences of adverse childhood experiences', *Sociologist Quarterly*, Vol. 56, No 4, 2015, pp. 723-752.

(<sup>210</sup>) BE, BG, DK, DE, IE, ES, HR, IT, LV, LT, NL, AT, PL.

(<sup>211</sup>) CZ, EE, EL, CY, PT, RO, SI, SK, FI.

(<sup>212</sup>) FRA, [Child-friendly justice - Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States](#), 2017, p.79.

(<sup>213</sup>) GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2021, p. 88.

age-appropriate services for children' (<sup>214</sup>). In Austria and Finland, for example, specialised services are only available for the short period of time an individual is in a shelter. In the Netherlands, Portugal and Sweden, shelters do not provide specialised and tailored support services for children. In Belgium, the provision of services for children relies on the individual shelters, with no structural support from the state. GREVIO also observes that access to counselling services outside of shelters is even more limited, such as in Malta, or is very precarious and insufficiently funded, leading to long wait times and/or insufficient national coverage (Spain, Austria, Finland). Access to shelters is very limited, overall (see Section 4.2.1). There is also evidence that women with male children above a certain age can face challenges in accessing shelters (Belgium, Austria, Portugal).

#### 4.5. What measures are in place to encourage reporting?

Reporting of crimes is a crucial first step in accessing protection and support. Rates of reporting of GBV is widely understood to be low. According to an EU-wide FRA survey in 2014, 67% of women did not report the most serious incident of partner violence to the police or any other organisation (<sup>215</sup>). While under-reporting is due to a wide range of reasons, this report focuses on three potential barriers to reporting and whether they are addressed in the Member States: online reporting mechanisms; confidentiality rules for professionals in respect of third-party reporting; and irregular migration status of victims.

##### 4.5.1. Online reporting mechanisms

Online reporting mechanisms can make it easier for victim to report crimes, particularly online violence, which is particularly under-reported and has led to culture of 'impunity online' (<sup>216</sup>). The study reviewed the links to websites to report cybercrime that are provided on Interpol's website (<sup>217</sup>). The analysis focuses on availability of online reporting of cybercrime, although this could include other crimes. Links to the online reporting mechanisms and a table summary of the information provided in this section are available in Annex I. While some form of online reporting is available in most Member States, these typically do not allow the reporting of most forms of GBV.

The links identified **online reporting mechanisms for 20 Member States** (<sup>218</sup>). **Of those, however, Estonia, Spain, Cyprus and Sweden limit the use of those functions to specific crimes that do not include GBV.** Additionally, Belgium and Finland specify that the options are only for 'non-urgent crimes', thereby excluding urgent forms of GBV.

In the 16 Member States where some form of GBV can be reported online, **the nature of the crime that can be reported varies.**

- Six Member States only provide online reporting options for cybercrimes (including, sometimes explicitly, online GBV) – Belgium, Denmark, Germany, Greece, France, Lithuania;
- Four Member States only provide online reporting options for discrimination and/or hate crimes – Belgium, Ireland, Latvia, Luxembourg (<sup>219</sup>);

(<sup>214</sup>) GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2021, p. 88.

(<sup>215</sup>) FRA, [Violence against women: every day and everywhere](#), 2014.

(<sup>216</sup>) European Parliament, [Cyber violence and hate speech online against women: women's rights and gender equality](#), 2018, p.63.

(<sup>217</sup>) Europol, [Report Cybercrime online](#), n.d.

(<sup>218</sup>) BE, BG, DK, DE, EE, IE, EL, ES, FR, IT, CY, LV, LU, HU, MT, NL, AT, PT, FI, SE. No online reporting mechanisms were identified for CZ, HR, LT, PL, RO, SI, SK.

(<sup>219</sup>) LT has email capability for reporting other crimes.

- Only Austria includes both cybercrime and hate crime reporting options;
- Malta limits reporting to three specific types of crime <sup>(220)</sup>;
- Four Member States do not limit online reporting to any specific type of crime – Hungary, the Netherlands, Portugal, Finland.

Of the 16 Member States with the ability to report at least one form of GBV online, most (11) use an online form to report at least certain types of crime, while the remaining five provide the option to report crime via email.

**Denmark and France explicitly mention GBV on the website.** In France, the Point de Contact service (PHAROS) provides an online reporting mechanism for ‘illegal content’, which explicitly includes online incidents of violence, sexual harassment, and incitement of violence against women. In Denmark, crimes can also be reported through an online form. Specific links are provided to report crimes that may fall under GBV, including digital sexual crimes, sexual crimes, violence, stalking, psychological violence and violence in close relationships <sup>(221)</sup>.

Online reporting mechanisms typically require users to provide personal information when making a report, thus it is **not possible to report a crime anonymously online**. Common details collected include users’ names, gender identity, email, and phone number. For example, Belgium’s Unia.be mechanism collects this information as mandatory fields, with optional fields such as the reference number of a police report. However, mechanisms identified in five Member States <sup>(222)</sup> provide options for participants not to disclose this information and to remain anonymous. For example, the Latvian Centre for Human Rights’ online reporting mechanism for incidents of hate crime provides an opportunity for anonymity, while its related mechanism for discrimination requires participants to declare their EU or Latvian citizenship status.

#### 4.5.2. Confidentiality rules

Confidentiality rules can be a barrier to reporting. Certain professionals may be hesitant to report instances of suspected GBV they have encountered in a professional context, such as in hospitals and schools, due to concerns about breaching confidentiality laws. While there may be a perception that Regulation (EU) 2016/679 (the General Data Protection Regulation, GDPR) rules could hinder information sharing, in fact the six grounds for information sharing include ‘vital interests’, which includes situations where there is an immediate risk to life <sup>(223)</sup>. As such, professionals have a lawful basis for information sharing (even without the individual’s consent) as long as they believe a person’s life is at risk due to GBV. Measures to ensure that confidentiality rules ‘do not constitute an obstacle’ are required under Article 28 of the Istanbul Convention. EU law only regulates this issue in relation to child victims of sexual abuse or sexual exploitation, under Article 16 of the Child Sexual Abuse Directive (2011/93/EU), which obliges Member States to ensure that confidentiality rules are not an obstacle for reporting in such contexts.

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<sup>(220)</sup> Damage/vandalism, theft, threats.

<sup>(221)</sup> The links for each option can be found on the [Danish Police website](#).

<sup>(222)</sup> FR, LV, LU, AT, PT.

<sup>(223)</sup> [GDPR.eu](#) website.

GREVIO baseline evaluation reports (<sup>224</sup>) contain information on the legal provisions implemented in relation to Article 28 of the Istanbul Convention for nine Member States (<sup>225</sup>). Table 20 presents the confidentiality exemptions and reporting rules in each of these nine Member States.

Table 20: Confidentiality exemptions and reporting requirements, by Member State

Member State	Relevant national rules	Confidentiality exemptions/reporting requirements
<b>Spain</b>	Criminal Procedure Law (Articles 262 and 259)	Requires those who learn of an offence in the discharge of their professional duties, including healthcare professionals, to immediately report this to a relevant authority. The professional may incur a fine if they fail to report
	Organic Act 1/2004 on Integrated Protection Measures against Gender Violence	Requires that protocols on health action refer explicitly to the relationship with the Administration of Justice (in cases where suspected or actual damage due to assault or abuse has occurred)
	The Common Protocol for a Healthcare Response to Gender Violence	Describes the notification process, including mandatory reporting to the police in the case of medical treatment following a sexual assault in the context of IPV to request the intervention of forensic doctors
<b>France</b>	Civil servant reporting requirements	Professionals in the civil service are 'required to report crimes of which they become aware in the discharge of their duties'
	Article 226-14 of the Criminal Code ( <sup>226</sup> )	An exemption to the requirement that a physician secures consent from their patient before reporting abuse. Only applies where the victim is a child or is unable to consent
	Law No. 2020-936 of 30 July 2020 ( <sup>227</sup> )	Among other measures to strengthen protections for victims of domestic violence, this law introduced a change in confidentiality rules to enable doctors to break patient confidentiality where domestic violence is suspected and the patient is in immediate danger
<b>Italy</b>	Articles 361 and 362 of the Criminal Code	Members of any public administration or public service are required to report any offence discovered in the discharge of their duties. This extends to healthcare professionals, except where reporting would 'expose the person receiving health care to criminal proceedings' ( <sup>228</sup> )
	The 'Pink Code' ( <i>Codice Rosa</i> )	These national guidelines apply to emergency wards in Italy. Where a suspected victim of GBV presents at an emergency ward, they are assigned the 'pink code' which leads to a different assessment pathway (including ensuring that medical attention is provided in a timely way and in a protected area). This includes reporting to relevant authorities

<sup>224</sup> Council of Europe, [Country monitoring work](#), n.d.

<sup>225</sup> ES, FR, IT, MT, NL, PL, RO, SI, FI.

<sup>226</sup> EIGE, French Penal Code (General Criminal Law), Article 226-14; Act n°2007-297 of 5.3.2007, <https://eige.europa.eu/gender-based-violence/resources/france/french-penal-code-general-criminal-law-article-226-14-act-ndeg2007-297-532007>

<sup>227</sup> France: Law No. 2020-936 of 30 July 2020, <https://www.senat.fr/dossier-legislatif/pp19-285.html>

<sup>228</sup> GREVIO, [Baseline evaluation report Italy](#), Council of Europe, Strasbourg, 2020.

Member State	Relevant national rules	Confidentiality exemptions/reporting requirements
<b>Malta</b>	GBV and Domestic Violence Act (2017) Standard Operating Procedures (SOP) between the National Agency for children, families and the community ( <i>Agenzija Appogg</i> ) and primary healthcare authorities (introduced in 2017)	Under these rules, all healthcare professionals are legally required to report any suspected or disclosed cases of alleged violence or abuse (including domestic violence), regardless of the extent or nature of the injury <i>Note: apparent suspension of SOP due to 'strong resistance' from health professionals</i> <sup>(229)</sup>
<b>the Netherlands</b>	Mandatory Reporting Code Act (Domestic Violence and Child Abuse)	Introduced a legal requirement for professionals in healthcare, veterinary practice, education, childcare, social support, youth care and the justice sectors to put a reporting code in place and refer to this in instances of suspected domestic violence and child abuse, and to refer individuals to appropriate specialist services where necessary. The Act includes a statutory right to report, even without consent. A 2017 amendment introduced a mandatory requirement to report to the national organisation 'Safe Home' ( <i>Veilig Thuis</i> ) where 'serious' domestic violence or child abuse is suspected, which Safe Home then assesses further
	2015 Social Support Act	Introduced a statutory requirement to report violence 'in the provision of facilities' to the relevant statutory authority, and violence within a care relationship to the Youth and Health Care Inspectorate
<b>Poland</b>	Article 304 of the Criminal Code	Requires professionals in public administration or public service to report any offence subject to <i>ex officio</i> prosecution that they discover in the discharge of their duties
	Article 578 of the Civil Code	Requires any individual who is aware of an act subject to <i>ex officio</i> prosecution to notify the Guardianship Court
	Law on Combating Family Violence	Article 12 requires any individual or public authority witnessing domestic violence to report this to the police or another relevant authority (in relation to the Blue Card procedure), while Article 9 makes it explicit that the victim's consent is not required
<b>Romania</b>	Code of Criminal Procedure (Article 291)	Requires managers within a public authority or institution to immediately report any offences where criminal action is initiated <i>ex officio</i> , as well as taking measures to ensure that evidence of the offence is not lost
	Criminal Code (Article 267)	Imposes legal penalties on public servants (including healthcare professionals) who do not report offences that they become aware of in a professional capacity

<sup>229</sup> GREVIO, [Baseline evaluation report Malta](#), Council of Europe, Strasbourg, 2020, p.43.

Member State	Relevant national rules	Confidentiality exemptions/reporting requirements
	Law No. 272/2004 on the protection and promotion of the rights of the child	Requires professionals working with children to immediately notify the relevant authority (the General Directorate for Social Assistance and Child Protection) where child abuse, neglect or ill-treatment is suspected
<b>Slovenia</b>	Criminal Code (Article 281) and Criminal Procedure Act (Article 145)	Requires officials to report certain offences (those that would be punishable by a minimum of three years imprisonment) that they discover in the discharge of their duties
	Domestic Violence Prevention Act (Article 6)	Obliges authorities and NGOs who detect domestic violence during their work to immediately inform the competent social work centre, except where the victims explicitly object (Does not apply to offences subject to <i>ex officio</i> prosecution)
<b>Finland</b>	Article 25 Child Welfare Act	Professionals have reporting requirements in respect of ill-treatment of children, which includes witnessing or experiencing domestic violence, child marriage or FGM
	2015 Amendments to the Act on the Status and Rights of a Social Welfare Client and the Act on the Status and Rights of a Patient	Professionals who were previously bound by confidentiality rules are allowed to report to statutory agencies 'where they suspect a risk to the life of a woman or child in the context of domestic violence'

Sources: This table draws on information from GREVIO country reports <sup>(230)</sup> and the GREVIO Mid-term Review <sup>(231)</sup>. Where explicitly stated, information about specific legislation may be derived from additional source.

GREVIO commends Finland's introduction of amendments in 2015 as an example of 'promising practice' <sup>(232)</sup>, with the Netherlands' Reporting Code Act also drawing praise <sup>(233)</sup>. Challenges include lack of awareness of exemptions, lack of reporting despite exemptions, and concerns around blanket mandatory reporting.

**Lack of awareness** of exemptions to confidentiality rules (or the circumstances in which they apply), or the general lack of awareness needed to identify victims and make a report, was highlighted as a challenge in the GREVIO reports for France, Romania, Slovenia and Finland. In France, generally low levels of reporting from professionals were identified as an issue <sup>(234)</sup>. GREVIO recommended that 'strengthening the initial and in-service training of professionals in identifying victims of violence and the links between domestic violence and violence against children' would help to encourage reporting, as would 'guaranteeing effective legal protection against possible reprisals' (which the introduction of Law No. 2020-936 sought to address). Similarly, GREVIO notes a lack of awareness among Finnish professionals of what is encompassed by Finnish legislation, which they argue is linked to the generalised wording of the legislation. The report suggests that this could be addressed through

<sup>(230)</sup> Council of Europe, [Country monitoring work](#), n.d.;

GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), Council of Europe, Strasbourg, 2022.

<sup>(232)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), Council of Europe, Strasbourg, 2022.

<sup>(233)</sup> GREVIO, [Baseline evaluation report Netherlands](#), Council of Europe, Strasbourg, 2020.

<sup>(234)</sup> The report notes 2016 data showing that less than 5% of calls received by the national child protection helpline came from professionals, and 2013 and 2014 data showing that relatively low proportions of rapes recorded were reported by professionals (17% from professionals in the education sector; 6% from professionals in the healthcare sector).



specific training or guidelines for professionals. In Romania and Slovenia, the specific issue of lack of awareness of reporting requirements among teachers is highlighted.

Another issue identified in Italy, Malta and Slovenia is **the lack of reporting among professionals due to concerns about the consequences**. In Italy, health professionals showed some hesitancy around reporting cases of FGM, due to concerns around the severity of the penalty that parents may face (which they felt was not in line with the best interests of the child), as well as concerns about damaging the trust between patients and doctors. Similarly in Malta, there has been ‘strong resistance’ to reporting requirements among health professionals, particularly nurses and midwives, where reporting is required even without the victim’s consent. GREVIO notes that medical professionals in Slovenia ‘rarely choose to report against the victims’ will and cite patient-doctor confidentiality and the Hippocratic Oath as grounds for not reporting’, despite the legal requirement to report.

Finally, while confidentiality rules may constitute a barrier to reporting, **mandatory reporting rules can equally deter women from disclosing GBV to health and other professionals who could provide support**. GREVIO identifies mandatory reporting as ‘the main shortcoming’ in relation to Article 28 of the Istanbul Convention. GREVIO notes that while such requirements do not conflict with Article 28, mandatory reporting rules may ‘raise issues around the provision of victim-centred and gender-sensitive support services that respect victims’ autonomy and may negatively impact victims’ help-seeking behaviour’. More specifically, some instances of identified or suspected impacts on help-seeking behaviours are identified in GREVIO country reports. This includes:

- Mandatory reporting rules in Spain, which GREVIO states may be a barrier for victims of IPV and other (gender-based) violence in seeking medical care (among victims who do not wish to proceed with legal action);
- The Mandatory Reporting Code in Netherlands, which GREVIO states may deter victims of GBV from seeking advice and assistance due to the perceived risk of losing custody of their children;

Professional reporting obligations in Malta, which may have led to a decrease in the number of rape victims that seek help (where they do not want to, or are not ready to, proceed with legal procedures, including those who fear negative repercussions as a result of reporting).

#### 4.5.3. Migration status

Women with different forms of migration status may experience particular barriers to reporting. Victims of GBV with an irregular migration status may not report because of their fear that contact with the police will identify their irregular status and potentially lead to their deportation or legal action against them <sup>(235)</sup>. Similarly, victims whose residence status is dependent on a family member who is a perpetrator may not report because separation from the perpetrator could cause the loss of their legal status in the country. While this is an issue for all victims of crime with such migration statuses, research from the UK suggests that irregularly staying migrant women can be at particular risk of GBV <sup>(236)</sup>.

