



Doc. 16370

25 March 2026

Paving the way for a culture of consent

Report¹

Committee on Equality and Non-Discrimination

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1. Reference to committee: [Doc. 16133](#), reference 4873 of 11 April 2025.



A. Draft resolution²

1. In a post #metoo context, the fight against gender-based violence, including sexual violence, has gained visibility at the political and societal levels. The issue of consent in sexual relations, considered for too long a taboo, has made the headlines of mainstream media and led to broad public debates. Consent has become an issue of political concern and can no longer be sidelined or undermined.
2. The Parliamentary Assembly stresses the importance of including free and informed consent in national legislation on preventing and combating sexual violence. It calls for the end of impunity for perpetrators of gender-based violence, the end of rape culture and for a global change of mindsets. The Assembly is deeply concerned by the phenomenon of impunity for the elite and the structural impunity which protects perpetrators of sexual violence. Such impunity cannot be tolerated or prevail: this silence protecting perpetrators of sexual violence puts lives in danger and is an attack on human dignity and personal integrity.
3. Socialisation patterns, gender norms, and perceptions of sexual communication influence how individuals interpret consent in their daily lives. Consent has multiple dimensions, it can never be forced nor assumed and should be understood depending on surrounding circumstances. Specific attention needs to be paid to disability, age, origin, sexual orientation, sex characteristics, and social status. Economic dependency, chemical submission, or structural discrimination can create situations of vulnerability and are obstacles to the expression of free consent. An absence of reaction is not equivalent to consent. Additional protections also apply where children are concerned: any sexual activity with a child below the legal age for sexual activities is a crime. Children above the legal age for sexual activities must also be protected against the use of coercion, force, threats, abuse of a recognised position of trust, authority or influence, or abuse of a particularly vulnerable situation of the child, irrespective of their purported consent.
4. Each and every individual bears the responsibility of committing to the fight against sexual violence and to integrating the principle of free and informed consent in interpersonal relationships, as a marker of fundamental respect. Building a culture of consent involves challenging sexism and so-called traditional gender roles and is a key element in the fight for gender equality and against gender-based violence.
5. Attacks on women's rights, attempts to control women's bodies and behaviour, gender-based violence, including sexual violence, disrespect for women's work, elected functions and place in society all aim at undermining women's rights, their empowerment and bodily autonomy and at downgrading their achievements. These attacks are perpetrated with a view to sustaining a patriarchal organisation of society and have intensified in past years to constitute a backlash in increasingly polarised societies. The Assembly expresses concern at the worrying change in attitudes related to the fight against patriarchy in younger generations. Promoting a culture of consent is a way of combating these phenomena.
6. The Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No.210, "Istanbul Convention") clearly establishes in its Article 36 that sexual violence and rape are defined by the absence of consent. Several member States have changed their national legislation to bring it in line with the provisions of the Istanbul Convention, but not all have included the notion of consent in their national legislation. Referring to its Resolution... (2026) "Promoting the Istanbul Convention and improving its implementation: building on lessons learnt", the Assembly reiterates its support for the Istanbul Convention. It denounces the myths surrounding the content of the Istanbul Convention and its political instrumentalisation, which are detrimental to the protection of the survivors' rights and for women's rights in general. The Assembly calls for the full implementation of the Istanbul Convention.
7. The Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, «Lanzarote Convention») requires States to criminalise all forms of child sexual exploitation and sexual abuse in addition to consent-based definitions of sexual violence and rape. The Assembly also calls for the implementation of the Lanzarote Convention.
8. Working on consent is not an isolated action, but part of a comprehensive set of measures necessary for a more equal society and striving against deeply rooted gender stereotypes. The Assembly reiterates its [Resolution 2490 \(2023\)](#) "Innovative approaches to sexual and reproductive health and rights" and reaffirms that comprehensive affective, emotional and sexuality education should be both a mandatory part of all school curricula, and a right that should be recognised for all.

