

Istanbul Convention Action Plan

Actions required for ratification of Istanbul Convention (as included in the Draft Second National Strategy on Domestic, Sexual and Gender-based Violence)

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and its associated Explanatory Report were formally adopted by the Committee of Minister's Deputies at the Council of Europe on 7 April 2011. The Convention entered into force on 1 August 2014.

The Convention is a broad based document which covers a number of Departments' policy areas. The purposes of this Convention are to:

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

Current Irish legislation and administrative practice already implements many of the provisions contained in the Istanbul Convention. The actions set out in Appendix 2 attached are the outstanding actions required for Ireland to be in a position to ratify the Convention. These actions form part of the actions in the Second National Strategy on Domestic, Sexual and Gender-based Violence 2015 – 2020 which is currently being finalised and will be submitted to Government for approval to publish following consultation with the voluntary and community sector in the near future. The relevant provisions of the Convention to which the Action Plan refers are included at Appendix 3.

Notes:

(IST) relates to the relevant Istanbul Convention Article.

(SNS) relates to the Second National Strategy Actions.

(GI Report) relates to the Garda Síochána Inspectorate Report on Crime Investigation

ACTION 1 – Education/Training

Develop and deliver education / training modules, both initial training and developmental training, for continual delivery to specific target groups in the public sector (IST 15) (SNS 1.500)

Implementing bodies

The following organisations will develop and deliver programmes for relevant staff under their own aegis:

An Garda Síochána, Court Services staff, Probation Service, Tusla and HSE.

Timescale

An Garda Síochána will finalise the review of their Domestic Violence Intervention Policy by Quarter 4, 2015

This will inform the development of training, including joint inter-agency training, for An Garda Síochána personnel dealing with domestic violence and sexual assault by Quarter 4, 2017

Roll out training for An Garda Síochána starting Quarter 1, 2018 and ongoing throughout the term of the Strategy.

The Courts Service will provide training for staff who are involved in the administration of family law by Quarter 4, 2017

Probation Service relevant staff training, ongoing to the end of the Joint Probation Service / Irish Prison Service Women's Strategy, Quarter 4, 2016 and the Joint Irish Prison Service / Probation Service Strategy, Quarter 4, 2017.

Develop a shared approach between Tusla and HSE – in collaboration with service provider organisations – towards commissioning of training of frontline professionals in each agency that assures a consistent, appropriate and culturally competent response to persons presenting to services. Training should also include a focus on establishing standards, addressing quality improvement and measuring outcomes. Initiate training by Quarter 2, 2016 and then ongoing through the term of the Strategy.

ACTION 2 – Education/Training

Develop and deliver education / training modules, both initial training and developmental training – for continual delivery to legal practitioners (IST 15) (SNS 1.700)

Implementing bodies

Law Society, Bar Council, King's Inns

Timescale

Bar Council new modules in Quarters 1 and 2 of 2016 and related new lectures in Quarter 4, 2015 and 2016 and then ongoing through the term of the Strategy.

Law Society ongoing through the term of the Strategy, resources to be made available online for the public and practitioners.

King's Inns will update its Diploma in Legal Studies and Barrister-at-Law degree course by Quarter 3, 2016

ACTION 3 – Domestic Violence Bill

Enact Domestic Violence Bill (IST 18.2, 52, 55(2), 56(1)(g) and 56(1)(i)) (SNS 2.200)

Implementing bodies

Department of Justice and Equality

Timescale

The general scheme of Domestic Violence Bill was published in July 2015 and was referred to the Oireachtas Joint Committee on Justice, Defence and Equality for pre-legislative scrutiny.

Enact by Quarter 1, 2016

ACTION 4 – Criminal Injuries Compensation Scheme

Review the Criminal Injuries Compensation Scheme for victims of domestic violence and decide whether victims of domestic violence will be included or to exercise a reservation in relation to article 30(2) of the Istanbul Convention. (IST 5, 30(2), 30(3), 78(2)) (SNS 2.600)

Implementing bodies

Department of Justice and Equality

Timescale

Quarter 2, 2017

ACTION 5 – Victims Directive

Implement the Victims Directive (IST 7(1), 7(2), 56(1)(b), 56(1)(c), 56(1)(d), 56(1)(g)) (SNS 2.700)

Develop protocols for referral of victims to and from support services including state sector services (IST 18)

Develop a joint Irish Prison Service and Probation Service information leaflet for victims.