The ‘Safe Reporting’ study explored law, policy and practices surrounding the reporting of crime by victims and witnesses with irregular migration status in the US and four EU Member States (Belgium, Spain, Italy, the Netherlands). It found that **victims and witnesses are ‘reluctant’ to report crime** <sup>(237)</sup>. In the countries examined, ‘in most situations irregular migrants face a real risk of disclosing their irregular status and of being removed as a consequence of reporting crime’, with this risk only

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<sup>(235)</sup> PICUM, *Data protection and the ‘firewall’: advancing the right to health for people in an irregular situation*, n. d.

<sup>(236)</sup> McIlwaine, C., Granada, L. and Valenzuela-Oblitas, I., *The right to be believed: migrant women facing VAWG in the ‘hostile immigration environment’ in London*, King’s College London and the Latin American Women’s Rights Service, 2019.

<sup>(237)</sup> COMPAS, *‘Safe reporting’ of crime for victims and witnesses with irregular migration status in the USA and Europe*, University of Oxford, n.d.

mitigated in 'exceptional circumstances'. This constitutes the most significant barrier for those with irregular migration status to report crime. Additional barriers to reporting crime were also identified, including language barriers, lack of knowledge of the legal system, social isolation, cultural barriers, psychological barriers, lack of trust in authorities, lack of resources to participate in criminal proceedings, and fear of immigration consequences for perpetrators (e.g. where they are family members). Due to an awareness that irregular migrants may be hesitant to report crime, they may also be specifically targeted by criminals and are therefore **more vulnerable to being the victims of crime** (<sup>238</sup>).

The Victims' Rights Directive (2012/29/EU) applies to all victims without discrimination, 'including with respect to their residence status' (Article 1) (<sup>239</sup>). Provisions in the Directive include practical support to aid reporting (e.g. the ability to report the crime in a preferred language or to receive linguistic support, if the individual does not speak the national language(s) of the Member State, under Article 5), and access to relevant support services (Articles 8 and 9), which the Directive notes may encourage reporting (<sup>240</sup>).

Guidance on implementing the Victims' Rights Directive (2012/29/EU) explicitly states that 'third country nationals and stateless persons who have been victims of crime on EU territory should benefit from these rights', and notes that this may be particularly relevant in the context of GBV against undocumented migrant women and girls and trafficking in human beings (<sup>241</sup>). Nevertheless, there are situations where victim status is conditional on certain requirements, including legal residence in a Member State (<sup>242</sup>). This may be, in part, due to the lack of specific guidance within the Victims' Rights Directive (2012/29/EU) (i.e. it requires Member States to 'take the necessary measures' to ensure that the rights set out in the Directive are not made conditional on the victim's residence status (Recital 10), but does not specify what such measures are) (<sup>243</sup>).

**One key measure to encourage reporting of crime among those with irregular migration status is relief from immigration enforcement.** Victims of certain crimes who meet certain requirements may be given relief from immigration enforcement. This aligns with the requirements of certain EU directives, including (1) the Council Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (2004/81/EC), which includes 'the need to issue 'reflection periods' and temporary residence permits of six months or more for victims of human trafficking who comply with specific requirements including cooperating with the authorities and ending association with the perpetrator, and (2) in exceptional situations, victims of labour exploitation under the Directive on returning illegal immigrants (2008/115/EC). The Istanbul Convention includes the requirement to 'grant residence permits for victims of domestic violence on dependent visas'.

(<sup>238</sup>) COMPAS, *'Safe reporting' of crime for victims and witnesses with irregular migration status in the USA and Europe*, University of Oxford, n.d.

(<sup>239</sup>) European Commission, *Report on the implementation of Directive 2012/29/EU*, Publications Office of the European Union, Luxembourg, 2020.

(<sup>240</sup>) 'In order to encourage and facilitate reporting of crimes and to allow victims to break the cycle of repeat victimisation, it is essential that reliable support services are available to victims and that competent authorities are prepared to respond to victims' reports in a respectful, sensitive, professional and non-discriminatory manner. This could increase victims' confidence in the criminal justice systems of Member States and reduce the number of unreported crimes' (paragraph 63).

(<sup>241</sup>) European Commission, *Guidance document related to the transposition and implementation of Directive 2012/29/EU*, Directorate-General for Justice and Consumers, Publications Office of the European Union, Luxembourg, 2013.

(<sup>242</sup>) Victim Support Europe, *Victims of crime implementation analysis of rights in Europe: synthesis report*, 2019.

(<sup>243</sup>) COMPAS, *'Safe reporting' of crime for victims and witnesses with irregular migration status in the USA and Europe*, University of Oxford, n.d., p. 3.

Studies on immigration enforcement relief measures provide details on measures in eight Member States (.<sup>244</sup>). All eight have national legislation on residence permits for victims of human trafficking, with all but France and the Netherlands having legislation on residence permits for victims of labour exploitation. Legislation is also available to grant special permits for victims of domestic violence in five Member States (.<sup>245</sup>), which extends to all such victims, while in Belgium, Germany and Poland, it is limited to those with spouse-dependent visas. Additionally:

- In Germany, three federal states have decrees on residence permits for victims of racist violence (aiming to prevent victims of racist violence from facing deportation);
- In Greece, special permits are provided for victims and (in some cases) witnesses to a range of serious crimes under Law 4332/2015;
- In Italy, residence visas can be provided ‘for social protection reasons’ for victims of criminal organisations;
- In the Netherlands, there is legislation to grant permits to victims of honour-related violence;
- In Spain, immigration enforcement proceedings are suspended for those reporting domestic violence and trafficking, while humanitarian residence permits can be provided on a range of grounds (including labour exploitation, discrimination and domestic violence).

There are, however, challenges in implementation. The measures can be dependent on the actions of an individual law enforcement officer, creating uncertainty for the victim as to whether they will receive such protection and ‘depriving them of ownership and power over their decision to report crime’ (.<sup>246</sup>). Uneven implementation – often due to a lack of training – means that victims may experience safe reporting in some parts of a country but not others (or even in some police stations but not others) (.<sup>247</sup>). Finally, where residence permits are granted in such cases, they tend to be short-term permits initially. This can create challenges in the short term (e.g. in accessing employment (.<sup>248</sup>)) and does not provide any guarantees for the longer-term, ‘which ultimately may not incentivise victims to come forward’ (.<sup>249</sup>). The existence of special permits may also have the unintended negative effect of reducing the credibility of the victim, where law enforcement officers may perceive that claims are reported with the primary purpose of securing a permit. For women with irregular migration status, this may also intersect with ‘gendered assumptions questioning the veracity about women’s claims to have been assaulted’ (.<sup>250</sup>).

‘Firewalls’ are another key measure to support migrant to report crimes. This refers to measures that ‘strictly separate immigration enforcement activities from public service provision, criminal justice or

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(<sup>244</sup>) BE, DE, EL, ES, FR, IT, NL, PL (COMPAS, *‘Safe reporting’ of crime for victims and witnesses with irregular migration status in the USA and Europe*, University of Oxford, n.d.; PICUM, *Insecure justice? Residence permits for victims of crime in Europe*, Publications Office of the European Union, Luxembourg, 2020.

(<sup>245</sup>) ES, EL, FR, IT, NL.

(<sup>246</sup>) COMPAS, *‘Safe reporting’ of crime for victims and witnesses with irregular migration status in the USA and Europe*, University of Oxford, n.d.

(<sup>247</sup>) COMPAS, *‘Safe reporting’ of crime for victims and witnesses with irregular migration status in the USA and Europe*, University of Oxford, n.d.

(<sup>248</sup>) This study notes that even where the right to work is granted, the duration of the permit may be ‘too short to realistically find employment’.

(<sup>249</sup>) PICUM, *Insecure justice? Residence permits for victims of crime in Europe*, Publications Office of the European Union, Luxembourg, 2020.

(<sup>250</sup>) PICUM, *Insecure justice? Residence permits for victims of crime in Europe*, Publications Office of the European Union, Luxembourg, 2020.

labour law enforcement, to enable irregular migrants to report crime without exposing themselves to immigration enforcement'.

One such example is the 'free in, free out' policy of the Netherlands, which was introduced as part of implementing the Victims' Rights Directive (2012/29/EU <sup>(251)</sup>). This policy instructs police officers not to investigate the migration status of individuals who report a crime. While this policy ensures that those with irregular migration status can freely report a crime, no additional residency rights or benefits are granted and the individual remains subject to removal at any time if they come into contact with authorities again. While not strictly a firewall, the GDPR may also help to reinforce the rights of undocumented victims under the Victims' Rights Directive (2012/29/EU) due to its requirements relating to purpose limitation, data minimisation and rules around sensitive data <sup>(252)</sup>.

This Safe Reporting study identified various local measures that can be implemented to encourage migrants with irregular status to report crime. These include initiatives supporting the issuance of protective visas or residence permits (Italy, US), provision of legal advice (several cities in Europe and North America), provision of shelters for irregular migrants who are victims of violence (Utrecht, several Swedish cities), local awareness-raising campaigns, training of local law enforcement organisations, and local projects introducing local firewalls (for example in Amsterdam, before the policy was rolled out nationally) <sup>(253)</sup>. Multi-agency partnerships are a key success factor in such initiatives, as they can play a crucial role to improve migrant victims' access to crime reporting.

#### 4.6. Conclusion

Compared to Council of Europe targets, access to support services is lacking across most of the EU. This can have significant effects on the prevention and combating of GBV through reducing reporting rates and the collection of evidence for successful prosecution, as well as increasing the risk of revictimisation and further violence and negatively impacting victims' overall short-term and long-term health.

Provision of general and specialist support provisions is mandated under the Victims' Rights Directive (2012/29/EU) for victims of GBV specifically, although the only form of specialist service indicated is shelters and it does not refer to the Council of Europe targets. The European Commission's proposed Directive builds on this existing legal framework to provide more specific and targeted obligations on specialist services.

Article 32 of the proposed Directive includes provisions on shelters. These provisions are similar to the Victims' Rights Directive (2012/29/EU) but are more targeted in that shelters 'shall address the specific needs of women victims of domestic violence and sexual violence'. Article 31 of the proposed Directive sets out that helplines should be available according to the standard in the Istanbul Convention, which will address the gaps noted in nine Member States. It does not, however, include provisions for multilingual support. It also states that the telephone helpline service should be offered within the EU under the harmonised number '116 016' <sup>(254)</sup>. Provisions in the Directive on rape crisis referral centres similarly bring EU legislation in line with Council of Europe recommendations, indicating that 'such services shall be provided in a child-friendly manner, free of charge and accessible every day of the

<sup>(251)</sup> COMPAS, *'Safe reporting' of crime for victims and witnesses with irregular migration status in the USA and Europe*, University of Oxford, n.d.

<sup>(252)</sup> PICUM, *Data protection and the firewall: Advancing safe reporting for people in an irregular situation*, 2020.

<sup>(253)</sup> COMPAS, *'Safe reporting' of crime for victims and witnesses with irregular migration status in the USA and Europe*, University of Oxford, n.d.

<sup>(254)</sup> Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence, COM/2022/105 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0105>

week and ... ensure a sufficient geographical distribution and capacity of these services across the Member State'. There are no specific provisions on women's centres although they could be provided under the general requirement for specialist services. Articles 29, 30, 33 and 35 of the proposed Directive also provide for more targeted supports for specific groups, including victims of FGM, sexual harassment at work, children and other groups with specific needs, such as women with disabilities, women in rural areas and women with dependent residence status or undocumented migrant women.

The proposed Directive proposes a raft of measures to encourage reporting, reflecting the gap in current legislation (other than in relation to child sexual abuse). These measures include encouragement to use online reporting, clear measures to ensure that confidentiality rules do not hinder reporting by professionals, and a 'firewall' preventing professionals receiving a report of a crime from sharing the migration status of the victim with migration authorities until 'at least the first individual needs assessment'.

Table 21 presents a summary of current legislation and the corresponding provisions in the European Commissions' proposed Directive.

Table 21: Summary of current legislation on GBV and corresponding measures in the European Commissions' proposed Directive on violence against women and domestic violence

Victim support measures	Current EU legislation	Current situation	European Commission's proposed Directive
General support	Articles 8 and 9, Victims' Rights Directive	General support services are widely available but some are limited to certain forms of GBV or exclude children. Some services require victims to report the crime to authorities	-
Shelters	Articles 8 and 9, Victims' Rights Directive	Shortfall against Council of Europe target of 43% for shelters.	Article 32
Helplines	Articles 8 and 9, Victims' Rights Directive (not explicitly)	18 Member States have helplines that meet Council of Europe standards	Article 31
Rape crisis referral centres	Articles 8 and 9, Victims' Rights Directive (not explicitly)	Shortfall against Council of Europe targets of 87% for rape crisis referral centres	Article 28
Women's centres	Articles 8 and 9, Victims' Rights Directive (not explicitly)	Shortfall against Council of Europe targets of 58% for women's centres	-
Support for specific groups	-	Some women face additional barriers to accessing support, particularly women with a disability and migrant women	Article 29 Article 30 Article 33 Article 35
Encourage reporting	Article 16, Directive on combating sexual abuse	Support for victims to report crimes is hindered by confidentiality rules that	Article 16

Victim support measures	Current EU legislation	Current situation	European Commission's proposed Directive
	and exploitation of children and child pornography	restrict third-party reporting by professionals. Online reporting mechanisms are limited in availability	

## 5. INTERACTION WITH PROFESSIONALS

### KEY FINDINGS

- Risk assessments are widely used, although not systematically used in at least two Member States.
- Risk assessment protocols do not cover all forms of GBV, with most focusing on domestic violence or IPV.
- Risk management strategies focus on protection orders, with a limited link to perpetrator programmes and broader victim safety planning.
- A majority of participating Member States offer training to police on GBV but it is often ad hoc and focused solely on domestic violence. Similarly, initial and continuous training is ad hoc for other professionals who come into contact with GBV victims.

This chapter analyses the role of professionals in preventing and combating GBV. Section 5.1 analyses how police interact with victims, focusing on the use of risk assessments to identify individuals at risk of violence, and risk management strategies. Section 5.2 looks at the provision of training for police and other professionals, as a central element in professionals' ability to understand and respond effectively to the specific needs of victims of GBV.

### 5.1. Law enforcement practices for GBV

This section presents the key practices of law enforcement officers to protect victims from further violence. It focuses particularly on risk assessments as the main mechanism to identify individuals or victims at risk of future violence and implement risk management strategies. Risk assessment involves gathering detailed information about the victim, the perpetrator and their situation, and then identifying the risk level (e.g. standard, medium or high). It should be carried out using a standard procedure and within a multi-agency framework (<sup>255</sup>). According to the European Institute for Gender Equality (EIGE), risk assessment outcomes should be directly linked to risk management strategies that help to ensure the immediate and ongoing safety and well-being of women and children (<sup>256</sup>).

Risk assessments are not legislated under EU law. The Victims' Rights Directive (2012/29/EU) provides for an individual assessment that focuses on protection of victims vulnerable to secondary and repeat victimisation during criminal proceedings. Stronger provisions are contained in Article 51 of the Istanbul Convention, which explicitly obliges authorities to carry out a risk assessment, including the lethality risk, the seriousness of the situation, and the risk of repeated violence, including perpetrators' access to firearms.

The data used to answer this question were collected through interviews with Member State police representatives (listed in Annex II), together with GREVIO monitoring of legal provisions. Interviews were not carried out in Ireland, Poland and Slovenia, and only partial data are available for some other Member States.

<sup>(255)</sup> EIGE, [A guide to risk assessment and risk management of intimate partner violence against women for police](#), 2019, p. 8.

<sup>(256)</sup> EIGE, [A guide to risk assessment and risk management of intimate partner violence against women for police](#), 2019.

### 5.1.1. Risk assessment protocols

Use of standardised risk assessment protocols vary. **Neither Bulgaria nor Hungary has a standardised procedure for risk assessment**, placing the use of any protection measures at the discretion of police officers.

**Eight Member States use international standardised procedures.** The Spousal Assault Risk Assessment (SARA) and Domestic Abuse, Stalking and Honour-Based Violence (DASH) models are the most commonly used among the Member States. In Germany, Croatia and Cyprus, risk assessment protocols have been developed following the example of both DASH and SARA. SARA is used in Czechia, Denmark, Italy and Sweden, and DASH is used in Estonia and Malta. EIGE notes that while the SARA model, which focuses on IPV, has been tested and approved in multiple research studies (<sup>257</sup>), DASH has not been scientifically validated (<sup>258</sup>). The DASH model focuses mainly on domestic abuse and IPV, but studies have pointed to its lack of risk factors for secondary victimisation (<sup>259</sup>). In addition, both Denmark and Sweden also use the Stalking Assessment and Management (SAM) risk assessment tool for stalking, and PATRIARCH, which assesses risks in situations of 'any actual, attempted, or threatened physical harm, including forced marriages, with honour as the motive' (<sup>260</sup>). Both SAM and PATRIARCH models are based on the Structured Professional Judgement, which is a systematic approach to gathering empirical information to identify specific risk factors (<sup>261</sup>). Estonia uses Multi-Agency Risk Assessment Conference (MARAC), which takes a coordinated approach to reduce high risks of violence and homicide, mainly for victims of domestic violence. It involves meetings between relevant agencies to assess the level of risk faced by the victim and develop risk management plans (<sup>262</sup>).