2. Draft resolution adopted unanimously by the Committee on 20 March 2026.

9. The Assembly also reiterates its [Resolution 2614 \(2025\)](#) “Women's rights in Europe – Progress and challenges” in which it had expressed concern about the political instrumentalisation of family values with the aim of undermining women's rights and deplored the spread of gendered disinformation and the growing backlash against women's rights in Europe. It reiterates that attacks on women's rights are attacks on democratic values. The backlash against women's rights will have negative consequences on the lives of women and girls, in all their diversity, in decades to come.

10. In its [Resolution 2480 \(2023\)](#) “The role and responsibility of men and boys in stopping gender-based violence against women and girls”, the Assembly had underlined that all genders, including men in all their diversity, can and should be allies and partners in the fight for gender equality and against gender-based violence.

11. The Assembly welcomes steps taken by the European Parliament and other international organisations to make the question of consent a priority and supports the important work carried out by civil society organisations on this topic.

12. In the light of these considerations, the Assembly calls on the Council of Europe member and observer States as well as States whose parliament enjoys observer or partner for democracy status with the Assembly:

12.1. with regard to the inclusion of consent in legal frameworks, to:

12.1.1. sign, ratify and fully implement the Istanbul Convention;

12.1.2. develop a comprehensive legal definition of consent in matters of sexual violence as outlined in the Istanbul Convention, stressing the importance of autonomy, mutual agreement, and absence of coercion, considering surrounding circumstances;

12.1.3. adopt a “only yes means yes” approach in their legislation on combating sexual violence and ensure that the perpetrator assumes the burden of proof;

12.1.4. outlaw the concept of marital duty, thus recognising the crime of marital rape;

12.1.5. prohibit the non-consensual transformation and diffusion of photos and videos, to make nude content;

12.1.6. refrain from any changes of law to weaken the legal position and protection of survivors of sexual violence;

12.2. with regard to awareness raising on the importance of consent, preventing gender-based violence and combating gender-based stereotypes, to:

12.2.1. launch awareness-raising campaigns on preventing gender-based violence;

12.2.2. invest in awareness-raising campaigns on consent and the varying (mis)perceptions of consent, targeting different age groups, on social media and on traditional media;

12.2.3. launch specific campaigns on the importance of consent for sexual relations within marriage;

12.2.4. include sessions on consent in comprehensive emotional and sexuality education programmes and ensure that they are held regularly during the school curriculum and are sufficiently funded;

12.2.5. prevent and combat gender-based stereotypes through educational programmes from a young age, promoting also models of positive masculinities;

12.2.6. promote gender equality in all fields and pursue efforts to end the gender pay gap;

12.3. with regard to protection of and support for survivors of sexual violence, to:

12.3.1. provide training on consent for law enforcement officers, legal professionals, the judiciary, and medical staff so as to better support and interact with survivors of sexual violence in trust-building conditions, thereby ensuring that these stakeholders do not contribute to a situation of secondary victimisation;

12.3.2. ensure sufficient provision of legal support;

12.3.3. give every priority to the prosecution of perpetrators;

12.3.4. provide medical care to survivors of sexual violence, including sexual and reproductive care, and psychological support;

12.3.5. support public administrations and services, medical staff and civil society organisations working in this field;

12.3.6. invest in mental health services.

13. Considering the multiple financial constraints faced by women's rights organisations, the Assembly encourages member States to support them, both politically and financially.

14. The Assembly reiterates its call to hold regular debates in national parliaments on the protection of women's rights and the fight against gender-based violence, including on the importance of consent.

B. Explanatory memorandum by Ms Zita Gurmai, rapporteur³

1. Introduction

1. Over the past decade, the critical issue of consent in sexual relations has surged to the forefront of mainstream media across Europe, igniting widespread debate and awareness. In the transformative wake of the #MeToo movement, discussions about sexual consent have shattered long-standing preconceptions and taboos, evolving into a vital societal conversation. Younger generations are now actively embracing this concept, with the powerful motto “no means no” resonating deeply and permeating diverse spheres of society, from education to policy making.