Implementing bodies

Department of Justice and Equality, An Garda Síochána, Courts Service, Irish Prison Service, Probation Service, Tusla, voluntary and community sector organisations

Timescale

Criminal Justice (Victims of Crime) Bill, 2015 enacted by Quarter 4, 2015

Irish Prison Service and Probation Service leaflet – Quarter 4, 2017

The Courts Service will extend the family support and referral service currently available in Dolphin House (the Dublin family law courts) to other court houses, subject to the availability of facilities and the co-operation of voluntary sector organisations ongoing throughout the term of the Strategy.

ACTION 6 – Risk Assessment Matrix

An Garda Síochána will develop and implement a Risk Assessment Matrix for all victims of domestic violence and sexual crime. (IST 51 IST 5.2, GI Report 6.18, 10.5) (SNS 2.900)

Implementing bodies

An Garda Síochána

Timescale

Quarter 4, 2016

ACTION 7 – National Helpline Service

Implement co-ordinated, integrated national helpline service provision responding to the issues of domestic violence and sexual violence:

- a. Tusla will undertake commissioning for two 24 hour helplines, one for domestic violence and one for sexual violence
- b. Tusla will work with service provider organisations to achieve demonstrably co-ordinated helpline service provision for domestic violence and sexual violence and to enhance access to services for those who require help or information

(IST 24) (SNS 2.1200)

Implementing bodies

Tusla to commission with implementation by service provider organisations

Timescale

- a. Quarter 1, 2016
- b. Quarter 4, 2017

ACTION 8 – Mutual Assistance

In relation to mutual legal assistance, amend the Criminal Law (Mutual Assistance) Act, 2008 to include reference to the Istanbul Convention in that Act.

When and if the Istanbul Convention is ratified by a country which is not a member of the Council of Europe, designate that country under the Istanbul Convention. (IST 62(3)) (SNS 2.1300)

Implementing bodies

Department of Justice and Equality for amendment of 2008 Act, Department of Foreign Affairs and Trade for designation of a country.

Timescale

Amendment of the Criminal Law (Mutual Assistance) Act, 2008, timescale to be specified at a later date.

Designation of a country, if necessary after Ireland ratifies the Istanbul Convention.

ACTION 9 – Information to Victims of Violence

The Irish Human Rights and Equality Commission is committed to providing information to victims of violence covered by the Istanbul Convention on access to complaint mechanisms such as the European Court of Human Rights. (IST 21) (SNS 2.1400)

Implementing bodies

Irish Human Rights and Equality Commission

Timescale

To commence on ratification of the Istanbul Convention

ACTION 10 – Sexual Violence Legislation

Develop and enact sexual violence legislation to strengthen protections for victims and society from convicted sexual violence offenders (IST 36) (SNS 2.2000)

Implementing bodies

Department of Justice and Equality

Timescale

Publish Bill - Quarter 4, 2015.

ACTION 11 - Interim Barring Orders

Extend access to interim barring orders – Domestic Violence Bill, (IST 52) (SNS 2.2800)

Implementing bodies

Department of Justice and Equality

Timescale

The general scheme of Domestic Violence Bill was published in July, 2015 and referred to the Oireachtas Joint Committee on Justice, Defence and Equality for pre-legislative scrutiny

Enact Quarter 1, 2016

ACTION 12 – Perpetrator Programmes

Give judges legislative power to refer domestic violence perpetrators to programmes in the Domestic Violence Bill (IST 18(2)) (SNS 2.3100)

Implementing bodies

Department of Justice and Equality (lead), Courts Service (administration of new legislation)

Timescale

The general scheme of Domestic Violence Bill was published in July, 2015 and referred to the Oireachtas Joint Committee on Justice, Defence and Equality for pre-legislative scrutiny

ACTION 13 - Extraterritoriality

Legislate for extraterritorial jurisdiction where an offence is committed by an Irish national or a person who is habitually resident in Ireland over

- Offences in the Non Fatal Offences Against the Person Act, 1997
- Sexual offences
- The new offence of forced marriage (see Action 14 below)

Female genital mutilation offences have extraterritorial application.

Legislate for extraterritorial jurisdiction over the offences above where the offence is committed against an Irish national or a person who is habitually resident in Ireland

Opt out of article 44.3 of the Istanbul Convention in relation to the abolition of the principle of dual criminality.