Other Member States such as Spain, France and Portugal have developed their own models that are examples of best practices. In Portugal, the instrument for assessing the risk of domestic violence in use by the Public Security Police (PSP) has been in place since 2014, following an analysis of international literature on risk assessment instruments and pilot tests. The risk assessment contains 20 risk factors and is completed both at the time of a complaint and afterwards to reassess risks and carry out follow-ups, as risk factors can change over time. France's Evaluation of Victims Protocol (EVVI) for GBV victims was co-funded by the EU Criminal Justice Programme and is now used as a template to support Member States to build inclusive risk assessment guidelines (<sup>263</sup>). Aligned with the Victims' Rights Directive (2012/29/EU) theoretical framework, this protocol is focused on victims' experiences and was developed with French legal experts on VAW. The list of questions asked to assess risk are gender sensitive and tailored to VAW, such as questions on coercive control and economic dependence.

(<sup>257</sup>) EIGE, [Risk assessment and management of intimate partner violence in the EU](#), 2019, p.14.

(<sup>258</sup>) Almond, L., McManus, M., Brian, D. and Merrington, D. P., 'Exploration of the risk factors contained within the UK's existing domestic abuse risk assessment tool (DASH): Do these risk factors have individual predictive validity regarding recidivism?', *Journal of Aggression, Conflict and Peace Research*, Vol. 9, No 1, 2017, pp. 58-68.

(<sup>259</sup>) Robinson, A. L., Myhill, A., Wire, J., Roberts, J. and Tilley, N., *Risk-led policing of domestic abuse and the DASH risk model: What Works?*, Centre for Crime Reduction, College of Policing, Cardiff University, and Department of Security and Crime Science, University College London, Cardiff and London, 2016.

(<sup>260</sup>) Shaffer, C.S., Fuller, E.K. and Guy, L.S., 'Brief and emerging violence risk assessment measures', in K.S. Douglas and R.K. Otto (Eds), *Handbook of Violence Risk Assessment*, Routledge, Abingdon, 2020.

(<sup>261</sup>) Storey, J., Hart, S. and Lim, Y., 'Serial stalking of mental health professionals: Case presentation, analysis, and formulation using the Guidelines for Stalking Assessment and Management (SAM)', *Journal of Threat Assessment and Management*. Vol. 4. pp. 122-143.

(<sup>262</sup>) EIGE, [Multi-Agency Risk Assessment Conferences \(MARACs\)](#), n.d.

(<sup>263</sup>) *Ministère de la Justice, EVVI (Evaluation of victim)*, (n.d.).



Gender-specific approaches to risk assessment are important as they 'recognise and respond to the different and specific risks and vulnerabilities of women and girls, or seek to transform unequal gender relations between men and women' (.264). Gender-specific approaches to risk assessment understand GBV as rooted in gender inequality and discrimination against women in society and thus place risk assessment within a larger framework that acknowledges how gender inequality underpins the spectrum of behaviours that constitute GBV against women and children (.265). Member States such as Bulgaria, Estonia, Romania and Slovakia do not recognise the phenomenon of GBV and view crimes such as domestic violence and sexual violence in **a gender-neutral way**. Findings from interviews with police representatives show that this legal framework shapes the design and implementation of risk assessments, which are similarly gender-neutral. In Sweden, despite criminalising GBV specifically and offering training on risk assessment within a module on men's violence against women, Swedish risk assessment procedures are formulated and understood as gender neutral. Similarly in Germany, while police officers working on GBV are trained on risk assessments containing gender-sensitive considerations and risk factors, the protocol itself remains gender-neutral. Moreover, both the Lithuanian and Portuguese police noted that the list of questions included in their risk assessment protocol is gender-neutral. In Latvia, the risk assessment procedure is a report drafted by police officers and interview participants confirmed that these reports are gender-neutral. In Denmark, risk assessment tools do not specifically mention GBV.

**Many countries use risk assessment protocols that do not cover all forms of GBV**, which leaves victims of some forms of GBV at risk of further violence (.266). While some forms of GBV are not covered because they are not criminalised (see Chapter 1), findings show that risk assessments are often understood as relevant solely for domestic violence and not other crimes such as FGM, forced marriage, stalking, and sexual harassment at work. For example, in Spain, the model used strictly addressed IPV from men towards women (including physical, psychological and sexual violence). The exceptions are France, Malta and Sweden, which use risk assessment instruments that cover all types of GBV. France uses two distinct risk assessment guidelines covering domestic violence and the EVVI Protocol for other types of GBV. In Portugal, a review of risk assessment protocols is underway to include other types of violence beyond IPV.

In most EU Member States, **risk assessments are conducted by police officers**. In Malta, however, risk assessments for cases of GBV are carried out by the government agency, Foundation for Social Welfare Services. The police reported doing their own investigations before implementing protection measures, rather than relying solely on the agency's risk assessment conclusions.

Findings from the interviews revealed that in **three participating Member States with a risk assessment protocol, it is not mandatory for police to carry out a risk assessment in GBV cases (Czechia, Denmark)**, indicating that it is at the discretion of police officers. It is, however, mandatory in a majority of the Member States interviewed (.267). In Croatia, for example, the obligation to conduct a risk assessment stems from the Istanbul Convention and refers to every criminal act with elements of violence committed to harm women and family members.

In order to effectively prevent GBV victims from further violence, risk assessment instruments must include risk factors specific to GBV. EIGE recommends that risk assessments take into account risk

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(264) EIGE, [A guide to risk assessment and risk management of intimate partner violence against women for policy](#), 2019, p. 26.

(265) EIGE, [A guide to risk assessment and risk management of intimate partner violence against women for policy](#), 2019.

(266) CZ, DK, DE, EE, ES, HR, LU, NL, AT, PT, RO, SI, SK.

(267) CZ, DE, ES, FR, HR, LT, NL, MT, AT, PT, RO, SI, SK, SE.

related to psychological violence and coercive and controlling behaviour <sup>(268)</sup>. Overall, **only 13 participating Member States include risk factors related to GBV in their risk assessments** <sup>(269)</sup>. For example, in Spain, specific indicators are related to the 'gender triad', which include jealousy, control and harassment. In Greece, the Ministry of Labour and Social Affairs announced the creation of an integrated framework for the prevention and treatment of violence against women in May 2022. In this context, the 'Horizontal Domestic/Sexual Violence Risk Assessment Tool in Greece' was adopted. The framework, used as a pilot in selected municipalities, includes various GBV-related risk factors, such as debt-related coercion, difficult financial situation, situations of prostitution, isolation, arranged marriage, etc. Similarly in Germany, GBV risk assessment tools include victim-related risk factors such as pregnancy, isolation, dependence on the perpetrator, as well as social elements such as cultural circumstances, patriarchal structures, current life/family situation, etc.

Victims of GBV with a disability may be at particular risk of further violence. However, **a majority of participating Member States do not include risk factors related to disability within their risk assessment tool** <sup>(270)</sup>. The exceptions are France, Spain, Portugal and Slovenia. German police officers noted that they indirectly addressed disability in the overall risk assessment approach.

Similarly, it is important that GBV risk assessments gather information about the perpetrators' possession of firearms or weapons, as reflected in the specific provisions in Article 51 of the Istanbul Convention. **Four participating Member States (Bulgaria, Hungary, the Netherlands, Sweden) indicated that their risk assessment protocols do not include assessment of access to firearms, although this takes place through other means.** In the Netherlands, the police check whether the perpetrator possesses weapons, but this report is not part of the risk assessment procedure. In Sweden, an assessment of the perpetrator's 'violence capital' is determined and possession of a weapon is not deemed an overriding risk factor. Hungary has no formal risk assessment, but Hungarian police officers are trained to check for firearms in cases of domestic violence. In the event that one is found, police must notify the authority that issued the possession permit.

Risk assessment training for law enforcement officers is important because 'Assessing the level of risk... is often a complicated process. It requires specific training for front-line professionals in order to provide them with skills and knowledge, enabling them to understand and properly assess the level of intimate partner violence risk' <sup>(271)</sup>. GREVIO has noted that a lack of training on protection orders and a 'lack of understanding of the positive impacts of protection orders contributes to their low use' <sup>(272)</sup>. Findings from the interviews conducted for this study indicate that **specialist training is conducted in only six Member States** <sup>(273)</sup>. In Malta, for example, risk assessments are done by the Foundation for Social Welfare Services that primarily employs social workers trained to support victims (although there is no training of the police directly). Similarly, comprehensive training is available in Spain for the Family and Women Care Units of the national police and the Women-Minor Teams of the Civil Guard. These units receive several weeks of training on risk evaluation and risk management. General training on GBV is offered to all Spanish police officers within the National Police Corps and the Civil Guard, which includes training on conducting the GBV specific risk assessment form (*formulario de Valoración Policial del Riesgo - VPR*). In three Member States, training on risk assessments covers all forms of

<sup>(268)</sup> EIGE, [A guide to risk assessment and risk management of intimate partner violence against women for policy](#), 2019, p. 18.

<sup>(269)</sup> CZ, DE, EL, ES, FR, HR, LT, LU, MT, AT, PT, SI, RO.

<sup>(270)</sup> BG, CZ, DK, DE, EE, CY, LT, HU, MT, NL, RO, SK, SE.

<sup>(271)</sup> EIGE, [Risk assessment and management of intimate partner violence in the EU](#), 2019, p. 33.

<sup>(272)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), 2022, p. 138.

<sup>(273)</sup> DK, ES, FR, MT, NL, SE.

violence and is not GBV-specific or gender-sensitive (Czechia, Austria, Romania). Three participating Member States with a mandatory risk assessment procedure noted that they have no relevant training on risk assessment (Lithuania, Latvia, Portugal).

#### 5.1.2. Risk management strategies

According to EIGE, 'delivering targeted and immediate risk management interventions for cases assessed' should be a key objective of risk assessment protocols (<sup>274</sup>). Findings from the interviews for this study revealed that all participating Member States (<sup>275</sup>) can implement protection and barring orders as a protection strategy following a risk assessment (see Section 3.1.5 for legal availability of protection orders and emergency barring orders). For example, in Slovakia, after being notified of an incident, police officers are authorised to temporarily bar a person who commits, or who is reasonably suspected of committing, an act of domestic violence from the family home for 14 days. Police officers provide both the victim and the perpetrator with written certificates confirming the ban. Malta and Estonia, however, noted challenges in accessing emergency barring orders: in Malta, magistrates commonly require the perpetrator to be arrested and arraigned, while in Estonia, only the prosecutor can apply for an emergency barring order. Sweden also flagged inconsistencies in the use of protection orders, as they are not systematically requested and are often used as an isolated measure, without wider protection measures.

Perpetrator programmes are a risk management strategy that can address the attitudes and behaviour that leads to GBV (<sup>276</sup>) (see Section 6.2.1 for availability of perpetrator programmes). Despite being widely available, only **Austria and Sweden indicated the use of perpetrator programmes as a direct result of their risk assessment protocols**. In Austria, since September 2021, violence prevention counselling (provided by an external specialist) is mandatory for endangered persons. Violence prevention can also take the form of non-mandatory preventive legal education for the offender, such as men's counselling and anti-violence training. In Sweden, a new perpetrator programme, 'Risk Reduction Intervention', has been tested in two regions and is now being scaled-up at national level. The Risk Reduction Intervention consists of a structured and systematic conversation with a suspected perpetrator, led by police negotiators, with the aim of influencing the person to change their behaviour. In Denmark, the police will, with consent, inform a partner organisation that can offer victim support and perpetrator programmes, such as Live without Violence (*Lev Uden Vold*), which is a national organisation that receives state funding. Live without Violence then contacts the victim or perpetrator and directs them to relevant support.

Safety planning for victims is another risk management strategy and outcome of the risk assessment procedure. EIGE defines it as 'a strategic process enabling the victim, with the support of professionals and services, to make use of the existing available resources' (<sup>277</sup>). The victim usually participates in designing a set of measures that meets their needs and provides them with protection and solutions for accommodation, psychological and physical support. Findings from the interviews conducted in this study show that **11 Member States (<sup>278</sup>) set up victim safety planning as a result of the risk assessment**. In Sweden, when deemed necessary, the first intervening officer can propose to sign-up victims for counselling and provide information on safety measures. The special unit Crime Victims and

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<sup>(274)</sup> EIGE, [A guide to risk assessment and risk management of intimate partner violence against women for police](#), 2019, p. 29.

<sup>(275)</sup> CZ, DK, DE, EL, ES, FR, IT, CY, LT, MT, NL, AT, PT, RO, SI, SK, SE. HU and BG do not systematically use risk assessments but indicated that they are available.

<sup>(276)</sup> EIGE, *Risk assessment and management of intimate partner violence in the EU*, 2019, p. 29.

<sup>(277)</sup> EIGE, *Risk assessment and management of intimate partner violence in the EU*, 2019, p. 16.

<sup>(278)</sup> DK, DE, ES, FR, IT, NL, AT, PT, RO, SI, SE.

Personal Security Section (*Bops*) can be put in contact with victims, as well as other relevant actors. In Spain, occasional visits to the victim's home or accompaniment of the victim in judicial, welfare or administrative proceedings can be part of safety planning measures. In Romania, safety planning measures can include supporting the victim to find alternative accommodation, an alternative phone number and internet contact details, and cash. In Slovenia, victims of domestic violence are referred to Social Work Centres (*Centri za Socialno delo Slovenije*) which are based across the country and carry out victims safety planning; their services include, for example, safe houses and shelters.

In other Member States, there is a reliance on protection orders rather than more comprehensive safety planning approaches. In the Netherlands, national police representatives explained that victim safety plans can include:

- (i) hiding the identity of the victim in the criminal record;
- (ii) the establishment of a panic button with direct connection (in some circumstances through a specific alarm) with a control room;
- (iii) the creation of an alert at a location or an alert connected to the victim;
- (iv) the immediate transfer of the notification/file of the victim to a specialised colleague.

Referring or escorting women to shelters or alternative safe accommodation is a common outcome of risk assessment for police officers in 12 Member States <sup>(279)</sup> (see also Section 4.2 on availability of shelters). **Most participating countries <sup>(280)</sup> only refer victims to the relevant support services, rather than escorting them.** In Austria, victims are referred to support services during their first contact with the police and during 'victim contact meetings' where they are informed of their rights and support services available. Information can be provided in writing, similar to France, for example. However, certain police representatives explained that their services can escort victims to services when needed, such as in Bulgaria (in emergency cases), Denmark, Estonia, Spain, France, and Portugal, where police officers can also accompany a victim to remove belongings from their house and accompany a victim to court, hospital and social security offices. On the other hand, Bulgarian and Hungarian police officers neither refer nor escort victims to shelters – in Bulgaria, it is done by specialised NGOs and in Hungary by non-law enforcement agents.

According to GREVIO, the effectiveness of safety measures is strongly impacted by the level of coordination and cooperation with other services, such as victim support services <sup>(281)</sup>. EIGE also argues that safety planning should be integrated in a multi-agency framework that can include 'representatives from the police, public safety agencies, emergency shelters and domestic violence outreach services, as well as experts in intervention programmes for perpetrators' <sup>(282)</sup>. **Seventeen Member States <sup>(283)</sup> confirmed that police officers are obliged to refer victims to, or inform them about, specialist support services, including specialist child services if necessary.** Some Member States have a referral process, whereby a support organisation will contact the victims. For example, in Czechia, the Prague Intervention Centre contacts every victim of a crime, including victims of GBV. They provide information on specialised services for victims of domestic violence and other types of physical and sexual violence or other criminal offences. In other Member States, the victim is provided with information on how to access services. In Slovakia, for example, an information leaflet is systematically

<sup>(279)</sup> CZ, DK, EE, ES, FR, CY, LT, LU, AT, PT, RO, SI, SK, SE.

<sup>(280)</sup> EL, IT, LT, LU, NL, AT, PT, RO, SK, SE.

<sup>(281)</sup> GREVIO, *Mid-term horizontal review of GREVIO baseline evaluation reports*, 2022.

<sup>(282)</sup> EIGE, *Risk assessment and management of intimate partner violence in the EU*, 2019, p. 17

<sup>(283)</sup> BG, CZ, DK, EE, EL, ES, FR, HR, CY, LU, HU, NL, AT, PT, RO, SI, SK, SE.

given to victims. It contains information about specialised organisations for victims of crimes and victims of domestic violence, information about contact points in every major city that provide counselling for victims, social and psychological counselling contacts, legal guidance and support, and the number of the National Women's Hotline, as well as shelters for women victims of domestic violence. In Croatia, on completion of a form, victims can be referred to a National Call Centre within 48 hours, where they are informed of the forms of support available. In Cyprus, depending on the level of risk, the police can refer victims to the Association for the Prevention and Handling of Violence in the Family, which operates a multi-agency specialist support centre 'Woman's House' that provides comprehensive services to women and children in the capital, Nicosia.

