KEY THEME[1]
Violence against women
Secondary victimisation

(Last updated: 31/08/2026)

Introduction

In *Y. v. Slovenia*, 2015, § 104, the Court referred for the first time to the notion of "*repeat victimisation*" in its reasoning, citing, in particular, Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime. "*Secondary victimisation*" is victimisation that occurs not as a direct result of the criminal offence but as a result of the response of public or private institutions and other individuals to the victim[2]. The Court has expressed this concept in various ways: secondary victimisation (*L. and Others v. France*, 2025, § 200), revictimisation (*M.Ș.D. v. Romania*, 2024, § 147, or "re-victimisation", see *X v. Cyprus*, 2025, § 123), and also repeat victimisation (*Y. v. Slovenia*, 2015, § 104). It is especially relevant – but not limited – to cases of sexual violence and abuse, given the particular vulnerability of the victims and the sensitive nature of the facts.

Criminal proceedings concerning sexual offences are often conceived of as an ordeal by the victim. The Court has therefore drawn attention to the importance of protecting the victims' rights (*L. and Others v. France*, 2025, § 200). It has reiterated that prosecution and criminal sanctions play a crucial role in the institutional response to gender-based violence and in the fight against gender inequality (*J.L. v. Italy*, 2021, § 141). It is therefore essential that judicial authorities do not reproduce sexist stereotypes in court decisions, do not play down gender-based violence and do not expose women to secondary victimisation (*J.L. v. Italy*, 2021, § 141; *L. and Others v. France*, 2025, § 200).

In *Ubeda and Others v. Italy*, 2026, §§ 117-118, the Court accepted for the first time that the practice of civil courts, like that of criminal courts, could also put a further burden on victims of domestic violence instead of protecting them.

General principles

- The authorities must be mindful of the alleged victim's rights in the implementation of criminal-law mechanisms and avoid secondary victimisation, by informing the victim of his or her rights and by taking adequate measures to mitigate what is clearly a distressing experience for the alleged victim during the criminal proceedings. The authorities must adequately respond to allegations of rape and submit the case to the careful scrutiny required for them to properly discharge their positive obligations under the Convention (*X v. Greece*, 2024, §§ 85-88).

[1] Prepared by the Registry. It does not bind the Court.

[2] CM/Rec(2023)2 – Recommendation of the Committee of Ministers to member States on rights, services and support for victims of crime (adopted by the Committee of Ministers on 15 March 2023 at the 1460th meeting of the Ministers' Deputies), Article 1 § 4, 15 March 2023; see also CM(2023)3-add4final – [1460/10.1b] European Committee on Crime Problems (CDPC) – b. Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime – Explanatory Memorandum, § 36, 15 March 2023.

- In the international arena sexual harassment is unequivocally condemned and States are urged to effectively punish perpetrators and thus put an end to impunity. In parallel, certain international instruments require the Contracting Parties to take the necessary legislative and other measures to protect the rights and interests of victims. Such measures involve, *inter alia*, protection from secondary victimisation (*C. v. Romania*, 2022, § 85).
- Assessing the victim's credibility through prejudicial gender stereotypes and victim-blaming attitudes, thereby increasing his or her distress, is in breach of the obligations imposed under the Convention. Such conduct risks creating a background of impunity that discourages victims of gender-based violence from having trust in the criminal justice system, notwithstanding the existence of a satisfactory legislative framework (*X v. Cyprus*, 2025, §§ 119, 123 and 125; see also *E.A. and European Association for Combating Violence Against Women at Work v. France*, 2025, § 170). See also *Ubeda and Others v. Italy*, 2026, § 96, concerning decisions (of the civil courts) based on stereotypes that contributed to the acceptance of domestic violence and *de facto* exposed the victims to secondary victimisation.
- A lack of impartiality coupled with objectionable disdain on the part of the public prosecutor's office in dealing with an applicant has a "revictimising" effect and undermines the effectiveness of the proceedings and the obligations inherent in Article 8 (*M.Ş.D. v. Romania*, 2024, §§ 147-149).
- Shortcomings on the part of the domestic authorities, both as regards the lack of due care in and promptness of the proceedings and the manner of assessing whether there was genuine consent, deprive the alleged victims of adequate protection and also expose them to secondary victimisation. Among other things, statements based on stereotypes seeking to absolve the perpetrators of sexual violence of responsibility and to discredit and place blame on victims, and which are inconsistent with the present-day definition of rape, are in breach of the obligations imposed by the Convention (*L. and Others v. France*, 2025, §§ 225-232).
- The Court has reiterated that, in order to ensure adequate protection against rape and sexual offences, the authorities must take into account, where relevant, the vulnerability of victims, especially where they are minors, in accordance with the standards developed in this area by national and international instruments (*L. and Others v. France*, 2025, § 213)[3].
- The authorities must ensure that the proceedings are conducted in a way that protects victims from secondary victimisation by taking appropriate measures to mitigate distress and by avoiding reliance on gender stereotypes or moralising commentary (*X v. Georgia*, 2026, § 114, and the cases cited therein).
- The positive obligations to protect presumed victims of gender-based violence also impose a duty to protect their image, dignity and private life, including by not disclosing personal data and information that are unrelated to the facts. Accordingly, the right of judges to express themselves freely in decisions is limited by the obligation to protect the image and private life of individuals from any unjustified interference. The national authorities must protect alleged victims from secondary victimisation throughout the proceedings, including in the wording of judgments (*J.L. v. Italy*, 2021, §§ 139-142).
- The failure by civil courts to detect instances of violence and, where they do detect them, the tendency to ignore them puts a further burden on the victims of domestic violence instead of protecting them, and may undermine the confidence that victims of domestic violence have in the ability of the domestic authorities to handle proceedings involving allegations of domestic violence in an appropriate manner (*Ubeda and Others v. Italy*, 2026, §§ 117-118).