2. The Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210, “Istanbul Convention”) is considered worldwide as a groundbreaking instrument in the fight against violence against women and domestic violence. In its Article 36, it clearly establishes that sexual violence and rape are defined by the absence of consent. The Convention also clarifies that “consent must be given voluntarily as the result of the person’s free will, assessed in the context of the surrounding circumstances”.

3. However, consent is not yet included in the definition of sexual violence and rape in national legislations of all States Parties to the Istanbul Convention. Sexist gender stereotypes persist and are reflected in legislation. The requirement for a survivor to demonstrate that she had physically resisted a sexual assault reinforces stereotypes and victim blaming. Yet very often, survivors experience a form of paralysis during the assault and are not in a position to defend themselves or resist. This does not mean that there was consent. In addition, The Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No.201, «Lanzarote Convention») requires States to criminalise behaviours beyond consent-based definitions of sexual violence and rape to protect children against all forms of sexual exploitation and sexual abuse.

4. Some opponents of the inclusion of consent in legislation question its importance and allege that such a concept is conducive to an environment in which seducing a person, or attempting to do so, has become almost impossible. But, on the contrary, seduction and consent can only be closely connected, in my opinion.

5. Other critics underline that one can never be assured that consent is freely given in a society where there are still patriarchal structures. Some criticise the fact that again the focus would be put on survivors having to demonstrate the absence of consent. There is as well criticism with regard to the lack of a common definition of consent. Working on consent is not an isolated action, but part of a comprehensive set of measures to work towards a more equal society and against deeply rooted gender stereotypes. Consent is a mindset and a process.

6. The European Court of Human Rights has consistently stressed the importance of consent in its case law. It has stated that any sexual act, in the absence of consent, is a form of sexual violence, including when the perpetrator and the survivor are married,⁴ and has clearly criticised the concept of “devoir conjugal” (marital duty).

7. Silence does not mean consent and consent can be taken back at any time. Entering a marriage does not mean giving a life-long consent and consent is never permanent nor continuous in its nature. Ensuring there is full consent means that one is prioritising respect between partners in a relationship. Manon Garcia, philosopher, stresses that consent is a moral issue before being a legal issue.⁵

3. The explanatory memorandum is drawn up under the responsibility of the rapporteur. Its original English version was translated into French by a machine translation tool.

4. Case *H.W. v. France* (application no. 13805/21). Paragraph 91, “The Court cannot accept, as the Government suggests, that consent to marriage entails consent to future sexual relations. Such a justification would be likely to remove the reprehensible character of marital rape. The Court has long held that the idea that a husband cannot be prosecuted for raping his wife is unacceptable and contrary not only to a civilised notion of marriage but also, and especially, to the fundamental objectives of the Convention, the very essence of which is the respect for human dignity and freedom (*S.W. v. United Kingdom*, cited above, § 44, and *C.R. v. United Kingdom*, November 22, 1995, § 42, Series A No. 335-C). In the Court’s view, consent must reflect the free will to engage in a specific sexual relation at the time it occurs, taking into account its circumstances”.

5. Gender-based violence – the question of consent, exchange of views, Committee on Equality and Non-Discrimination, Paris, 15 September 2023.

8. Consent needs thus to be placed at the centre of attention in the prevention and fight against sexual violence, and in all our efforts to this end at the political, legislative and societal levels. At the end of the day, consent is in fact a matter of respect between human beings. It can never be assumed nor forced. Consent needs to be clearly stated and understood taking into account surrounding circumstances. Developing an understanding and clear recognition of consent paves the way for new power dynamics in our societies. When the importance of consent makes the headlines, it contributes to showing that healthy and supportive relationships are based on balanced power relations and equality.