## 5.2. Training for police and other public officials dealing with cases of GBV

This section analyses the provision and content of training for public officials dealing with cases of GBV, particularly the police. Training is important for professionals to understand the specific needs of GBV victims and adopt a gender-sensitive approach to their work, which involves understanding and aiming to eliminate gender equality.

Article 25 of the Victims' Rights Directive (2012/29/EU) requires that officials who come into contact with victims receive general and specialist training on the needs of victims, including police officers, court staff, members of the judiciary, and lawyers. It does not make specific reference to victims of GBV, although the preamble indicates that training should be gender-sensitive. Article 15 of the Istanbul Convention requires Member States to provide training for all professional working with victims or perpetrators of GBV, with provisions for immigration and asylum officials under Article 16, and teachers under Article 60.

Section 5.2.1, on training of police, draws on data collected through interviews with 18 Member State police representatives (<sup>284</sup>).

### 5.2.1. Training of police

Interviews conducted as part of this study indicated that **a majority of participating Member States have training available for law enforcement authorities on at least some forms of GBV**. There are, however, significant gaps in some countries. In Estonia, the Netherlands and Slovenia, there is no training on GBV specifically, but it is included in other training topics. In Czechia and Hungary, training was only part of general training on the Criminal Code for new recruits, not specifically on GBV. In Bulgaria and Romania, there is only ad hoc training by NGOs. Czechia and Hungary also noted that all training is gender-neutral, which hinders police from having a full understanding of GBV as an issue of gender equality and discrimination.

**The frequency and format of training varies considerably.** The most common form of training is in-service training, often on an ad hoc basis, which is likely to lead to gaps in provision compared to systematic and regular training. More structured provision of training is available in: Slovakia, where mandatory all-staff training is delivered several times a year, as a one-day course; Cyprus, where the academic programme of the Police Academy includes specific training on GBV; and Malta, where the specialist GBV unit runs monthly training for different groups of police officers through a one-two-hour lecture. In Portugal, specific training on IPV is integrated into the Public Security Police's annual training plans and is aimed at members of the Proximity Police Programme (a specialised programme within

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<sup>(284)</sup> Interviews with police representatives on training were conducted in: EE, EL, ES, FR, CY, IT, LV, LT, LU, HU, MT, AT, PL, RO, SK, FI, SE.

the Public Security Police, which focuses on victim support, including domestic violence), as well as officers specialised in criminal prevention and criminal investigations. Where countries have a specialist unit on GBV or similar, there is specific training for such officers, such as in Denmark, France, Italy, Cyprus, Malta, and Slovakia, where selected investigators are offered a five-day training course every year.

In terms of the reach and accessibility of training, best practice was identified in Finland, where the Finnish Institute for Health and Welfare has developed an online training course, 'Intervene in violence' for police, healthcare and social welfare professionals to recognise and intervene in domestic violence. The course was released in 2019 and is being expanded to include content on honour-related violence and digital violence. It is available for all staff to access at any time. Between 2019-2022, the course had 8 000 users, although this is not exclusive to the police. Comprehensive training was also identified in Spain, where all police authorities receive training on GBV when entering the police, on promotion, and through continuous professional development courses.

**In the majority of countries, training focuses on domestic violence** meaning that police officers may lack knowledge and awareness of other forms of GBV. Some Member States offer training on all forms of GBV. For example, in Czechia and Lithuania, training specially includes stalking, while Spain has ad hoc training on FGM. In Denmark, training covers stalking, violence in intimate partner relations, rape, honour-related crimes and digital offences. In Greece, Cyprus and Lithuania, GBV training covers domestic violence, physical violence, psychological violence, sexual violence, economic violence, and stalking/harassment. In Greece, training on GBV also covers human trafficking and discrimination against sexual and gender minorities. In Cyprus, GBV training also includes verbal violence and FGM. There is a small emergence of training of online GBV in countries such as Finland and Denmark, as mentioned above, as well as France, which provides specialist training to police working on a platform to report online violence.

**The content of the training on the treatment of GBV victims varies significantly.** Certain Member States cover detection of victims of domestic violence <sup>(285)</sup>, with some noting that training also addresses secondary victimisation <sup>(286)</sup>. In Czechia, training on sexual violence is offered by psychologists and psychiatrists, focusing on how to communicate with victims, understand victim behaviour (including reluctance to report crimes) and the impact of crimes on victims, including trauma. Several Member States <sup>(287)</sup> also deliver courses on relevant support services for victims of GBV. An example of good practice is Spain, which covers identification and detection of victims, prevention and revictimisation, gender-sensitive conduct and interviewing, as well as working effectively with support services and multi-agency coordination. Similarly, training in Cyprus includes information on supports available from other public authorities, as well as multi-agency coordination with NGOs that support and provide protection to victims.

### 5.2.2. Training of other professionals

Information on training of other professionals is available through monitoring of the Victims' Rights Directive (2012/29/EU) and Istanbul Convention. In all relevant professional categories, GREVIO has noted **the lack of systematic and compulsory training on both an initial and in continuous basis**

<sup>(285)</sup> BG, DK, EE, ES, FR, NL, SK.

<sup>(286)</sup> BG, EE, FR, SK.

<sup>(287)</sup> BG, DK, EE, CY, MT, NL.

**in many Member States** <sup>(288)</sup>. This section discusses the training of different categories of professional in turn.

The training of judges is obligated under both the Istanbul Convention and the Victims' Rights Directive (2012/29/EU) because of their important role in securing victims' access to justice, protection measures and reparations. The VOciare synthesis report <sup>(289)</sup> indicates that training courses are provided to judges in many Member States <sup>(290)</sup> but six countries confirmed that this is not the case <sup>(291)</sup>. Training is only mandatory in three Member States <sup>(292)</sup>. More specifically, the GREVIO baseline evaluation report on France raised the need for further training of judges regarding post-separation violence. Further information on the training of judges is available from the 2021 EU Justice Scoreboard <sup>(293)</sup>. It shows that eight Member States <sup>(294)</sup> provide judges with continuous training on communication with victims of gender-based violence (including DV). Fourteen Member States offer only initial training <sup>(295)</sup>. Three countries offer no training <sup>(296)</sup>.

Regarding lawyers, VOciare noted training is available in some Member States on victims' rights and needs <sup>(297)</sup>, although this training would not necessarily on GBV specifically. In the Netherlands, training is mandatory for lawyers operating under the State-funded legal assistance program for victims of sexual and violent crimes. In Slovenia, training courses are also available to public prosecutors. In Lithuania, the courses are only focused on domestic violence, while in Ireland they focus on domestic violence, as well as other vulnerable victims

Social workers working in courts or supporting judiciary proceedings also require training related to GBV, including regarding child custody and visitation rights. GREVIO baseline evaluation reports on France and Malta highlighted a lack of training of such officials who have been mandated to issue expert opinions concerning visitation and/or custody rights in the context of judicial proceedings, which has a serious impact on the quality of such opinion <sup>(298)</sup>. Similar issues have emerged in Portugal, Belgium and Italy, where GREVIO noted professionals viewed domestic violence as conflict between parents that than in a gender-sensitive manner <sup>(299)</sup>.

According to VOciare, in the majority of Member States with national victim support services, victim support professionals receive both initial induction training, as well as an ongoing training through their careers. In Spain and Lithuania, training for support workers is, however, exclusively focused on domestic violence. In Belgium and Malta, a general finding was that victim support workers need further training. In Hungary, state victim support officials receive training provided by the Legal Academy of Justice Services and, two years after starting their assignment they are submitted to an exam which covers topics such as the legal framework on victim support, trauma management, crime

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<sup>(288)</sup> BE, DK, ES, FR, IT, MT, NL, AT, PT, FI, SE, GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), 2022, p.59.

<sup>(289)</sup> Victim Support Europe, [Victims of crime implementation analysis of rights in Europe: synthesis report](#), 2019.

<sup>(290)</sup> BG, DE, IE, EE, ES, FI, HU, IT, LV, LU, MT, NL, PL, PT, SE, SK.

<sup>(291)</sup> BE, CZ, CY, AT, RO, SI Victim Support Europe, [Victims of crime implementation analysis of rights in Europe: synthesis report](#), 2019, p. 168.

<sup>(292)</sup> LU, MT, PL

<sup>(293)</sup> [European Commission](#), [The 2021 EU Justice Scoreboard](#), 2021, p.30.

<sup>(294)</sup> BG, DE, EL, FR, IT, NL, PT, RO.

<sup>(295)</sup> BE, CZ, DK, EE, ES, HR, LT, HU, MT, AT, PL, SI, SK, FI.

<sup>(296)</sup> IE, CY, LV. No data is available for Luxembourg and Sweden.

<sup>(297)</sup> BE, CZ, CY, AT, RO, SI.

<sup>(298)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), 2022, p.61.

<sup>(299)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), 2022, p.98.

prevention, victimology, social law, criminal law, mediation, child protection, document management and data protection

Similarly, regarding the lack of training of health professionals, GREVIO noted eight Member States<sup>(300)</sup> do not implement mandatory initial and/or continuous training on violence against women, based on clear protocols in line with the provisions of the Istanbul Convention. Such gaps may result in secondary victimisation and reduce access to appropriate healthcare, particularly for victims of FGM and sexual violence<sup>(301)</sup>. In France, GREVIO reported cases where psychiatrists, untrained on GBV, had submitted an opinion on the mental health status of child victims of domestic violence which did not fully recognise the impact of such violence in the household<sup>(302)</sup>. In addition, in its baseline evaluation reports on Italy, Malta, the Netherlands, and Portugal, GREVIO stressed the need to improve the skills of health professionals to identify and provide appropriate treatment to victims of FGM. Inadequacies in the training received by health professionals in treating victims of sexual violence was also identified in a number of baseline evaluation reports, including those on Malta.

Education professionals also have an important role in responding to violence among pupils and providing education that increases awareness and understanding of gender equality and GBV as part of preventative measures. In reference to Article 14 of the Istanbul Convention, the need for mandatory initial and in-service training for teachers and education staff on the prevention of GBV and other issues was raised in several reports, including in the baseline evaluation reports on Finland, France and Italy. Similarly, the need for training to detect and prevent violence among pupils and to support such victims was raised in its baseline reports on Denmark, Finland, France, Italy, Malta and Portugal<sup>(303)</sup>.

GREVIO notes that immigration and asylum officials are only effective in supporting women and girls if they are well trained on gender-based violence and gender-sensitive approaches to migration issues on a mandatory and continuous basis. In baseline evaluation reports, GREVIO urged Denmark, France, Italy and Austria to implement training on detection, protection and referral of victims of GBV in reception locations<sup>(304)</sup>.

### 5.3. Conclusion

The use of risk assessments to protect individuals and victims from future violence are in use across the EU but they are not standardised in two Member States where interviews were conducted and use is not always mandatory. They are also often focused on domestic violence only and not clearly linked to risk mitigation strategies other than protection orders. Under the European Commission's proposed Directive, Article 18 expands the use of individual assessments under Article 23 and 24 of the Victims' Rights Directive (2012/29/EU) to focus explicitly on the 'risk emanating from the offender or suspect' and requires use of this assessment upon first contact with the victim.

Training for professionals is lacking for many professionals, including police. Such training is often ad hoc, not gender-sensitive and focused only on domestic violence. Article 18 of the proposed Directive is similarly comprehensive in this area and builds on the less targeted provisions in the Victims' Rights Directive on training for professionals coming into contact with all victims. Article 17 of the proposed Directive indicates that Member States shall ensure that professionals likely to come into contact with

<sup>(300)</sup> BE, ES, FR, IT, MT, NL, AT, PT. GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), 2022, p.61

<sup>(301)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), 2022, p. 61.

<sup>(302)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), 2022, p. 99.

<sup>(303)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), 2022, p. 56.

<sup>(304)</sup> Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [Baseline evaluation report Belgium](#), Council of Europe, Strasbourg, 2019, p.63.



victims, including law enforcement authorities, court staff, judges and prosecutors, lawyers, providers of victim support and restorative justice services, healthcare professionals, social services, educational and other relevant staff, receive both general and specialist training and targeted information to a level appropriate to their contacts with victims, to enable them to identify, prevent and address instances of violence against women or domestic violence and to treat victims in a trauma-, gender- and child-sensitive manner.

Table 22 presents a summary of current legislation and the corresponding provisions in the European Commissions' proposed Directive.

Table 22: Summary of current legislation and corresponding measures in the European Commission's proposed Directive on violence against women and domestic violence

Measure to combat and prevent GBV	Current legislation	Current situation	Provision in European Commission proposed Directive
Risk assessments	-	Widely used but often focused on only domestic violence	Article 18
Training of professionals	Article 25, Victims' Rights Directive (not specific to GBV)	Data not regularly or systematically collected for all forms of GBV and often not comparable at EU level	Article 27

## 6. PREVENTION AND REPARATION

### KEY FINDINGS

- All Member States organise awareness-raising campaigns on some aspect of GBV. However, they vary considerably in their regularity, funding and coverage of different forms of GBV.
- At EU level, awareness-raising campaigns on GBV are primarily driven by international efforts, with only ad hoc EU-led initiatives.
- Nearly all EU Member States have perpetrator programmes, but their availability can be an issue, particularly outside urban areas, and attendance is not always mandatory or enforced, which hinders take-up.
- There are legal provision for victims of GBV to access compensation from perpetrators in all Member States, with most also providing for the right to the compensation from the state if the perpetrator cannot pay or cannot be found. There are, however, legal restrictions on the types of crimes covered by state compensation schemes, as well as a range of implementation and access challenges, including insufficient levels of compensation commensurate with the harm inflicted.

This chapter analyses measures to prevent GBV and offer reparation to victims. Section 6.1 analyses awareness-raising campaigns at EU and Member State level. This analysis is complemented by an assessment of perpetrator programmes that seek to address the behaviour of perpetrators and prevent recurrence of GBV (Section 6.2.1). Finally, Section 6.2.2 analyses compensation as a deterrent that can help to prevent GBV.

### 6.1. Measures at EU and national level to prevent GBV

Prevention measures tend to target the negative assumptions, stereotypes and norms that drive and perpetuate GBV, focusing on education, information and awareness-raising campaigns. In view of the overlap between measures – particularly information and awareness-raising – these issues are dealt with together. The section analyses awareness-raising campaigns at national and EU level. No detailed information is available on whether these information and awareness-raising campaigns are available in different languages.

#### 6.1.1. EU-level awareness-raising campaigns

There have been a number of awareness-raising campaigns at EU level. These are most often global campaigns, rather than driven by EU institutions, and tend to include Member States on ad hoc basis. Campaigns where some EU institutions and agencies are regularly involved include:

- The global campaign 'Orange the World', which takes place on 25 November, which the UN General Assembly designated the International Day for the Elimination of Violence Against Women. On Orange Day, activists, governments and UN partners wear orange to mobilise citizens and stakeholders, raise awareness and take action to prevent and end GBV <sup>(305)</sup>;
- The UN campaign '16 Days of Activism' against VAW <sup>(306)</sup>;
- The 'White Ribbon Campaign' <sup>(307)</sup>, which aims to mobilise men and boys to end VAW through education, awareness and prevention actions at national level.

<sup>(305)</sup> UN Women, [UNiTE by 2030 to End Violence Against Women campaign](#), n.d.

<sup>(306)</sup> UN Women, [In Focus: 16 Days of Activism against Gender-based Violence](#), n.d.

<sup>(307)</sup> [White Ribbon Campaign](#) website

Dedicated pan-European campaigns are far rarer. The most recent example identified was a 2017 campaign 'NON.NO.NEIN. Ending Violence Against Women', implemented by the European Commission. It aimed to share information and showcase success stories on combating GBV among a range of stakeholders at national, regional and local levels. It offered awareness-raising, funding and mutual learning activities. The Directorate-General for Justice and Consumers (DG JUST) is currently planning a campaign to raise awareness of victims' rights in 2022-2023. It will focus on five types of crimes, including VAW, in 10 Member States (<sup>308</sup>).

### 6.1.2. Member States' awareness-raising campaigns

Article 26 of the Victims' Rights Directive (2012/29/EU) obliges Member States to raise awareness of the rights contained in the Directive, which specifically includes 'victims of gender-based violence'.

**All Member States comply with this obligation and organise some kind of awareness-raising campaigns on GBV. However, the regularity and quality of campaigns vary, which undermines their ability to continuously and systematically prevent GBV** (<sup>309</sup>) GREVIO has noted a shortage of long-term, well-funded campaigns in Belgium, Malta, Austria and Finland (<sup>310</sup>). Long-term awareness-raising campaigns and activities are needed because the negative ideas and norms that perpetuate GBV are often deeply embedded and require long-term, regular action. It will also require adequate funding, which GREVIO highlights as an issue in Denmark, France, Malta and Austria. Country-level analysis in Bulgaria, Croatia, Cyprus and Slovakia (<sup>311</sup>) indicates that campaigns are more sporadic, sometimes in response to international campaigns, e.g. the 'Let's stop violence against women' campaign in Slovakia as part of the global initiative of 16 days of activism against violence in 2019. In Cyprus, awareness campaigns are often carried out by NGOs on a project basis (<sup>312</sup>).