Ensure that administrative arrangements cover EU and non-EU citizens reporting crimes to An Garda Síochána which were perpetrated in another

country by an Irish national or a person habitually resident in Ireland, to ensure that they are not required to report the crime in the country in which it occurred.

(IST 44)

Implementing bodies

Department of Justice and Equality, Department of Social Protection, Department of Health, An Garda Síochána

Timescale

Quarter 4, 2017

ACTION 14 – Forced Marriage

Create a specific offence of forced marriage.

Create a new offence in relation to the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage (IST 37(2)) (SNS 2.39)

Any new offence of luring a person abroad for a forced marriage will need to be indictable (IST 37 and 58).

Implementing bodies

Department of Justice and Equality

Timescale

Quarter 4, 2017

ACTION 15 – Annual Report

An annual report on the monitoring exercise to be placed in the Oireachtas library, after being noted by Government. (IST 70) (SNS 3.300)

Implementing bodies

Cosc

Timescale

Beginning Quarter 2, 2017 for the full year of 2016 and then every Quarter 2 until the Quarter 2 after the end of the Strategy.

ACTION 16 – Strategy Oversight Group

Establish a Strategy Oversight Group. (IST 7.3) (SNS 3.500)

Implementing bodies

Cosc

Timescale

Quarter 4, 2015

ACTION 17 – Support for Child Witnesses

Provide support for child witnesses of domestic and sexual violence (IST 18, 26) (SNS Appendix Action 1)

- a. Roll-out of the Meitheal, Tusla service delivery model for children and families in 2015 will provide a framework for greater attention and responsiveness to child welfare concerns, including children who experience domestic violence in the home. Ongoing developments of Meitheal in 2016 may provide further opportunities for enhanced responses in future years.
- b. Legislating to put elements of Children First on a statutory basis, including mandated reporting for specific individuals: lead responsibility for DCYA; and Implementation of Children First guidance and legislation: lead responsibility for Tusla (with significant responsibilities on departments, sectors, organisations and individuals providing services for children to implement the guidance and legislation, and assist Tusla in this regard).
- c. Tusla will be looking at evidence base for effective supports for children who experience domestic violence, to inform commissioning of services.
- d. Promote and support collaborative efforts between HSE and Tusla in relation to a Hidden Harm Strategy that ensures relevant HSE services including CAMHS (Child and Adolescent Mental Health Services), Disability Services and other therapeutic services, are aware of the impact on children of witnessing domestic or sexual violence and are equipped to respond differently.

Implementing bodies

a, and c Tusla

b Department of Children and Youth Affairs/Tusla

d HSE (lead) with Tusla

Timescale

- a. Commencing by Quarter 4, 2015, further developments by Quarter 4, 2016
- b. Legislation to be enacted by Quarter 4, 2015, implementation to follow.
- c. Complete by Quarter 4, 2016 to inform commissioning by Quarter 2, 2017
- d. Commenced

ACTION 18 – Reasonable Chastisement

Examine the potential, under the Irish legal framework, for the removal of the common law defence of reasonable chastisement which may be availed of in

proceedings under the Non-Fatal Offences Against the Person Act 1997 and under section 246 of the Children Act 2001 (IST 35). (SNS Appendix Action 2)

Implementing bodies

Department of Children and Youth Affairs (lead), with the Department of Justice and Equality

Timescale

Quarter 2, 2016

Istanbul Convention Articles to which Action Plan refers

Article 5 – State obligations and due diligence

- 1 Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.
- 2 Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

Article 7 – Comprehensive and co-ordinated policies

- 1 Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women.
- 2 Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations.
- 3 Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.

Article 15 – Training of professionals

- 1 Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.
- 2 Parties shall encourage that the training referred to in paragraph 1 includes training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention.

Article 18 – General Obligations

- 1 Parties shall take the necessary legislative or other measures to protect all victims from any further acts of violence.
- 2 Parties shall take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention.
- 3 Parties shall ensure that measures taken pursuant to this chapter shall:

- be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;
 - be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;
 - aim at avoiding secondary victimisation;
 - aim at the empowerment and economic independence of women victims of violence;
 - allow, where appropriate, for a range of protection and support services to be located on the same premises;
 - address the specific needs of vulnerable persons, including child victims, and be made available to them.
- 4 The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.
 - 5 Parties shall take the appropriate measures to provide consular and other protection and support to their nationals and other victims entitled to such protection in accordance with their obligations under international law.