9. In this context, we must also pay attention to the impact of gender stereotypes on the upbringing of children. It is frequently noted that young girls may, consciously or unconsciously, be taught to say yes to please others, from a very young age. Such ingrained behaviours may then have a negative impact on the understanding and practice of consent later on.

10. Economic dependency and structural gender inequality can profoundly undermine the reality of “free” consent in sexual relationships. Women who lack economic autonomy or face poverty and pay gaps are often dependent on partners or authorities for basic needs. This dependency erodes genuine choice, as refusing unwanted sex may carry financial risks. Indeed, economic violence is recognised as a form of gender-based abuse that perpetuates dependency on the aggressor and reduces women’s chances of escaping.⁶

11. Several Council of Europe member States have changed their legislation in past years but more needs to be done to accompany the States which have not yet taken this direction. The Parliamentary Assembly can play an important role in calling on national parliaments to work on the issue of consent to include it in national legislation on preventing and combating sexual violence, if it is not yet the case, on the basis of the provisions of the Istanbul Convention. Efforts to raise awareness of consent need to be stepped up.

2. Aims and scope of the report

12. This report aims to shed light on the importance of the inclusion of a comprehensive definition of consent in national legislation on preventing and combating sexual violence. It also aims at encouraging awareness-raising campaigns on consent, from an early age, to prevent gender-based violence, and supporting comprehensive sexual education programmes. Working on the inclusion of consent in the legislation on sexual violence goes hand in hand with working on the promotion of gender equality and respect from a young age.

13. While the report focuses on the importance of consent in the fight against sexual violence, I am aware of the importance of the question of consent in medical settings, which may also have a gendered dimension. The scope of this report will however be limited to consent in the framework of the fight against gender-based violence. The report will not address the question of sex work.

3. Working methods

14. I carried out desk research on the situation in several Council of Europe member States, which have changed their legislation so as to include consent. I have also looked at the sociological aspect of the question, in order to gather elements on bringing societal change, from a male-centric power culture, in which sexual relations are inherently skewed towards male dominance, to a culture of consent.

15. On 3 December 2025, the Committee on Equality and Non-Discrimination, together with the Parliamentary Network Women Free from Violence, held a hearing with the participation of Ms Evin Incir, member of the European Parliament, member of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament, co-rapporteur on “The importance of consent-based rape legislation in the EU”, Sweden (online), Ms Ellen O'Malley-Dunlop, member of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and former CEO for the Rape Crisis Centre, Ireland, and Ms Sara Uhnöo, Associate professor in sociology, University of Gothenburg, Sweden. I would like to thank those speakers and the members for their relevant contributions during this hearing.

16. On 12 February 2026, I held an online bilateral meeting with Ms Victoire Tuillon, journalist. On 10 February 2026, I held an online bilateral meeting with Ms Rebecca Levy-Guillain, socio therapist and author of a PhD on the culture of consent. On 5 February 2026, I also had an online meeting with Ms Yolanda

6. Lucía Avilés Palacios, “[Economic violence and judicial proactivity](#)”, Ideas, 21 November 2022.

Iriarte, UN Women Strategic Partnerships, Intergovernmental and Normative Engagement Specialist and Ms Elena Ratoi, UN Women, Intergovernmental and Normative Engagement team, and another meeting with Ms Clfona Saidléar, director of the Irish Rape Crisis Centre.

17. I am also referring to work undertaken by the committee two years ago. The committee held an exchange of views on “Gender-based violence: the question of consent” on 15 September 2023 in Paris, with the participation of Ms Catherine Le Magueresse, Associate Researcher at the Institute of Legal and Philosophical Sciences of the Sorbonne (ISJPS – Paris 1 Panthéon Sorbonne), Ms Sabrina Wittmann, Lawyer, Violence against Women Department, GREVIO, Council of Europe Directorate General of Democracy and Human Dignity (DGII), and Ms Manon Garcia, professor of practical philosophy at Freie Universität (Berlin).