**Another key challenge is that awareness raising campaigns often do not address all forms of GBV.** GREVIO assessments highlight that the focus is often only on domestic violence, rather than all forms of GBV (<sup>313</sup>). This is important because other forms of GBV such as FGM and forced marriage are often under-reported or misunderstood by the general public.

**A connected issue is that awareness-raising campaigns often focus on all victims of crime, rather than victims of GBV specifically.** In the targeted consultation, 12 Member State authorities reported that awareness-raising campaigns are not targeted specifically to GBV or violence against women (<sup>314</sup>). In some Member States (<sup>315</sup>), campaigns target both GBV and all victims of crime. These can be run as part of the implementation of Article 26 of the Victims' Rights Directive (2012/29/EU), which obliges Member States to 'take appropriate action, including through the internet, aimed at raising awareness

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<sup>(308)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, unpublished.

<sup>(309)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country reports, unpublished.

<sup>(310)</sup> For some countries (e.g. BE, AT), GREVIO assessments contradict the self-assessment of authorities on the frequency of awareness-raising campaigns. This is to be treated with caution.

<sup>(311)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country reports, unpublished.

<sup>(312)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Cyprus, unpublished.

<sup>(313)</sup> BE, ES, FR, IT, MT, PT, FI (GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), Council of Europe, Strasbourg, 2022, p. 54).

<sup>(314)</sup> DE, IE, EL, ES, HR, LV, IT, HU, NL, PL, RO, SI. No data for BG, CZ, LT, MT, AT (European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Targeted consultation, unpublished).

<sup>(315)</sup> ES, EL, LV, SI.

of the rights set out in this Directive' (<sup>316</sup>). However, such campaigns do not address the specific gender equality norms that underpin GBV and that differentiate such crimes.

**Awareness-raising and education measures on victims of trafficking in human beings are in place more often than other forms of GBV.** This is partly due to implementation of Article 18 of the Anti-Trafficking Directive (2011/36/EU), which states 'Member States shall take appropriate action, including through the Internet, such as information and awareness raising campaigns ... aimed at raising awareness'. The 2016 compliance report (<sup>317</sup>) found that most Member States (<sup>318</sup>) have adopted action plans, with measures such as general training and education measures, together with specific awareness-raising projects (<sup>319</sup>). Similar progress in implementing awareness-raising measures was also reported in the latest 2020 progress report (<sup>320</sup>). A European Parliament 2016 report on the implementation of the Anti-Trafficking Directive noted that many Member States have campaigns in place to raise awareness among the general population of the risks of trafficking, but these need to be targeted if they are to be effective (<sup>321</sup>). For example, some Member States have made use of workshops with populations vulnerable to trafficking.

**Another gap in measures to raise awareness of GBV is that some campaigns do not address the patriarchal stereotypes and gendered norms that underpin GBV, thus failing to address the root causes of such violence.** GREVIO noted this as a concern in Belgium, Italy, the Netherlands and Portugal. It strongly encouraged the Italian and Portuguese authorities to challenge the patriarchal attitudes and stereotypes that contribute to the acceptance of violence, including those based on tradition, religion or the notion of honour (<sup>322</sup>). This is echoed in the European Commission study supporting the fitness check, which found that campaigns in Hungary generally do not frame domestic violence as a gendered issue. There are examples where the few campaigns that indicated the gendered nature of domestic violence were attacked by men's/father's groups. In Ireland, the European Commission study supporting the fitness check noted stakeholders' belief that awareness-raising campaigns predominantly focus on victims rather than addressing perpetrators and the causes of their violence.

**Awareness-raising campaigns do not systematically address the needs of particularly vulnerable groups of victims of GBV or tackle GBV from an intersectional perspective.** The need for tailored awareness-raising initiatives to target specific groups of women facing multiple forms of discrimination was mentioned in the baseline GREVIO evaluation reports on Belgium, France, France, Italy, the Netherlands, Portugal, Finland and Sweden (<sup>323</sup>). In Ireland, the European Commission study supporting the fitness check observed that awareness-raising campaigns should represent a range of women, including women with disabilities and women members of the Traveller community – this is

<sup>(316)</sup> Victim Support Europe, *Victims of crime implementation analysis of rights in Europe: synthesis report*, 2019, p. 170-172.

<sup>(317)</sup> European Commission, *Report on the progress made in the fight against trafficking in human beings (2016) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*, Publications Office of the European Union, Luxembourg, 2016, p. 13.

<sup>(318)</sup> BE, EE, IE, EL, ES, FR, HR, CY, LT, HU, MT, NL, AT, PL, PT, RO, SI, SK, SE.

<sup>(319)</sup> European Commission, *Report on the progress made in the fight against trafficking in human beings (2016) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*, Publications Office of the European Union, Luxembourg, 2016, p. 13.

<sup>(320)</sup> European Commission, *Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. SWD/2020/226 final*, Publications Office of the European Union, Luxembourg, 2020, p. 10.

<sup>(321)</sup> European Parliament, *Report on implementation of the Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims from a gender perspective*, Committee on Women's Rights and Gender Equality, 2016.

<sup>(322)</sup> GREVIO, *Mid-term horizontal review of GREVIO baseline evaluation reports*, Council of Europe, Strasbourg, 2022, p. 55.

<sup>(323)</sup> GREVIO, *Mid-term horizontal review of GREVIO baseline evaluation reports*, Council of Europe, Strasbourg, 2022, p. 56.

not currently the case. Harmful practices against women and girls are reportedly not covered in awareness-raising activities in six Member States (<sup>324</sup>).

## 6.2. Measures at EU and national level to prevent recidivism of perpetrators of GBV and to make reparations

This section analyses the availability of two key prevention and reparation measures: perpetrator programmes and compensation.

### 6.2.1. Perpetrator programmes

Perpetrator programmes aim to change the attitudes and behaviour of individuals who have committed, or are likely to commit, GBV and thus prevent further violence. Perpetrator programmes can take different forms, including counselling, to help perpetrators to acknowledge the harm they have caused and take responsibility for their actions (<sup>325</sup>). EU provisions do not regulate treatment of perpetrators, but such programmes are called for under Article 16 of the Istanbul Convention.

**Most Member States have established programmes for perpetrators of GBV, with the exception of Hungary** (<sup>326</sup>). The **number of perpetrator programmes offered varies**, from a single programme nationwide reported in Italy and Latvia, to 20 in the Netherlands and 25 in Finland (<sup>327</sup>). GREVIO recommended increasing the number of available programmes for perpetrators of domestic violence in Denmark, Italy and Portugal, reflecting the limited availability of such programmes (<sup>328</sup>). In Italy, it recommended increasing the number of programmes for perpetrators of sexual violence, due to the limited number of places available.

**While the national picture is diverse, running high numbers of programmes can present quality challenges.** For example, in France, 32 NGOs offer training on prevention for offenders, but GREVIO notes a lack of guidelines to ensure coherent provision of such training across the country, while ensuring victims' safety. The type, approach and duration vary around regions (<sup>329</sup>).

**Typically, perpetrator programmes are available nationwide but are concentrated in larger cities** (<sup>330</sup>). In Czechia, most of the perpetrator programmes are concentrated around the two biggest cities. In Finland, most programmes are in Southern Finland, where the population density is highest, leaving gaps in Northern and Eastern Finland. Similarly in Greece, perpetrator programmes are concentrated in several large locations. In practice, the penal mediation programme is implemented by the National Centre for Social Security in Athens and Thessaloniki, in cooperation with regional Prosecutorial Offices. The NGO 'Via Stop' from Northern Greece (Kavala) implements a specialised therapeutic program for

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<sup>(324)</sup> CZ, EE, EL, LT, LV, RO (European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Targeted consultation, unpublished).

<sup>(325)</sup> Work with Perpetrators

<sup>(326)</sup> No response: HR, LT, PL; Finding confirmed by the country report for HU (European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country reports, unpublished).

<sup>(327)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country reports, unpublished; European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Targeted consultation, unpublished.

<sup>(328)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2022, p. 70.

<sup>(329)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country reports, unpublished.

<sup>(330)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country reports for Czechia, Greece, Finland, unpublished.

domestic violence perpetrators, and the social services of some municipalities provide support to perpetrators. In Bulgaria, the numbers of programmes are not sufficient across the country and exist only in large cities<sup>(331)</sup>.

Another factor affecting the availability of prevention measures is that **not all perpetrator programmes are compulsory, which potentially reduces attendance**. Only eight Member States<sup>(332)</sup>, have mandatory programmes for perpetrators, with voluntary programmes in 10 Member States<sup>(333)</sup>. Member States typically make the perpetrator programmes mandatory as part of judicial proceedings. In Austria, since July 2021, attendance is mandatory for perpetrators issued with a mobile barring order. In Spain, Organic Law 1/2004 enabled prison administrations to develop compulsory programmes for men convicted of domestic violence by the courts. In addition, a court-mandated perpetrator programme was created in 2010, as a form of alternative sentencing<sup>(334)</sup>.

**Some Member States where attendance at perpetrator programmes can be court mandated continue to experience challenges in implementation.** GREVIO's assessment of the current practice to ensure attendance shed further light on the practical challenges. In several Member States<sup>(335)</sup>, judges may order perpetrators to attend perpetrator programmes for domestic violence. However, the practical implementation is challenging. For instance, in Italy, orders are subject to the perpetrators' prior consent. In Bulgaria<sup>(336)</sup>, participation in a perpetrator programme is one of the measures the court may impose, but it is up to the perpetrator to voluntarily attend and participate. The NGO notifies the authorities of non-attendance only after two instances of non-attendance. In Malta, GREVIO reported that no measures were taken if the perpetrator refused to attend the programme. It also expressed concern that in Austria and Portugal, perpetrator programmes were used as an alternative to prosecution, conviction or sentencing, creating the risk that such processes work against the principle of victims' access to fair and just legal processes.

### 6.2.2. Compensation measures

Another form of reparation is compensation to victims of GBV. Provisions related to compensation are contained in various EU directives. The Compensation Directive (2004/80/EC) recognises the right to access national compensation schemes that guarantee 'fair and appropriate' compensation for victims of 'violent intentional crime', independently of where in the EU the crime took place, and facilitates access to state compensation in cross-border cases. The Victims' Rights Directive (2012/29/EU) provides victims with the right to support to gain access to national compensation schemes (Article 9) and a decision in criminal proceeding regarding compensation from the offender (Article 16). Similarly, the Anti-Trafficking Directive (2011/36/EU) obliges Member States to provide victims of trafficking with access to compensation schemes (Article 17).

At European level, Article 30(2) of the Istanbul Convention establishes that 'adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of

<sup>(331)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Bulgaria, unpublished

<sup>(332)</sup> BE, CZ, ES, LV, AT, PL, PT, FR for those in prison, and HR as part of probation service.

<sup>(333)</sup> DK, EE, FI, IE, IT, LU, NL, RO, SI, FI, SE (European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Targeted consultation, unpublished); No data for eight Member States: FR, HR, IT, LT, HU, PL, SK, SE.

<sup>(334)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country reports, unpublished.

<sup>(335)</sup> ES, FR, IT, MT, NL, AT, PT.

<sup>(336)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country reports, unpublished.

health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions', as well as primary compensation. The European Convention on the Compensation of Victims of Violent Crimes also contains the obligation to compensate victims or their dependents of intentional and violent offences resulting in bodily injury or death (<sup>337</sup>).

This section discusses challenges in the three routes to compensation – via a civil case, a criminal case and via state compensation – and closes with a summary of the challenges across all routes.

**One route to compensation is via a civil law suit, which is available in all EU countries** (<sup>338</sup>). A FAIRCOM report in 2020 outlines major challenges accessing compensation in civil law: only in a minority of cases is the offender identified, caught, and prosecuted; high burden of proof; ability to afford legal representation; perpetrators of violent crime often do not have the financial means to pay compensation or to comply with a judgment ordering them to do so (<sup>339</sup>). These issues can be particularly challenging for victims of GBV, given evidentiary challenges meeting a high burden of proof they face (see Section 3.1.1) and the fact they may be unable to afford legal representation because they are financially dependent on the perpetrator.

GREVIO has identified a number of obstacles for victims in claiming compensation via civil proceedings (<sup>340</sup>). High court fees were noted in its baseline evaluation reports on Italy and Austria, the impossibility of claiming damages in family proceedings in Malta, and high evidentiary thresholds and delays in Italy.

**A second route to compensation is through a civil suit within a criminal proceeding, by means of a so-called 'adhesion procedure'**. An adhesion procedure can considerably lighten the procedural burden compared to a civil procedure but cannot provide access to compensation where the perpetrators cannot be identified, caught and prosecuted or does not have the financial means to compensate the victim (<sup>341</sup>). In the EU, all victims of crimes can file a civil suit for compensation in criminal proceedings, under Article 16 of the Victims' Rights Directive (2012/29/EU) (<sup>342</sup>).

A third – often optimum – route to compensation is through state compensation. This allows victims to access compensation where the perpetrator cannot pay, cannot be found or does not have the funds to pay. **State compensation is available is provided in 21 Member States** (<sup>343</sup>) **but often restricted to physical forms of violence**. In line with the Directive on Compensation to Crime Victims (2004/80/EC), in most cases, state compensation is provided to victims of violent, intentional crimes. Importantly, in at least 11 states, this option is only available if victims have sustained serious *bodily*

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<sup>(337)</sup> As of August 2022, it has been ratified by 18 Member States: Belgium, Czechia, Denmark, Germany, Estonia, Spain, France, Croatia, Cyprus, Luxembourg, Malta, the Netherlands, Austria, Portugal, Romania, Slovakia, Finland, Sweden.

<sup>(338)</sup> European Network of Legal Experts in Gender Equality and Non-discrimination, [Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence](#), Publications Office of the European Union, Luxembourg, 2021.

<sup>(339)</sup> FAIRCOM, [Fair and appropriate? Compensation of victims of sexual violence in EU Member States: Greece, Italy, Latvia, the Netherlands and Spain, Part II: state and offender compensation: survey, good practices and recommendations](#), 2020, pp. 3-4.

<sup>(340)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#), Council of Europe, Strasbourg, 2022, p. 111.

<sup>(341)</sup> FAIRCOM, [Fair and appropriate? Compensation of victims of sexual violence in EU Member States: Greece, Italy, Latvia, the Netherlands and Spain, Part II: state and offender compensation: survey, good practices and recommendations](#), 2020, pp. 3-4.

<sup>(342)</sup> European Network of Legal Experts in Gender Equality and Non-discrimination, [Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence](#), Publications Office of the European Union, Luxembourg, 2021, p. 188.

<sup>(343)</sup> BE, BG, CZ, DK, EE, IE, EL, HR, IT, LT, LV, LU, MT, NL, PL, PT, RO, SI, SK, FI, SE (European Network of Legal Experts in Gender Equality and Non-discrimination, [Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence](#), Publications Office of the European Union, Luxembourg, 2021, p. 189).

injury or impairment of health, which excludes non-physical forms of GBV<sup>(344)</sup>. GREVIO also notes that state compensation in Portugal is limited to permanent disability or total temporary incapacity to work for at least 30 days, while Spain's scheme only applies to serious offences resulting in serious physical or psychological harm or death, with a requirement for proof of permanent incapacity with a degree of disability of at least 33%, or temporary incapacity for more than six months.

**In the majority of Member States, state-funded compensation is available subsidiarily**, i.e. the victim must have made a claim under a criminal or civil procedure but failed to procure payment from the perpetrator, either because they have not been identified, cannot afford the compensation or compensation was denied in the criminal or civil proceedings<sup>(345)</sup>. Latvia is an exception, where the Law on state compensation to victims does not require the victim to first claim compensation from a perpetrator under criminal or civil procedure. Similarly, good practice is highlighted in France, where a Victims' Compensation Fund was created in 1990<sup>(346)</sup>. This is an independent compensation process for victims of crime, which may begin independently of criminal proceedings and regardless of whether the perpetrator of the crime has been found. Victims of serious crimes, including forms of GBV such as rape, sexual assault receive full compensation for damages.

Notwithstanding the formal possibility for secondary compensation, in practice challenges to access compensation persist. GREVIO highlights that **state compensation was awarded on the basis of narrowly defined eligibility criteria**<sup>(347)</sup>. In Austria, for example, migrant women who are unlawful residents, or victims who have waived their rights to claim compensation during criminal proceedings, are not eligible for state compensation.

**The level of compensation awarded to the victims of GBV is a key issue.** The European Commission report 'Strengthening victims' rights: from compensation to reparation' notes that: 'The amount of compensation attributed in gender-based violence cases is often very low'<sup>(348)</sup>. The report notes that low levels of compensation may have particularly damaging consequences for victims of VAW/domestic violence, as victims may need the funds as a means of 'rebuilding an independent and violence-free life of dignity', especially as domestic violence can often occur in situations of economic dependence<sup>(349)</sup>. The CJEU has stated that the fixed rate of EUR 4 800 for a case of sexual violence in Italy was 'manifestly insufficient' because 'sexual violence...gives rise to the most serious consequences of violent intentional crime'<sup>(350)</sup>.