[3] For example, the Lanzarote Convention (*N.Ç. v. Turkey*, 2021, § 67), and the Istanbul Convention (*X v. Greece*, 2024, § 72).

Cases concerning minors:

- Criminal-law mechanisms should be implemented so as to address the particular vulnerability of the victim, taking the child's best interests as a primary consideration and thus affording protection to his or her rights as a victim and avoiding secondary victimisation (*A and B v. Croatia*, 2019, § 121; see also *B v. Russia*, 2023, § 54, concerning a victim who was an orphaned minor, and *E.L. v. Lithuania*, 2024, § 55, concerning a minor placed in a children's home).
- Criminal proceedings for abuse or sexual assault of minors, particularly where the victim will be confronted with the defendant, require that certain measures be taken for the purpose of protecting the victim, provided that such measures can be reconciled with an adequate and effective exercise of the rights of the defence (*Y. v. Slovenia*, 2015, §§ 103-104).
- A minor victim of sexual exploitation is in a vulnerable situation. In this context, allegations of secondary victimisation are sufficiently serious to bring them within the scope of Article 3. Factors such as the lack of assistance provided to the victim, the failure to provide protection *vis-à-vis* the defendants, the unnecessary reconstruction of rape incidents, repeated medical examinations, the failure to ensure a calm and safe environment at hearings, the assessment of the victim's consent, the excessive length of proceedings and, lastly, charges becoming time-barred amount to serious cases of secondary victimisation (*N.Ç. v. Turkey,* 2021, §§ 100 and 132).
- Investigations into the sexual abuse of minors must take due account of the context and be rigorous in order to meet the requisite standard of special diligence under the Convention. The authorities' inactivity, the inconclusiveness of the investigation, the authorities' persistent failure – or possible unwillingness – to properly investigate, and the lack of meaningful involvement of the victim in the proceedings lead, in such cases, to secondary victimisation (*X v. Georgia*, 2026, § 130).

Secondary victimisation and discrimination:

- In a national context characterised by general institutional passivity and/or lack of awareness of the phenomenon of violence against women with disabilities, a clearly discriminatory approach based on stereotypical beliefs that undermines the standing and credibility of persons with intellectual disabilities exposes victims to secondary victimisation and constitutes a failure to provide the reasonable accommodations necessary to correct the unjustified inequality arising from disability (*I.C. v. the Republic of Moldova*, 2025, §§ 219-223).
- The findings concerning a victim's secondary victimisation through the use of moralising and guilt-inducing statements that propagated gender stereotypes, amounting to a violation of Articles 3 and 8 of the Convention, may be sufficient to conclude that the reasoning in the domestic courts' judgment discloses sex-based discrimination and that there has therefore also been a violation of Article 14 of the Convention (*L. and Others v. France*, 2025, cited above, §§ 230-232).

Noteworthy examples

- *Y. v. Slovenia*, 2015: Victim's complaint about the excessive length and traumatic nature of the criminal proceedings instituted by her against a family friend whom she had accused of repeatedly sexually assaulting her. Violation of Articles 3 and 8 on account of the failure to protect the complainant's personal integrity in those proceedings, with regard in particular to the cross-examination of the victim by the alleged perpetrator and the aggressive and humiliating remarks made at that time (§§ 97, 101-104, 107).
- *N.Ç. v. Turkey,* 2021: Applicant forced to work as a prostitute by two women when she was only 12 years old. Violation of Articles 3 and 8 on account of various failures to protect the applicant during the relevant proceedings, amounting to serious instances of secondary victimisation (§ 132).
- *J.L. v. Italy*, 2021: Positive obligations and secondary victimisation of a victim of group sexual violence on account of the judgment's reasoning containing guilt-inducing, judgmental comments

and conveying sexist stereotypes. Violation of Article 8 on account of the wording of that judgment (§ 141-142).