4. Consent in the Istanbul Convention and GREVIO recommendations

18. As already mentioned, Article 36 of the Istanbul Convention focuses on sexual violence including rape and covers all forms of sexual acts which are performed on another person without her or his freely given consent, and which are carried out intentionally. It requires parties to take the necessary legislative or other measures to criminalise non-consensual vaginal, anal or oral penetration of another person's body, with a body part or an object; non-consensual sexual acts with another person; and forcing another person to engage in non-consensual sexual acts with a third party.

19. The Istanbul Convention also specifies that consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances. In addition, parties must take legislative or other measures to ensure that non-consensual sexual acts committed against former or current spouses or partners are equally covered.

20. There are four categories of legislation on sexual violence. Some countries, such as Poland and Romania, exclusively use a force-based definition of rape and sexual violence. In this case, the experience and reactions of rape survivors, such as freezing, befriending or flopping, is not taken into account. The legal requirement to show physical resistance can reinforce harmful stereotypes and victim blaming. A state of paralysis is often experienced, preventing a reaction. Fear of more extreme violence or even death are also obviously reasons why a victim would not physically resist.

21. Other countries use a two-tiered approach, with one provision based on force, and another one based on the absence of consent (Austria, Georgia, Greece, Norway and Serbia). The use of force is required to qualify rape. According to GREVIO, the fact that the act took place without consent must determine the punishment.

22. There are also countries which criminalise all sexual acts against the recognisable will of the victim (use of force as an aggravating circumstance or a qualified offence) – “No means no” (Germany and Switzerland). There is a presumption of consensual sexual act if neither party says explicitly “no”. In this model, consent is assumed, unless a “no” is stated. There is an assessment of the degree of resistance and the behaviour of the survivor is at the centre of attention. However, it fails to ensure that all non-consensual acts are criminalised.

23. The reform entered into force on 1 July 2024 in Switzerland.⁷ In Germany, the “No means no” approach has been introduced in 2019, criminalising any sexual act against the recognisable will of the victim. Significant awareness-raising campaigns have been organised and have led to broad public debate. As a result, an increase in reports to the police for offences against sexual self-determination have been observed.

24. And finally, some countries have adopted the “Only yes means yes” approach and criminalise all sexual acts to which the victim had not given their active consent (Belgium, France, Ireland, Iceland, Malta, Sweden, Denmark, Finland, Portugal and Spain). It corresponds to the affirmative consent standard.

25. According to Ellen O'Malley Dunlop, referring to the examples of Spain and Ireland, the ratification of the Istanbul Convention and defining consent in legislation using the “Only yes means yes” model, have “helped move towards a culture change in the area of sexual violence”.⁸ “This has enabled more victims to come forward to report these heinous crimes and have perpetrators appropriately punished”. She stressed that this approach allowed to capture cases where the victim remains passive, or cases of surprise rape. It also allows to criminalise stealthing, which is the non-consensual removal of a condom during sexual

7. Justis, “Droit pénal sexuel en Suisse: que signifie concrètement «Non, c'est non»?”, 20 April 2025.

8. Hearing held on 3 December 2025.

intercourse, and sexual violence facilitated by drugs. This approach calls for a change a paradigm. Consent cannot be assumed, even in an established relationship and even if feelings have been expressed. She underlined during our hearing that this approach was more aligned with the spirit of the Istanbul Convention and its overall objective to improve prevention, protection of survivors and prosecution of perpetrators.

26. She stressed the importance of a clear definition of consent, as it “empowers victims to understand their rights and make informed decisions and facilitates the prosecution of offenders ensuring those who commit sexual violence are held accountable”.⁹ Without a definition, there can be victim blaming, which can hinder justice for survivors. There can also be an inconsistent enforcement with disparate standards.