<sup>(344)</sup> BE, CZ, DE, ES, HU, LU, MT, NL, PL, PT, RO. European Network of Legal Experts in Gender Equality and Non-discrimination, *Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence*, Publications Office of the European Union, Luxembourg, 2021, p. 189.

<sup>(345)</sup> European Network of Legal Experts in Gender Equality and Non-discrimination, *Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence*, Publications Office of the European Union, Luxembourg, 2021, p. 189.

<sup>(346)</sup> Victim Support Europe, *Victims of crime implementation analysis of rights in Europe: synthesis report*, 2019, p. 121.

<sup>(347)</sup> GREVIO, *Mid-term horizontal review of GREVIO baseline evaluation reports*, Council of Europe, Strasbourg, 2022, p. 111.

<sup>(348)</sup> European Commission, *Strengthening victims' rights: from compensation to reparation*, Publications Office of the European Union, Luxembourg, 2019, p.26.

<sup>(349)</sup> European Commission, *Strengthening victims' rights: from compensation to reparation*, Publications Office of the European Union, Luxembourg, 2019, p.26.

<sup>(350)</sup> Judgment of the Court (Grand Chamber) of 16 July 2020, *Presidenza del Consiglio dei Ministri v BV*, C-129/19, ECLI:EU:C:2020:566.



### Box 3: Compensation for victims of trafficking in human beings

Article 17 of the Anti-Trafficking Directive (2011/26/EU) states that Member States should ensure that victims of trafficking have access to existing schemes of compensation for victims of 'violent crimes of intent', which could include both primary and secondary compensation schemes. The official progress reports from the European Commission <sup>(1)</sup> note challenges in implementation, including differences in the type of compensation provided and procedures to obtain compensation, such as a compensation fund created by the state or via criminal and/or civil proceedings against the perpetrator. In the progress report <sup>(1)</sup>, the EU Civil Society Platform against Trafficking in Human Beings identified the following challenges:

- Victims trafficked for sexual exploitation do not have verifiable expenses or employment losses and cannot avail in many cases of work-related bodies.
- Compensation related to psychological harm caused by trafficking for the purposes of sexual exploitation is more difficult to obtain than compensation related to physical injuries.
- Challenges accessing legal aid (such as financial tests or requirement to stay or have a legal residence for over 90 days) make it more difficult for victims of trafficking to successfully pursue compensation.
- Victims struggle to access primary compensation because the perpetrators cannot be found, have moved their assets abroad, or declared themselves bankrupt.

The Mutual Learning Seminar on trafficking highlighted the low levels of compensation received. In Spain, for example, the average compensation is around EUR 150 <sup>(1)</sup>.

**Finally, there are concerns about the specific deadlines and timeframes for victims of GBV to submit their compensation claims.** A review of the implementation of the Compensation Directive (2004/80/EC) found that all but two Member States have a deadline for the submission of a compensation claim <sup>(351)</sup>. This could be a problem for victims of GBV, who sometimes require significant time to recover before feeling able to file a compensation claim. This is supported by the GREVIO baseline evaluation reports on the Netherlands and Portugal, which noted that access to compensation is dependent on the victim filing the claim within a specific timeframe. It encouraged the authorities to remove any *de jure* and *de facto* barriers preventing women victims of violence from claiming compensation.

### 6.3. Conclusion

In conclusion, measures to prevent GBV through awareness-raising campaigns are largely ad hoc at both EU and Member State level. Article 36 of the proposed Directive builds on Article 26 of the Victims' Rights Directive (2012/29/EU) in respect of awareness-raising campaigns on victims of GBV, providing more detailed provisions, including an obligation to ensure preventive measures for groups at risk, and referring specifically to the forms of violence criminalised in the proposed Directive. It also ensures a gender-sensitive approach, calling for campaigns that address 'harmful gender stereotypes', that promote 'equality between women and men' and that encourage the involvement of men and boys.

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<sup>(351)</sup> European Commission, [Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of Council Directive 2004/80/EC relating to compensation to crime victims \[SEC\(2009\) 495\]](#), Publications Office of the European Union, Luxembourg, 2009, p. 4.

However, the Directive's provisions fall short of providing a framework for ensuring that awareness-raising efforts are regular, long-term and well-funded.

Article 26 of the proposed Directive contains provisions on compensation from the perpetrator. This sets out the right to compensation for all victims of VAW/domestic violence in criminal proceedings, as well as key principles for compensation (no upper limit, types of costs to be covered, limitation periods). This could support further progress by ensuring that victims obtain compensation. The right to compensation from the state is not established in the Directive and is therefore not aligned with Article 30 of the Istanbul Convention. This will mean that many victims cannot access compensation because the perpetrator cannot be found or is unable to pay, particularly for certain types of crimes not already covered in national provisions.

Article 38 of the proposed Directive requires Member States to establish targeted and effective intervention programmes to prevent and minimise the risk of offending and reoffending. While this could increase availability and coverage of such programmes, without specific standards progress may be limited. The Directive also calls for such programmes to be voluntary, which may not address low take-up.

Table 23 presents a summary of current legislation and the corresponding provisions in the European Commission's proposed directive.

Table 23: Summary of current legislation and corresponding measures in the European Commission's proposed Directive on violence against women and domestic violence

Measure to combat and prevent GBV	Current legislation	Current situation	Provision in European Commission Proposed Directive
Awareness-raising campaigns	Article 26 Victim Rights' Directive Article 18 of the Anti-Trafficking Directive	Campaigns are ad hoc and varied in terms of quality and comprehensiveness	Article 36
Perpetrator programmes	-	All but one Member State have perpetrator programmes, but availability and attendance vary	Article 38
Compensation measures	Compensation Directive	For state compensation, legal access to compensation can vary by type of crime and there are a range of access challenges for many victims of GBV	Article 26

## 7. DATA AND RESOURCES

### KEY FINDINGS

- Administrative data from police and judicial sources is crucial for understanding rates of reporting, prosecution and conviction of GBV crimes. However, Member States vary in the data they collect on different forms of GBV.
- Harmonisation of administrative data at EU level is challenging because of different legal definitions and categories, counting units and counting rules.
- Population surveys are important for capturing levels of GBV beyond officially reported violence as many instances of GBV go unreported. Population surveys at Member State level are often irregular or may not include all forms of GBV.
- At EU level, a 2014 pan-European survey is planned to be repeated in 2022-2023, which will provide valuable information although comparability of data will likely remain challenging.

This chapter explores Member State data collection methods for GBV, including administrative data and population surveys (Section 7.1). This is followed by an analysis of financial resources dedicated to GBV (Section 7.2). Both issues underpin the ability to effectively deliver many of the measures discussed throughout in this study.

### 7.1. Collection of national data on GBV

National data on GBV can provide crucial information about the current situation, such as rates of GBV, and help to evaluate the effectiveness of measures in place. This section starts with a brief outline of EU legislation on data collection, followed by analysis of Member State level administrative data collection, including challenges of harmonisation at EU level and the use of population surveys.

**The EU framework on the collection of data on issues potentially relating to GBV is split across different pieces of legislation and there is no obligation to collect data on GBV specifically.** The Equality Directives require equality bodies to conduct independent surveys and publish independent reports on discrimination (Article 13 of the Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (2000/43/EC))<sup>(352)</sup>. Article 11 of the Directive on Equal Treatment in Self-Employment (2010/41/EU) Member States to analyse and monitor equal treatment<sup>(353)</sup>. Article 28 the Victims' Rights Directive (2012/29/EU)<sup>(354)</sup> requires Member States to report to the European Commission at regular intervals on victims' access to the rights specified in the Directive. Article 22 of the EPO Directive (2011/99/EU)<sup>(355)</sup> similarly requires reporting on the application of European protection orders, such as the number requested, issued and/or recognised.

<sup>(352)</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0043&from=EN>

<sup>(353)</sup> Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (europa.eu).

<sup>(354)</sup> The Directive calls for reliable and timely statistical data collection to support effective policy-making. In addition to general data and statistics, it calls on Member States to focus particularly on the prevalence of GBV. In recognition of the under-reporting of rape and domestic violence, the Directive calls for systematic registration and handling of complaints received by the police, judicial authorities and other relevant administrative authorities that work with GBV victims; Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, [EUR-Lex - 32012L0029 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0029-EN).

<sup>(355)</sup> Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order, [EUR-Lex - 32011L0099 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0099-EN).

7.1.1. Administrative data collection

Administrative data collected by police, judicial, health and social services based on their interaction with the victim or perpetrator of GBV are a core source of data on GBV. This section outlines the challenges in the availability, comparability and harmonisation of data at Member State and EU level.

**Challenges have been widely reported in the systematic collection of administrative data from both judicial and police sources across different types of GBV.** Table 24 shows that only nine Member States <sup>(356)</sup> reported collecting administrative data on 11 forms of GBV, with a further three (Germany, Spain, Italy) covering nine or 10 forms. The number of forms of GBV covered is lowest in Bulgaria, Czechia, Greece, Lithuania, Luxembourg, Poland and Romania (between three and six). Domestic violence, sexual violence including rape, and other physical violence are the most widely reported. By contrast, only half of the Member States reported collecting data on non-consensual use of intimate/private images, hate speech on the basis of gender/sex and harmful practices against women and girls, such as FGM.

Table 24: Forms of GBV covered in administrative data collection, according to Member State authorities

Member State	Domestic violence	Sexual violence including rape	Other physical violence	Psychological violence	Economic violence	Harassment based on sex, including sexual harassment	Trafficking for purposes of sexual exploitation	Stalking	Non-consensual use of intimate / private images	Hate speech on the basis of gender / sex	Harmful practices against women and girls	Total
BE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11
BG	N	Y	Y	N	N	Y	Y	Y	N	N	N	5
CZ	Y	Y	Y	N	N	N	Y	Y	N	N	Y	6
DK	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11
DE	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	10
EE	Y	Y	Y	Y	N	Y	Y	Y	N	N	N	7
IE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11
EL	Y	Y	Y	N	Y	N	Y	N	N	N	N	5
ES	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	9
FR	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11
HR	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11
IT	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	9
CY	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	10
LT	Y	Y	N	N	Y	N	N	N	N	N	N	3
LV	Y	Y	Y	Y	N	N	Y	Y	N	Y	N	7
LU	Y	Y	Y	Y	Y	Y	N	N	N	N	N	6
NL	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11
AT	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11
PL	Y	Y	Y	Y	Y	N	N	N	N	N	N	5
PT	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11
RO	Y	Y	Y	Y	N	Y	Y	N	N	N	N	6
SK	Y	Y	Y	Y	N	N	Y	Y	N	Y	N	7
SE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	11
<b>Total (Y)</b>	22	23	22	19	15	17	20	18	13	13	12	

Note: Y- yes, the form is covered, n – no, the form is not covered. No data: FI, HU, SI.

Source: European Commission, Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic, Targeted consultation, unpublished.

<sup>(356)</sup> BE, DK, IE, FR, HR, NL, AT, PT, SE (European Commission, Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic, Targeted consultation, unpublished).

Since 2017, EIGE has made systematic efforts to improve administrative data collection on IPV (a sub-category of domestic violence) in the police and justice sectors. EIGE developed, fully defined, and collected data for 13 indicators measuring the scale of IPV in the EU. Table 26 shows **significant challenges in both the availability and comparability of data to identify IPV**, largely because of different legal definitions and different categories, counting units and counting rules (<sup>357</sup>). Data are available in 2-14 Member States to identify female victims of IPV, depending on the crime, with rape being the most commonly collected data, and economic violence the least. IPV data are particularly difficult to collect to populate EIGE's indicators because of the requirement for data disaggregation in order to know, at a minimum, the sex of the victim (i.e. female), the perpetrator (i.e. male), their relationship and the nature of the offence. It also indicates the challenges of comparability of data at EU level, which varies between eight Member States with comparable data for femicide victims and 11 for IPV victims (unspecified) and rape.

Table 25: Availability of data and comparability of data on IPV, rape and femicide

Female victim of IPV	Jurisdictions with comparable data or proxy data for EIGE indicators	Jurisdictions with non-comparable data or proxy data for EIGE indicators but with data available on some of the indicator components	No data	Data not yet available
IPV victim	CZ, DE, LV, LT, SI	BG, EE, EL, FR, HR, CY, MT, AT, PL, RO, FI	BE, DK, IE, ES, IT, PT, SK, SE	LU, HU, NL
Physical IPV victim	CZ, DE, FR, LV, LT, FI	BE, BG, ES, HR, CY, MT, AT, SE, PT	DK, EE, IE, EL, IT, PL, RO, SI, SK	LU, HU, NL
Psychological IPV victim	CZ, DE, LV, FI	BE, EE, ES, FR, HR, IT, CY, LT, MT, AT, PT, SK,	BG, DK, IE, EL, PL, RO, SI, SE,	LU, HU, NL
Sexual IPV victim	CZ, DE, FR, LV, LT, SI, FI	BE, EE, EL, ES, HR, CY, MT, AT, PT, SK,	BG, DK, IE, IT, PL, RO, SE	LU, HU, NL
Economic IPV victim	LV	BE, CZ, DE, ES, MT, AT, SK, FI, PT,	BG, DK, EE, IE, EL, FR, HR, IT, CY, LT, PL, RO, SI, SE	LU, HU, NL
Rape IPV victim	CZ, DE, EE, EL, FR, LV, LT, AT, SI, SK, FI	BG, DK, IE, ES, HR, IT, CY, MT, PL, PT, SE,	BE, RO	LU, HU, NL
Femicide IPV victim	CZ, DE, ES, FR, IT, LV, LT, MT, NL, SI, SK, FI, SE,	BG, DK, EE, EL, HR, CY, AT, PL,	BE, IE, PT, RO	LU, HU

Source: adapted from EIGE, 2021

**Data collection methods are not harmonised between public bodies.** This limits the ability to draw together these data and develop a complete picture of GBV at the national level. This challenge is highlighted by GREVIO in the majority of countries (<sup>358</sup>) and echoed by Member State authorities themselves: 10 Member States reported a challenge ensuring that the different authorities and

<sup>(357)</sup>EIGE, *EIGE's indicators on intimate partner violence, rape and violence: EU state of play*, 2021, <https://eige.europa.eu/publications/eiges-indicators-intimate-partner-violence-rape-and-femicide-eu-state-play>

<sup>(358)</sup> BE, DK, FR, IT, MT, AT, PT, FI, SE (GREVIO, *Mid-term horizontal review of GREVIO baseline evaluation reports*, Council of Europe, Strasbourg, 2022, p. 45).

organisations, including NGOs, exchange data on GBV (<sup>359</sup>). Several countries also perceive the challenge of harmonised data collection across the different authorities involved (<sup>360</sup>). This issue is rooted in the large number of institutions involved in data collection, with 14 Member States having one or two key institutions (<sup>361</sup>) and nine having multiple institutions (<sup>362</sup>).

### 7.1.2. Population surveys

An estimated two-thirds of victims do not report violence and are not captured in administrative data (<sup>363</sup>). Population surveys can help to close this gap by asking the whole population about their experiences of GBV, although respondents may still remain reluctant to indicate their experiences in a survey, much like their fear of reporting to the police.

**GREVIO assessments of several Member States noted a number of shortcomings in existing population surveys**, ranging from a lack of any surveys (Malta), surveys not happening at regular intervals (Belgium, Denmark), lack of dedicated surveys on GBV (Finland, Sweden), and a lack of surveys covering all forms of GBV by most countries carrying out surveys. **At the same time, good practices were identified in Italy and the Netherlands, where there are regular and/or comprehensive surveys.** In its baseline evaluation report on Italy, GREVIO commended the Italian authorities for carrying out a dedicated survey on VAW, covering various forms of violence (physical, sexual, psychological and economic violence, and stalking) and taking into account child victims or witnesses of domestic violence (<sup>364</sup>). GREVIO noted that the survey sheds light on important factors such as the socio-demographic characteristics of the victims, risk factors, the severity and consequences of violence, victims' awareness of their rights and available protection mechanisms, as well as the pathway taken by victims to escape from violence. The survey was first carried out in 2006 and repeated in 2014 and involved a representative sample of foreign women residing in Italy.

Similarly in the Netherlands, there is comprehensive monitoring of the prevalence of domestic violence, sexual intimidation and sexual violence (<sup>365</sup>). The survey started in 2020 and is conducted by the Scientific Research and Documentation Centre and Statistics Netherlands, at the request of the Ministry of Health, Welfare and Sport and the Ministry of Justice and Security. The outcomes are published bi-annually and include data on the prevalence of domestic violence and child abuse, rates of reporting, and the impact of violence on families, based on a random sample of the Dutch adult population.

**At EU level, FRA carried out a pan-European population survey on GBV in 2014.** With 42 000 responses, it provided the first EU-wide data on the extent and nature of different forms of violence experienced by women, and has been widely used in subsequent policy and public debates. However, a number of issues arose in the analysis of the survey results. Firstly, cross-country comparisons proved challenging, as the highest rates of GBV were identified in the Nordic countries, which likely reflected

(<sup>359</sup>) BG, CY, EE, IE, EL, HR, HU, NL, AT, RO (European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Targeted consultation, unpublished).