- *C. v. Romania*, 2022: State's positive obligations in relation to allegations of sexual harassment in the workplace. Violation of Article 8 owing to the inadequate protection of victims against secondary victimisation and procedural shortcomings in the investigation (§§ 85-88).
- *B v. Russia*, 2023: Alleged sexual abuse of an orphaned minor. Violation of Article 3 owing to the State's inability to protect the applicant's personal integrity during the criminal proceedings, which had amounted to secondary victimisation (§§ 71-72).
- *X v. Greece*, 2024: Alleged rape of the applicant, an 18-year-old woman, by a hotel bartender during her holiday abroad, and lack of effective investigation. Failure by the domestic authorities to take due account both of the context and of the victim's rights, and also to implement measures to prevent secondary victimisation. Violation of Articles 3 and 8 of the Convention given the failure of the investigative and judicial authorities to respond adequately to and scrutinise carefully the allegations of rape (§§ 85-88 and 90).
- *M.Ş.D. v. Romania*, 2024: Authorities' positive obligations in a case of online harassment committed by the alleged victim's former partner, which was motivated by revenge and consisted in the non-consensual public dissemination of intimate photographs of her. Violation of Article 8 on account of the inadequate legal framework and the ineffectiveness of the proceedings, in which the authorities considered the applicant partly to blame for the events, resulting in "revictimisation" (§§ 147 and 157-158).
- *I.C. v. the Republic of Moldova*, 2025: Alleged labour exploitation and sexual abuse of an intellectually disabled woman, which took place within the family with whom she had been placed following her discharge from State care. Shortcomings in the approach taken by the authorities to assess the applicant's credibility and consent, in particular, the lack of sensitivity to both the context and the vulnerability of the applicant and in the questions put to her during the investigation, and a biased approach to the admissibility of evidence. Violation of Article 14 of the Convention in conjunction with Articles 3, 4 and 8 on account of the institutionalised discrimination towards intellectually disabled women who have been subjected to violence, and also as a result of the failure to provide reasonable accommodation which might have enabled the applicant to obtain justice (§§ 199-200 and 219-223).
- *Ukraine and the Netherlands v. Russia* [GC], 2025: Downing of flight MH17 on 17 July 2014 while it was flying over eastern Ukraine, resulting in the death of all those on board, including many Dutch nationals. Violation of Article 3 on account of the continuing profound suffering of the next of kin of the victims of the downing of flight MH17 which, given its nature and intensity, attained a level of severity that amounted to inhuman treatment. Reasoning and assessment of secondary victimisation based on a report according to which the Russian authorities' attitude was the source of that secondary victimisation, and on Resolution 2452 (2022) of the Parliamentary Assembly of the Council of Europe (§§ 534 and 550-552).
- *E.A. and European Association for Combating Violence Against Women at Work v. France*, 2025: The assessment of consent based on a coercive sadomasochistic contract entered into between an employee and a senior colleague exposed her to a form of secondary victimisation, the reasoning used having been guilt-inducing and stigmatising and capable of deterring victims of sexual violence from asserting their rights in the courts. Violation of Articles 3 and 8 of the Convention on account of the failure to introduce provisions criminalising and penalising non-consensual sexual acts and to apply them effectively, and of the way in which the question of the victim's consent was assessed (§§ 170-171).
- *Ubeda and Others v. Italy*, 2026: Alleged failure of the authorities to examine and assess allegations of domestic violence in proceedings before the civil courts. Violation of Articles 3 and 8 on account of the failure to recognise the complex dynamics of domestic violence, the failure to provide a

response proportionate to the seriousness of the facts, and the relevant court's inaction in relation to custody rights and the applicants' continued placement in a shelter. Separate violation of Article 8 given the authorities' complete disregard of the domestic-violence allegations in the child-custody proceedings, which had intensified and extended the victim's suffering, and strengthened her belief that the violence she had endured remained undetected (§§ 96 and 116-118).