Article 21 – Assistance in individual/collective complaints

Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.

Article 24 – Telephone helplines

Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone help-lines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.

Article 26 – Protection and support for child witnesses

- 1 Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.
- 2 Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

Article 30 – Compensation

- 1 Parties shall take the necessary legislative or other measures to ensure that victims have the right to claim compensation from perpetrators for any of the offences established in accordance with this Convention.
- 2 Adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of 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. This does not preclude Parties from claiming regress for

compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety.

- 3 Measures taken pursuant to paragraph 2 shall ensure the granting of compensation within a reasonable time.

Article 35 – Physical violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

Article 36 – Sexual violence, including rape

- 1 Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:
 - a engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;
 - b engaging in other non-consensual acts of a sexual nature with a person;
 - c causing another person to engage in non-consensual acts of a sexual nature with a third person.
- 2 Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.
- 3 Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.

Article 37 – Forced marriage

- 1 Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.
- 2 Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised.

Article 44 – Jurisdiction

- 1 Parties shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:
 - a in their territory; or
 - b on board a ship flying their flag; or
 - c on board an aircraft registered under their laws; or
 - d by one of their nationals; or
 - e by a person who has her or his habitual residence in their territory.
- 2 Parties shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of their nationals or a person who has her or his habitual residence in their territory.

- 3 For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed.
- 4 For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction as regards points d and e of paragraph 1 is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the State of the place where the offence was committed.
- 5 Parties shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his nationality.
- 6 When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.
- 7 Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.

Article 51 – Risk assessment and risk management

- 1 Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support.
- 2 Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

Article 52 – Emergency barring orders

Parties shall take the necessary legislative or other measures to ensure that the competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk. Measures taken pursuant to this article shall give priority to the safety of victims or persons at risk.

Article 55 – Ex parte and ex officio proceedings

- 1 Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependant upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.
- 2 Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations

and judicial proceedings concerning the offences established in accordance with this Convention.

Article 56 – Measures of protection

- 1 Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:
 - a providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;
 - b ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively;
 - c informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;
 - d enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;
 - e providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;
 - f ensuring that measures may be adopted to protect the privacy and the image of the victim;
 - g ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;
 - h providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;
 - i enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.
- 2 A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

Article 58 – Statute of limitation

Parties shall take the necessary legislative and other measures to ensure that the statute of limitation for initiating any legal proceedings with regard to the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, shall continue for a period of time that is sufficient and commensurate with the gravity of the offence in question, to allow for the efficient initiation of proceedings after the victim has reached the age of majority.

Article 62 – General principles

- 1 Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant international and regional instruments on co-operation in civil and criminal matters, arrangements agreed on

the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

- a preventing, combating and prosecuting all forms of violence covered by the scope of this Convention;
 - b protecting and providing assistance to victims;
 - c investigations or proceedings concerning the offences established in accordance with this Convention;
 - d enforcing relevant civil and criminal judgments issued by the judicial authorities of Parties, including protection orders.
- 2 Parties shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention and committed in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.
- 3 If a Party that makes mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by another Party to this Convention conditional on the existence of a treaty receives a request for such legal co-operation from a Party with which it has not concluded such a treaty, it may consider this Convention to be the legal basis for mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by the other Party in respect of the offences established in accordance with this Convention.
- 4 Parties shall endeavour to integrate, where appropriate, the prevention and the fight against violence against women and domestic violence in assistance programmes for development provided for the benefit of third States, including by entering into bilateral and multilateral agreements with third States with a view to facilitating the protection of victims in accordance with Article 18, paragraph 5.

Article 70 – Parliamentary involvement in monitoring

- 1 National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.
- 2 Parties shall submit the reports of GREVIO to their national parliaments.
- 3 The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.

Article 78 – Reservations

- 1 No reservation may be made in respect of any provision of this Convention, with the exceptions provided for in paragraphs 2 and 3.
- 2 Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the provisions laid down in:
 - Article 30, paragraph 2;
 - Article 44, paragraphs 1.e, 3 and 4;
 - Article 55, paragraph 1 in respect of Article 35 regarding minor offences;

- Article 58 in respect of Articles 37, 38 and 39;
 - Article 59.
- 3 Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34.
 - 4 Any Party may wholly or partly withdraw a reservation by means of a declaration addressed to the Secretary General of the Council of Europe. This declaration shall become effective as from its date of receipt by the Secretary General.