(<sup>360</sup>) BE, DK, FR, IT, MT, AT, FI, SE.

(<sup>361</sup>) BG, CZ, DK, DE, EE, IE, EL, HR, IT, LT, LU, HU, PL, RO.

(<sup>362</sup>) BE, ES, CY, LV, NL, AT, PT, SK, FI (European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Targeted consultation, unpublished).

(<sup>363</sup>) FRA, [Violence against women: every day and everywhere](#), 2014.

(<sup>364</sup>) GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2022, p. 50.

(<sup>365</sup>) European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Targeted consultation, unpublished.

higher societal awareness levels of such violence (<sup>366</sup>). Secondly, the survey results may reflect only disclosed rates of violence, not actual prevalence, because respondents are not willing to discuss such highly sensitive personal matters (<sup>367</sup>). A repeat of the survey is planned for 2023, led by Eurostat. Some Member States have declined to participate in the survey, citing human resources constraints, with FRA and EIGE carrying out the survey in these Member States instead. The refusal of some Member States to participate represents a challenge to the sustainability of future surveys in the absence of additional EU funds and action.

## 7.2. Financial or other resources at Member State and EU level to address GBV

Sufficient, stable and targeted financial resources play a central role in facilitating measures to prevent and combat GBV at national and EU level. Unfortunately, comprehensive information on funding levels for tackling GBV is not available either at EU or national level, a challenge also noted by GREVIO (<sup>368</sup>).

This section first analyses the financial resources available at EU level, focusing on the Daphne programmes as the flagship initiative. It then turns to financial resources at national level, based on assessments by independent experts.

### 7.2.1. Financial resources available at EU level

**Where financial information has been identified, it appears that the amounts allocated to tackling GBV at the European level remain modest.** The limited amount of funding dedicated to tackling GBV is demonstrated by the flagship EU initiative Daphne, which funded organisations and projects tackling violence against women and children (<sup>369</sup>). In place since 1997, the Daphne programme was later integrated as a funding stream into the Rights, Equality and Citizenship (REC) Programme from 2014 until 2020, then the Citizens, Equality, Rights and Values (CERV) Programme from 2021–2027. According to Commission estimates (<sup>370</sup>), Daphne funded over 800 projects to combat violence against women and children, with more than EUR 250 million allocated since 1997. Under the CERV Programme, the Commission expects to spend approximately EUR 150 million through the Daphne strand to tackle violence against women and children throughout the course of the programme. This represents almost 10% of the total budget of CERV (EUR 1.55 billion). The available assessments of the Daphne programme demonstrate its limited financial scale and reach to effect systemic change. A European Parliament assessment of the Daphne programme (<sup>371</sup>) pointed to funding size as a key limiting factor in its effectiveness. The study highlighted that an estimated EUR 17 million in EU funds dedicated to violence against women, children and young people per year is not sufficient, given that the overall economic costs of VAW, which are estimated at EUR 225 billion per year.

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<sup>(366)</sup> Permanyer, I. and Gomez-Casillas, A., [‘Is the ‘Nordic Paradox’ an illusion? Measuring intimate partner violence against women in Europe’](#), *International Journal of Public Health*, Vol. 65, 2020, pp. 1169-1179; Humbert, A.L., Strid, S., Hearn, J. and Balkmar, D., [‘Undoing the ‘Nordic Paradox’: factors affecting rates of disclosed violence against women across the EU’](#), *PLoS One*, Vol. 16, No 5, 2021, e0249693.

<sup>(367)</sup> EIGE, [Gender Equality Index 2015: measuring gender equality in the European Union 2005–2012](#), 2015, pp. 21-24.

<sup>(368)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2022, p. 32.

<sup>(369)</sup> [Rights, Equality and Citizenship Programme 2014–2020](#), DG JUST, European Commission, n.d.

<sup>(370)</sup> European Commission, [Commission Staff Working Document Impact Assessment Report accompanying the document Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence](#), Publications Office of the European Union, Luxembourg, 2022, p. 37.

<sup>(371)</sup> European Parliament, [Implementation of the Daphne programme and other funds aimed at fighting violence against women and girls](#), 2019, p. 45.

### 7.2.2. Financial resources at national level

Data on financial resources at national level are similarly limited. GREVIO has noted the absence of clear data on funding GBV in several Member States <sup>(372)</sup>. However, it noted a positive development in Portugal, where Law No. 129/2015 requires every ministry to report its budget line(s) for tackling GBV to the Commission for Citizenship and Gender Equality, allowing it to monitor and assess the execution of specific public funding to GBV.

**The independent assessments indicate a consensus that funding is not sufficient overall.** Country reports produced for the European Commission study supporting the fitness check point to funding as a key issue, noting that it is often short-term, project-based and difficult to obtain <sup>(373)</sup>. GREVIO drew a similar conclusion in its evaluations of Article 8 of the Istanbul Convention, calling for 'appropriate financial and human resources' <sup>(374)</sup>. Only Spain and Sweden were considered to have sufficient resources allocated to tackling GBV <sup>(375)</sup>. Concerns in Belgium related to federal budget cuts, which resulted in disparities in the policies of tackling GBV at regional level and a reduction in funding to the voluntary sector <sup>(376)</sup>. In Italy, the amounts allocated for the implementation of policies tackling GBV by the autonomous regions is determined by the political priorities and economic power of each region. This may endanger the principle that the enjoyment of human rights and relevant national legal standards should apply equally throughout the national territory <sup>(377)</sup>. In Finland, the lack of adequate funding resulted in shortcomings in the implementation of the National Action Plan to Reduce Violence against Women and the impossibility to sustain positive gains in the subsequent national action plan <sup>(378)</sup>.

Independent experts reported that the **levels of funding are often linked to political commitment to GBV**, and, in a minority of cases, is clearly politicised <sup>(379)</sup>. In Poland, for example, authorities have refused to acknowledge the concept of gender and restricted funding for NGOs. In 2016 and 2017, the Ministry of Justice discontinued funding for organisations providing specialised support for women victims of domestic violence, such as the Women's Rights Centre. The Ministry claimed that the assistance provided by the centre was addressed solely to a specific group of victims (i.e. women victims of domestic violence) and was therefore discriminatory in not supporting every victim.

Overall, the lack of sufficient and long-term funding to address GBV remains a core challenge at both EU and national level. This contributes to services being interrupted from one year to the next, and the dispersion of trained and highly qualified professionals. Levels of funding are often linked to political commitment to GBV, and can, in some cases, be politicised. In addition, data on funding GBV measures are often difficult to identify across national systems, complicating the process of tracking resources that is crucial for combating and preventing GBV.

<sup>(372)</sup> BE, DK, FR, IT, NL, FI (GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2022, p. 32).

<sup>(373)</sup> BE, BG, DK, DE, IE, EL, FR, HR, IT, CY, LV, LU, HU, NL, AT, PL, SK, FI, SE (European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country reports, unpublished).

<sup>(374)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2022, p. 32.

<sup>(375)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2022, p. 32.

<sup>(376)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2022, p. 32.

<sup>(377)</sup> GREVIO, [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2022, p. 32.

<sup>(378)</sup> GREVIO, [Mid-term Horizontal Review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2022, p. 32.

<sup>(379)</sup> European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country reports, unpublished.



### 7.3. Conclusion

Sufficient resources will facilitate measures to prevent and combat GBV at national and EU level. Resources at Member State level are judged by independent experts to be insufficient, although data are not available on the exact level of funding. At EU level, financial resources have focused on the DAPHNE programme, although evaluations suggest that the impact of the programme may have been hindered by limited resources, and the allocation of EUR 150 million seems limited in view of the cost of GBV, at EUR 225 billion per year. Currently not regulated under EU law, the European Commission’s proposed Directive on combating violence against women and domestic violence calls for sufficient resources to ‘ensure that offences are effectively investigated and prosecuted’ (Article 17) and for specialist support services (Article 27). This can be expected to encourage further funding of resources in these specific areas. However, the proposed Directive does not have an overarching funding commitment and is therefore not in line with Article 8 of the Istanbul Convention, which aims to ensure the allocation of appropriate financial and human resources for activities carried out by public authorities and those of relevant NGOs and civil society organisations. This could constitute a gap in ensuring the availability of sufficient financial resources across the state system and civil society in tackling GBV.

Article 44 of the European Commission’s proposed Directive sets out a series of concrete requirements for data collection on GBV in Member States. It echoes the provisions of Article 11 of the Istanbul Convention in seeking to collect disaggregated statistical data at regular intervals on cases relating to all forms of violence covered by the scope of the Convention. Full implementation of Article 44 would address the challenges identified in data availability and harmonisation of data. The proposed Directive would directly support EIGE’s work monitoring IPV, by obliging Member States to transmit annual data to EIGE, disaggregated by sex, age of the victim and the offender, relationship between the victim and the offender and type of offence. The increase in scope beyond IPV should facilitate harmonisation of other forms of GBV. Article 44(3) of the proposed Directive also provides support for the forthcoming Eurostat-led pan-European survey on GBV, legislating that it is to take place every five years, where no legislation currently exists, and mandating Member States to transmit the relevant data to Eurostat. Table 26 presents a summary of current legislation and the corresponding provisions in the European Commission’s proposed directive.

Table 26: Summary of current legislation and corresponding measures in the European Commission's proposed Directive on violence against women and domestic violence

Measure to combat and prevent GBV	Current legislation	Current situation	Provision in European Commission proposed Directive
Data collection	- None specific to GBV	Data not regularly or systematically collected for all forms of GBV and often not comparable at EU level	Article 44
Financial resources	- None specific to GBV	Financial resources widely considered insufficient to meet the scale of the challenge	Articles 17 and 27

## 8. POLICY RECOMMENDATIONS

This section presents targeted recommendations for the EU institutions and the Member States to better prevent and combat GBV, based on the evidence presented in this study. The recommendations reflect the EU's level of competence to adopt measures on issues related to GBV. All recommendations are *in addition* to measures included in the proposed Directive.

### **Recommendation 1: Strengthen the legal and procedural frameworks for victims of GBV and knowledge of legal professionals**

#### **Criminalisation**

- **EU institutions:** introduce GBV as a new area of crime pursuant to Article 83(1) of the Treaty on the Functioning of the European Union (TFEU), as it is a particularly serious crime, with a cross-border dimension.
- **Member States:** criminalise all forms of GBV, in line with the Istanbul Convention.

#### **Burden of proof**

- **EU institutions:** shift the burden of proof for sexual harassment, in line with revisions regarding equal pay in the proposed Pay Transparency Directive (<sup>380</sup>). In cases where a worker feels that the principle of non-discrimination in relation to sexual harassment has not been applied and takes the case to court, national legislation should oblige the employer to prove that there has been no discrimination (<sup>381</sup>);
- **Member States:** ensure that national criminal procedural laws do not bind the prosecution by high burden of proof requirements, such as to establish the facts beyond reasonable doubt. In administrative and civil cases related to discrimination (e.g. sexual harassment in employment), ensure that the burden of proof does not fall on the victim.

#### **Sanctions**

- **Member States:** increase awareness and understanding of the causes and dynamics of GBV cases among judges to ensure dissuasive sanctions and best practice in custody decisions, in line with guidance from the UNCRC, and to improve the handling of GBV cases more broadly to increase prosecution and conviction rates.

#### **Protection of victims in judicial proceedings**

- **Member States:** implement protection measures during judicial proceedings, in line with the Victims' Rights Directive (2012/29/EU), to ensure that victims avoid contact with perpetrators, have minimal involvement in criminal procedures, and are accompanied by a person of their choice during criminal proceedings;
- **Member States:** provide mandatory and continuous capacity-building, education and training for police on combating and preventing GBV, with a specific focus on: the importance of emergency barring orders, protection orders and risk assessments; and ensure that risk assessments lead to appropriate risk management strategies.

<sup>(380)</sup> European Commission, [Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms](#), COM/2021/93, 2021.

<sup>(381)</sup> European Commission, [Evaluation of the provisions in the Directive 2006/54/EC implementing the Treaty principle on 'equal pay'](#), Publications Office of the European Union, Luxembourg, 2010, pp. 25-27.

## Compensation

- **Recommendations:**

- **Member States:** ensure that all victims of forms of GBV that qualify as a violent intentional crime have access to state compensation, including victims of non-physical forms of GBV, in accordance with the Compensation Directive (2004/80/EC).

### **Recommendation 2: Ensure adequate provision of specialist support services for victims of GBV during judicial proceedings**

- **EU institutions:** allocate additional resources through funding programmes to support the development of specialist support services for victims and share best practice between Member States to support implementation of the Victims' Rights Directive (2012/29/EU);
- **Member States:** ensure the establishment of general and specialised support services, helplines, shelters, women's centres and rape crisis or sexual violence referral centres, and ensure that services are accessible for victims, in line with Council of Europe targets.

### **Recommendation 3: Change negative societal norms and attitudes that perpetuate gender equality and gender discrimination to tackle the root cause of GBV**

- **EU institutions:** carry out regular EU-specific awareness-raising campaigns on GBV that highlight gender equality as a core value of the EU;
- **Member States:** implement regular and sufficiently resourced awareness-raising campaigns that reach target groups and target the negative social norms that underpin GBV.

### **Recommendation 4: Allocate additional resources to combat GBV, and monitor levels of those resources**

- **EU institutions:** through funding programmes, allocate additional, appropriate, proportionate resources in a comprehensive and holistic manner to combat and prevent GBV; support efforts at national level to collect data on levels of resources allocated to GBV;
- **Member States:** allocate additional resources in a comprehensive and holistic manner to combat and prevent GBV that are proportionate to the scale of the challenge and costs involved. Collect data on levels of financial resources dedicated to GBV, drawing on best practice identified in Portugal <sup>(382)</sup>.

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<sup>(382)</sup> As noted by GREVIO, Law No. 129/2015 obliges every ministry in Portugal to report its budget line(s) for tackling GBV to the Commission for Citizenship and Gender Equality, allowing it to monitor and assess the use of specific public funds for GBV.

## BIBLIOGRAPHY

### European legislation

- [Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000.](#)
- [Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, OJ L 261, 6.8.2004.](#)
- [Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, OJ L 373, 21.12.2004.](#)
- [Council Regulation 2019/1111/EU of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction \(recast\), OJ L 178, 2.7.2019.](#)
- [Directive 2010/41/EU of the European Parliament and the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, OJ L 180, 15.7.2010.](#)
- [Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation \(recast\), OJ L 204, 26.7.2006.](#)
- [Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order. OJ L 338, 21.12.2011.](#)
- [Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. OJ L 315, 14.11.2012.](#)
- [Regulation \(EU\) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, OJ L 181, 29.6.2013.](#)
- [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC \(General Data Protection Regulation\), OJ L 119, 4.5.2016.](#)

### National legislation

- [Law 38/1988 of 28 December on Jurisdiction and Judicial Organisation. Organic Law 6/1985 of 1 July on the Judiciary \(Spain\).](#)
- [Organic Act 1/2004 of 28 December on integrated protection measures against gender violence \(Spain\).](#)

### Court judgments

- Court of Justice of the European Union (CJEU, Judgment of 23 December 2009, [Jasna Detiček v Maurizio Squeglia](#), 23 December 2009, C-403/09 PPU, EU:C:2009:810, para. 59, 60.
- European Court of Human Rights (ECtHR), *A.I. v. Italy*, No. 70896/17, 1 April 2021.

### European Parliament

- European Parliament, [Report on implementation of the Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims from a gender perspective](#), Committee on Women's Rights and Gender Equality, 2016.
- European Parliament, [European Added Value Assessment, Combating violence against women](#), 2013.
- European Parliament, [Gender-based violence as a new area of crime listed in Article 83\(1\) TFEU European added value assessment](#), 2021.
- European Parliament, [Implementation of the Daphne programme and other funds aimed at fighting violence against women and girls](#), 2019.

- European Parliament, [Tackling violence against women and domestic violence in Europe: The added value of the Istanbul convention and remaining challenges](#), Policy Department for Citizens' Rights and Constitutional Affairs, 2020.
- European Parliament, [Tackling violence against women and domestic violence in Europe: The added value of the Istanbul convention and remaining challenges](#), Policy Department for Citizens' Rights and Constitutional Affairs, October 2020.
- Shreeves, R., [Coronavirus and the shadow pandemic of violence against women](#), European Parliamentary Research Service, European Parliament, 2020.
- European Parliament, [The impact of intimate partner violence and custody rights on women and children](#), 2021.