Cases concerning related issues

- *S.N. v. Sweden*, 2002, § 52 – Having regard to the special features of criminal proceedings concerning sexual offences, Article 6 § 3 (d) could not be interpreted as requiring in all cases that questions be put directly by the accused or his or her defence counsel, through cross-examination or by other means (no violation of Article 6 §§ 1 and 3 (d)).
- *Aigner v. Austria*, 2012, § 37 – Victims of sexual offences, particularly minors, often conceived the related proceedings as an ordeal, in particular when they were unwillingly confronted with the defendant. In the assessment of the question whether or not in such proceedings an accused had received a fair trial, account had to be taken of the right to respect for the private life of the alleged victim. Therefore, in criminal proceedings concerning sexual abuse, certain measures could be taken for the purpose of protecting the victim, provided that such measures could be reconciled with an adequate and effective exercise of the rights of the defence. In order to safeguard those rights, the judicial authorities might sometimes be required to take measures to counterbalance any handicaps under which the defence laboured (no violation of Article 6).
- *Vasile Pruteanu and Others v. Romania*, 2025, § 63 – In determining whether there were good reasons for the absence of witnesses and assessing the fairness of the proceedings, regard had to be had to the rights of the witnesses. Special measures ought to be taken for the purpose of protecting victims of sexual offences, to the extent that they could be reconciled with an adequate and effective exercise of the rights of the defence. This also applied to victims of human trafficking and sexual exploitation who tended to experience a high rate of secondary and repeat victimisation and who were entitled to benefit from special protection measures (no violation of Article 6 §§ 1 and 3 (d)).

Further references

Case-Law Guides:

- Guide on Article 3 – Prohibition of torture
- Guide on Article 8 – Right to respect for private and family life
- Guide on Article 14 and Article 1 of Protocol No. 12 – Prohibition of discrimination
- Guide on the Rights of the child
- Guide on violence against women

Other Key Themes:

- Discrimination through violence
- Right of the child to be heard in domestic proceedings on family matters
- Gender equality
- Domestic servitude
- Absent witnesses and other restrictions on the right to examine witnesses
- Domestic violence

Other:

- Istanbul Convention
- Lanzarote Convention

MAIN CASE-LAW REFERENCES

Leading judgments:

- *Y. v. Slovenia*, no. 41107/10, ECHR 2015 (extracts) (violation of Articles 3 and 8);
- *A and B v. Croatia*, no. 7144/15, 20 June 2019 (no violation of Articles 3 and 8);
- *N.Ç. v. Turkey*, no. 40591/11, 9 February 2021 (violation of Articles 3 and 8);
- *J.L. v. Italy*, no. 5671/16, 27 May 2021 (violation of Article 8);
- *C. v. Romania*, no. 47358/20, 30 August 2022 (violation of Article 8);
- *B v. Russia*, no. 36328/20, 7 February 2023 (violation of Article 3);
- *X v. Greece*, no. 38588/21, 13 February 2024 (violation of Articles 3 and 8);
- *E.L. v. Lithuania*, no. 12471/20, 9 April 2024 (violation of Article 3);
- *M.Ş.D. v. Romania*, no. 28935/21, 3 December 2024, violation of Article 8;
- *I.C. v. the Republic of Moldova*, no. 36436/22, 27 February 2025 (violation of Articles 3, 4 and 8, and of Article 14 in conjunction with Articles 3, 4 and 8);
- *X v. Cyprus*, no. 40733/22, 27 February 2025 (violation of Articles 3 and 8);
- *L. and Others v. France*, nos. 46949/21 and 2 others, 24 April 2025 (violation of Articles 3 and 8, and of Article 14 in conjunction with Articles 3 and 8, in respect of application no. 46949/21 (*L. v. France*); violation of Articles 3 and 8 in respect of applications nos. 24989/22 (*H.B. v. France*) and 39759/22 (*M.L. v. France*));
- *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025 (violation of Article 3 of the Convention in respect of the suffering of the relatives of those killed as a result of the downing of flight MH17);
- *E.A. and European Association for Combating Violence Against Women at Work v. France*, no. 30556/22, 4 September 2025 (violation of Articles 3 and 8);
- *X v. Georgia*, no. 35640/22, 31 March 2026 (violation of Articles 3 and 8);
- *Ubeda and Others v. Italy*, no. 9993/24, 2 July 2026 (violation of Articles 3 and 8).

Other cases

- *S.N. v. Sweden*, no. 34209/96, ECHR 2002-V (no violation of Article 6 §§ 1 and 3 (d);
- *Aigner v. Austria*, no. 28328/03, 10 May 2012 (no violation of Article 6);
- *Vasile Pruteanu and Others v. Romania*, no. 9308/18, 14 January 2025 (no violation of Article 6 §§ 1 and 3 (d).