27. The Council of Europe, by means of the Istanbul Convention, has not been the only international body to call for a definition of rape centred on the absence of consent. The Committee on the Elimination of Discrimination against Women (CEDAW) has called for a re-examination of the definition of rape to focus on the absence of consent in its decision on *Vertido v. the Philippines*.¹⁰ In General [Recommendation No. 35](#), the committee has urged States parties to ensure that the definition of sexual crimes in their legislation is based on the absence of freely given consent and not on coercive circumstances.¹¹

5. Legislative changes in Spain

28. The case La Manada marked a turning point in Spain's legal and social landscape. An 18-year-old woman was gang raped during the 2016 Pamplona festival. During the trial, the questioning of the sexual history of the rape survivor, and the presentation of images implying that the survivor continued her life as if “nothing had happened” after the incident, demonstrated that a victim-blaming mentality still persisted in the Spanish judicial system.¹² The Pamplona court's initial ruling classified the act as *abuso sexual* (sexual abuse) instead of *agresión sexual* (sexual assault) It triggered massive public protests and feminist mobilisation, highlighting the inadequacy of Spain's sexual violence laws.¹³

29. In response, feminist movements, legal experts, and political actors, particularly from the Ministry of Equality, demanded a comprehensive reform to put consent at the centre of legislation on sexual offence. Their efforts led to the adoption of Organic Law 10/2022 on the Comprehensive Guarantee of Sexual Freedom, known as the “*Only yes means yes*” (*Solo sí es sí*) law. This reform abolished the previous distinction between abuse and assault. It established that all non-consensual sexual acts constitute sexual aggression, regardless of evidence of violence or intimidation.¹⁴ This change was considered groundbreaking in Europe.

30. Consequently, Spain's legal approach shifted from a model based on intent and coercion toward one grounded in affirmative consent and the recognition of sexual autonomy.¹⁵ Before the 2022 reform, Spain's sexual offense legislation was structured around a clear distinction between *abuso sexual* and *agresión sexual*, determined primarily by the presence or absence of violence or intimidation.¹⁶ This legal framework often placed the burden on victims to demonstrate coercion or physical resistance rather than focusing on the absence of consent. It was widely criticised by legal scholars and feminist organisations.¹⁷

31. The new legislation seeks to create a comprehensive system for the prevention, protection, and prosecution of sexual violence, extending its scope beyond punishment to include survivor-centered measures such as free legal assistance, specialised crisis centres, and mandatory gender-sensitivity training for professionals across the justice, health, and law enforcement sectors. Despite these advances, the law generated controversy due to its retroactive application, which led to the reduction of sentences for some previously convicted offenders under the principle of favorability in criminal law.

9. Idem.

10. CEDAW Committee Communication No. 34/2011, R. P. B. v. the Philippines.

11. CEDAW General [Recommendation No. 35](#) on Gender-Based Violence against Women, 2017.

12. Faraldo-Cabana, P., “[The Wolf-Pack Case and the Reform of Sex Crimes in Spain](#)”, *German Law Journal*, 22(8), 847–859, 2021.

13. “[Spain 'Wolf Pack' sex attack case sparks protests](#)”, BBC News, 26 April 2018.

14. [Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal](#), Boletín Oficial del Estado núm. 215, de 7 de septiembre de 2022, Gobierno de España.

15. [Spain | Violence | 2023 \[Country profile\]](#), European Institute for Gender Equality, 2023.

16. [Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal](#), Código Penal Español (1995), Boletín Oficial del Estado, n° 281, 24 de noviembre de 1995.

17. Larrauri, E., “El consentimiento sexual y el derecho penal español”, *Revista Española de Derecho Penal*, 41(2), 97–120, 2019.