### **Other EU institutions**

- Council of Europe, [Convention for the Protection of Human Rights and Fundamental Freedoms Rome, 4.XI.1950](#), Strasbourg, 2010.
- Council of Europe, [Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence](#), No 210, Strasbourg, 2011.
- Council of Europe, [Country monitoring work](#), n.d.
- European Commission, [Asylum, Migration and Integration Fund \(2021-2027\)](#), Directorate-General for Migration and Home Affairs webpage, n.d.
- European Commission, [Funding of and awareness raising on gender-based violence](#), webpage, n.d.
- European Commission, [Citizens, equality, rights and values programme](#), CERV webpage, n.d.
- European Commission, [Justice Programme \(JUST\)](#), [Funding & tenders webpage](#), n.d.
- European Commission, [Mutual Learning Programme in gender equality](#), webpage, n.d.
- European Commission, [Non.No.Nein. Say No! Stop Violence Against Women](#), webpage, n.d.
- European Commission, [Rights, Equality and Citizenship Programme 2014-2020](#), Directorate-General for Justice and Home Affairs webpage, n.d.
- European Commission, [Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of Council Directive 2004/80/EC relating to compensation to crime victims \[SEC\(2009\) 495\]](#), Publications Office of the European Union, Luxembourg, 2009.
- European Commission, [Evaluation of the provisions in the Directive 2006/54/EC implementing the Treaty principle on 'equal pay'](#), Publications Office of the European Union, 2010.
- European Commission, [Report from the Commission to the European Parliament and the Council, Report on the application of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation \(recast\)](#), Publications Office of the European Union, Luxembourg, 2013
- European Commission, [Study on comprehensive policy review of anti-trafficking projects funded by the European Commission: final report](#), Directorate-General for Migration and Home Affairs, Publications Office of the European Union, 2016.
- European Commission, [Report on the progress made in the fight against trafficking in human beings \(2016\) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#), Publications Office of the European Union, Luxembourg, 2016.
- European Commission, [Interim evaluation of the implementation of the Asylum, Migration and Integration Fund \(AMIF\) 2014-2020](#), 2017.
- European Commission, [Interim Evaluation of the Rights, Equality and Citizenship Programme](#), 2018.
- European Commission, [Strengthening victims' rights: from compensation to reparation](#), Publications Office of the European Union, Luxembourg, 2019.
- European Commission, [Third report on the progress made in the fight against trafficking in human beings \(2020\) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking](#)

- in human beings and protecting its victims*, COM(2020) 661 final, Publications Office of the European Union, Luxembourg, 2020.
- European Commission, [Report on the implementation of Directive 2012/29/EU](#), Publications Office of the European Union, Luxembourg, 2020.
- European Commission, [Report from the Commission to the European Parliament and the Council on the implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA](#), COM(2020) 188 final, Publications Office of the European Union, Luxembourg, 2020.
- European Commission, *Report from the Commission to the European Parliament and the Council on the implementation of Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order*, Publications Office of the European Union, Luxembourg, 2020.
- European Commission, [Commission Staff Working Document Impact Assessment Report accompanying the document Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence](#), COM(2022) 105 final, Publications Office of the European Union, Luxembourg, June 2022.
- European Commission, [Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence](#), Publications Office of the European Union, 2022.
- European Commission, [Report from the Commission of the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions assessing the implementation and achievements of the 2014-2020 Justice programme](#), Brussels, 2022.
- European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Greece, unpublished
- European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Cyprus, unpublished
- European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Luxembourg, unpublished
- European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Hungary, unpublished
- European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Romania, unpublished
- European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Slovenia, unpublished
- European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Slovakia, unpublished
- European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Country report for Finland, unpublished
- European Commission, *Study to support the fitness check on preventing and combating violence against women and domestic violence and impact assessment for a legislative proposal on the topic*, Targeted consultation, unpublished
- European Institute for Gender Equality (EIGE), [2022-2024 Single Programming Document](#), 2021

- European Network of Legal Experts in Gender Equality and Non-Discrimination, [Legal implications of EU accession to the Istanbul Convention](#), European Commission, Publications Office of the European Union, Luxembourg, 2016.
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [Baseline evaluation report France](#). Council of Europe, Strasbourg, 2019.
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [Baseline evaluation report Belgium](#), Council of Europe, Strasbourg, 2020.
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [Baseline evaluation report Spain](#), Council of Europe, Strasbourg, 2020.
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [Baseline Evaluation Report Slovenia](#), Council of Europe, Strasbourg, 2021.
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [First report by Estonia on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence](#), Council of Europe, Strasbourg, 2021.
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [Mid-term horizontal review of GREVIO baseline evaluation reports](#). Council of Europe, Strasbourg, 2021.
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [Report submitted by Estonia pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(baseline report\)](#), Council of Europe, Strasbourg, 2021.
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [Second General Report on GREVIO's Activities](#), Council of Europe, Strasbourg, 2021.
- Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [3<sup>rd</sup> General Report on GREVIO's activities](#), Council of Europe, Strasbourg, 2021.

### Other publications

- Autonomous Women's House Zagreb, [Women against Violence against Women and Centre for Women War Victims – ROSA, Croatia's compliance with the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence \(the Istanbul Convention\)](#), Council of Europe, 2022.
- Baker McKenzie, [Fighting domestic violence](#), Baker McKenzie website, n.d.
- BBC News, ['France announces anti-femicide measures as 100<sup>th</sup> killing recorded'](#), BBC News, 3 September 2019.
- Bidram, M., [Za znásilnění často jen podmínka: Trauma není pro soudce to, co bodnutí do nohy \(Probation period for rape: Judges do not consider trauma to be the same injury as stabbing\)](#), *Seznam Zprávy*, 2020.
- Bond, C., Holder, R., Jeffries, S., and Fleming, C., [Evaluation of the Specialist Domestic and Family Violence Court trial in Southport: Summary and final reports](#), Griffith Criminology Institute, Griffith University, 2017.
- Candido, J., Hoendervoogt, M., Laatsch, N., van Dam, P., and Gest, M. [Slachtoffer en de rechtspraak: Handleiding voor de strafrechtspraktijk](#), de Rechtspraak, 2017.
- COMPAS, ['Safe reporting' of crime for victims and witnesses with irregular migration status in the USA and Europe](#), University of Oxford, 2019.
- European Agency for Fundamental Rights (FRA), [Violence against women: an EU-wide survey. Main results](#), Publications Office of the European Union, 2014.
- European Agency for Fundamental Rights (FRA), [Victims of crime in the EU: the extent and nature of support for victims](#), Publications Office of the European Union, Luxembourg, 2015.

- European Agency for Fundamental Rights (FRA), [Child-friendly justice - Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States](#), 2017.
- European Agency for Fundamental Rights (FRA), [Sanctions that do justice: justice for victims of violent crimes part III](#), Publications Office of the European Union, Luxembourg, 2019.
- European Agency for Fundamental Rights (FRA), [Handbook on European law relating to the rights of the child](#), Publications Office of the European Union, Luxembourg, 2022.
- European Disability Forum (EDF), [EDF position paper on violence against women and girls with disability](#), 2021.
- European End FGM Network, [Annual Report 2021](#), 2021.
- European Institute for Gender Equality (EIGE), [Gender Equality Index 2015: measuring gender equality in the European Union 2005-2012](#), 2015.
- European Institute for Gender Equality (EIGE), [2022-2024 Single Programming Document](#), 2021.
- European Institute for Gender Equality (EIGE), [The costs of gender-based violence in the European Union](#), Publications Office of the European Union, Luxembourg, 2021.
- European Network for the Work with Perpetrators of Domestic Violence, [Annual Report 2021](#), 2021.
- European Network of Equality Bodies (Equinet), Commission for Citizenship and Gender Equality (CIG) [website](#), n.d.
- European Network of Legal Experts in Gender Equality and Non-discrimination, [Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence](#), Publications Office of the European Union, Luxembourg, 2021.
- Europol, [Report Cybercrime online](#), webpage, n.d.
- Eurostat, [Which EU countries had the highest GDP in 2019?](#), 2020.
- Gutierrez, L., Blais, J., and Bourgon, G., ['Do domestic violence courts work? A meta-analytic review examining treatment and study quality'](#), *Justice Research and Policy*, Vol. 17, No 2, 2017, pp. 75-99.
- Humbert, A. L., Strid, S., Hearn, J., and Balkmar, D., ['Undoing the "Nordic Paradox": factors affecting rates of disclosed violence against women across the EU'](#), *PLoS One*, Vol. 16, No 5, 2021, e0249693.
- Kimball, E., ['Edleson revisited: reviewing children's witnessing of domestic violence 15 years later'](#), *Journal of Family Violence*, Vol. 31, No 5, 2016, pp.1-13.
- Kobulsky, J. M., Yoon, S. H., Wildfeuer, R., Simonsson, P. and Shin, S.H., ['The effects of father-perpetration of maltreatment on adolescent health risk'](#), *Journal of Interpersonal Violence*, Vol. 37, No 15/16, 2022, pp. NP13092-NP13114.
- Kvinnofridslinjen, [Swedish women's helpline](#), website, n.d.
- Laxminarayan, M., ['Procedural justice and psychological effects of criminal proceedings: the moderating effect of offense type'](#). *Psychology, Crime & Law*, Vol. 20, No 8, 2014, pp. 781-797.
- Logar, R. and Niemi, R., [Emergency barring orders in situations of domestic violence: Article 52 of the Istanbul Convention](#), Council of Europe, Strasbourg, 2017.
- [Materialien zur Politischen Bildung, Zentrum Polis – Politik Lernen in der Schule, 2022.](#)
- McIlwaine, C., Granada, L., and Valenzuela-Oblitas, I. [The right to be believed: migrant women facing VAWG in the 'hostile immigration environment' in London](#), King's College London and the Latin American Women's Rights Service, 2019.
- McKay, M. M., 'The link between domestic violence and child abuse: assessment and treatment considerations', *Child Welfare*, Vol. 73, No 1, 1994, pp.29-39.
- Orth, U., ['Secondary victimisation of crime victims by criminal proceedings'](#), *Social Justice Research*, Vol. 15, No 4, 2002, pp. 313-325.
- Permanyer, I. and Gomez-Casillas, A., ['Is the "Nordic Paradox" an illusion? Measuring intimate partner violence against women in Europe'](#), *International Journal of Public Health*, Vol. 65, 2020, pp. 1169-1179.
- Politi, [Danish Police website](#), n.d.
- Platform for International Cooperation on Undocumented Migrants (PICUM), [Data protection and the "firewall": Advancing the right to health for people in an irregular situation](#), n. d.



- Platform for International Cooperation on Undocumented Migrants (PICUM), [The rights of undocumented victims: What to know if you're a women's organisation, shelter or service provider](#), n.d.
- Platform for International Cooperation on Undocumented Migrants (PICUM), [Insecure justice? Residence permits for victims of crime in Europe](#), Publications Office of the European Union, Strasbourg, 2020.
- Pour La Solidarité, [Specialised gender violence courts in Spain](#), 2021.
- Ülviste, A., [Lähisuhtevägivallakuritegudes läbiviidud kriminaalmenetluste analüüs](#) (Analysis of criminal proceedings in crimes of intimate partner violence). Riigiprokuratuur, 2018.
- United Nations, [Spotlight Initiative webpage, n.d.](#)
- United Nations Office on Drugs and Crime (UNODC), [National measures taken to prevent, investigate, prosecute and punish gender-related killings of women and girls](#), Expert Group on gender-related killing of women and girls, 2014.
- UN Women, [In Focus: 16 Days of Activism against Gender-based Violence](#), webpage, n.d.
- UN Women, [UNiTE by 2030 to End Violence Against Women campaign](#), webpage, n.d.
- Victim Support Europe, [Victims of crime implementation analysis of rights in Europe: Synthesis report](#), 2019.
- VOCIARE, [Assessing the EU Victims' Directive](#), 2019.
- Women against Violence Europe (WAVE), [WAVE Country Report 2021: women's specialist support services in Europe and the impact of COVID-19 on their provision](#), 2021.
- Women against Violence Europe (WAVE), [Step Up! Campaign, webpage, n.d.](#)
- White Ribbon Campaign, [website](#), n.d.
- Zentrum Polis – Politik Lernen in der Schule, [Respect, coexistence and equality between women and men](#), webpage, n.d.

## ANNEX I

Table 27: Mechanisms for online reporting of crimes

Member State	Mechanisms for online reporting of crimes (with description and hyperlink)	Anonymous reporting available
Austria	<a href="#">Online form for reporting online hate crime and cyberbullying.</a> <i>Note: online form does not provide information to authorities for investigation.</i>	Yes
	<a href="#">Email capability for reporting cybercrimes</a>	N/A
Belgium	<a href="#">Online form for reporting discrimination</a>	No
Bulgaria	<a href="#">Email capability for reporting cybercrimes</a>	N/A
Croatia	No	N/A
Cyprus	<a href="#">Online reporting form for cybercrimes</a> (limited to select crimes).	No
Czechia	No	N/A
Denmark	<a href="#">Online reporting form for cybercrimes (including that related to sexual harassment and violence).</a>	No
Estonia	<a href="#">Online Reporting Form</a> (specific cybercrimes only, not including GBV)	N/A
Finland	<a href="#">Online reporting form for crime</a> (including that related to gender identity).	No
France	<a href="#">Online reporting form for cybercrime</a>	No
	<a href="#">Online reporting form for illegal content</a> (including that related to gender identity).	Yes
Germany	<a href="#">Email capability for reporting cybercrime</a> (specific to each federal police body).	N/A
Greece	<a href="#">Email capability for reporting cybercrime</a>	N/A
Hungary	<a href="#">Online portal for 'e-administration'</a> , including reporting crimes	N/A
Ireland	<a href="#">Email capability for reporting crimes to local police stations</a>	N/A
	<a href="#">Online portal for reporting hate crimes</a>	N/A
Italy	<a href="#">Online reporting form for cybercrime</a>	N/A
Latvia	<a href="#">Online reporting form for hate crime</a>	Yes
	<a href="#">Email capability for reporting crime</a>	N/A
Lithuania	No	N/A
Luxembourg	<a href="#">Online reporting tools for cybercrime</a> (including that related to gender identity).	Yes

The legislative frameworks for victims of gender-based violence (including children) in the 27 Member States

Member State	Mechanisms for online reporting of crimes (with description and hyperlink)	Anonymous reporting available
Malta	Online reporting <a href="#">form for some violent crimes</a>	No
Netherlands	<a href="#">Online reporting form for crime</a>	Yes
Poland	No	N/A
Portugal	Online <a href="#">reporting form for anonymous complaints</a>	Yes
	<a href="#">Online reporting form for crime</a>	No
Romania	No	N/A
Spain	<a href="#">Online reporting mechanism (limited to theft).</a>	No
Slovakia	No	N/A
Slovenia	No	N/A
Sweden	<a href="#">Online reporting mechanism (limited to select crimes such as theft or damage to property).</a>	No

## ANNEX II

Table 28: Police representatives interviewed as part of this study

Member State	Police representative
Austria	<i>Chief Inspector</i> Provincial Police Directorate Styria
Belgium	<i>Chief commissioner and chief of police zone Hamme/Waasmunster</i> - formerly working at the unit behavioural sciences at federal police <i>Chief of police zone Brussels North</i> - formerly chief of police zone Brussels Capital/Elsene, and project coordinator for the police within the project sexual assault centres
Bulgaria	<i>Former deputy director</i> Ministry of Interior Department of the Police
Croatia	General Crime Service of the Criminal Police Directorate
Cyprus	<i>Sergeant</i> Education, Awareness and Communication Unit Safeguarding Sub-Directorate Crime Combating Department Police Headquarters
Czechia	Police of the Czech Republic, Prague region
Denmark	Copenhagen Police
Estonia	<i>Chief Law Enforcement Officer, Police Major</i> Prevention and Offences Investigation Bureau, Development Department, Police and Border Guard Board (PPA)
Finland	National Police Board Official National Police university college
France	National Police Delegation on victims
Germany	<i>First Detective Chief Superintendent</i> Federal Criminal Police Office Foundation German Forum for Crime Prevention c/o Federal Ministry of the Interior and Home Affairs
Greece	Greek Police
Hungary	<i>Head of Unit</i> Crime Prevention Unit, Criminal Department, Criminal Directorate, Hungarian National Police Headquarters,
Italy	Ministry of Interior - Public Security Department, Central Anti-Crime Directorate of the State Police
Latvia	<i>Chief of State Police</i> Latvian State Police and State Police College
Lithuania	<i>Deputy Head of the Lithuanian Police School</i>
Luxembourg	<i>Chief Commissioner</i> Judicial Police Service, Youth Protection and Sexual Offences
Malta	Gender-based and domestic violence unit, The Malta Police Force
Netherlands	Dutch national police

The legislative frameworks for victims of gender-based violence (including children) in the 27 Member States

Portugal	Public Safety Police
Romania	Local/Regional police force in the Cluj county
Slovakia	<p><i>Clerk specialist</i></p> <p>Crisis Management group of Regional Police Headquarters of the Police Force in Trenčín, operational department</p> <p><i>Director</i></p> <p>Investigation department of the criminal police Presidium of the Police Force</p> <p><i>Director</i></p> <p>Riot police department Presidium of the Police Force</p>
Spain	<p><i>Head</i></p> <p>VioGén and Criminality Analysis Area, Area of Gender Violence, Studies and Training, General Directorate of Coordination and Studies, Secretary of State for Security, Ministry of the Interior</p>
Slovenia	Criminal Police Directorate, General Crime Division
Sweden	National Operations Department/Police Development Centre West

*Note: No interview was conducted in Ireland and Poland.*

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This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee, provides an overview of the legislative frameworks for victims (including children) of gender-based violence in the 27 Member States. It provides analysis of measures in place at both Member State and EU level, and recommendations to prevent and combat gender-based violence.

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