32. Building a genuine culture of consent means transforming social norms and gendered power dynamics. This transformation has begun to take shape in Spain through a range of awareness campaigns and educational initiatives aimed at reshaping attitudes toward gender and consent. For example, the Ministry of Equality's national campaign "Ahora ya España es otra" ("Now Spain is different")¹⁸ seeks to consolidate social rejection of sexual violence and emphasise the importance of explicit consent in all sexual interactions. Similarly, feminist civil society organisations, such as Otro Tiempo Asociación, have participated in the Women Against Violence Europe (WAVE) Regranting Programme, organising workshops and training sessions on feminism, sexual violence, and consent in Spanish communities.¹⁹

33. These initiatives mark important steps toward dismantling the cultural tolerance of coercive behaviour and building a society where mutual respect and bodily autonomy form the basis of interpersonal relations. Moving beyond the punitive dimension of law, Spain's current challenge lies in embedding these values into education, media, and community practices, ensuring that consent becomes a deeply internalised social norm rather than a mere legal requirement. The cultural shift is still in process.

6. The case of Sweden

34. In July 2018, Sweden amended Article 6 of its Criminal Code, redefining rape based on the principle of consent and emphasising that sexual intercourse can only occur with the free and informed will of the individual, thereby incorporating the affirmative consent model into its legal system.

35. This reform came to the fore following an incident in Umeå in 2013 that caused a major public outcry. In that case, despite serious evidence of assault, the judge of the court of first instance deemed the actions of the individuals involved in the sexual activities toward each other's bodies to be "natural and spontaneous" without any explicit consent being given during these acts and acquitted the defendants. The public reaction to this decision triggered the reform process.

36. Numerous campaigns were launched in Sweden, one of which was named "Anything less than yes is rape". This campaign paved the way for the establishment of the feminist collective Fatta ("Get It"), which is at the centre of demands for legal change. The momentum generated by the establishment of this collective has affected many professional sectors, from academia to journalism, and has been further strengthened by petitions such as #TystnadTagning and Sweden's #MeToo movement.

37. With the reform,²⁰ two additional crimes, negligent rape and negligent sexual abuse, were introduced into the legislation to ensure accountability in cases where intent cannot be fully proven, but the perpetrator has significantly violated the other person's autonomy. Rape is defined as a sexual act with a person who does not participate voluntarily. There is a responsibility to ensure mutual consent. This legislation represents a paradigm shift, aiming to break down the traditional, perpetrator-focused perception of rape as solely based on physical force or threat. The absence of consent is a sufficient element to define rape.

38. GREVIO's first thematic evaluation report on Sweden²¹ shows that there have been many beneficial consequences following this legislative reform. There has been an increase in the number of complaints and prosecutions. The conviction rate increased by 75% between 2017 and 2019. Sexual assault that could not have been prosecuted successfully under the previous law now can be prosecuted. According to the Swedish National Council for Crime Prevention (Brå),²² reported rape cases rose from 7 369 in 2017 to over 9 000 annually after 2018. These statistics show how the consent-based framework has reshaped both legal and social understandings of sexual violence.

39. New types of cases started to reach the courts: "surprise rape" and situations where the victim remained passive. There is greater awareness in society of the importance of consent in sexual relationships. Survivors are less afraid of being blamed and confronted with prejudices regarding rape. According to Sara Uhnöo, the legislative change has shaped public debate on sexual autonomy.

18. Igualdad presenta la campaña "Ahora ya España es otra" con motivo del 25N, Día Internacional para la Eliminación de la Violencia contra las Mujeres, Día Internacional para la Eliminación de la Violencia contra las Mujeres, Ministry for Equality, 25 November 2025.

19. Women Against Violence Europe, *Annual Activity Report 2023*, Vienna, WAVE, 2023.

20. Wallin, L., Uhnöo, S., Wettergren, Å., & Bladini, M., "Capricious credibility: Legal assessments of voluntariness in Swedish negligent rape judgements", *Nordic Journal of Criminology*, 22(1), 3–22. <https://doi.org/10.1080/2578983X.2021.1898128>, 2021.

21. *First thematic evaluation report on Sweden*, GREVIO, published on 28 November 2024.

22. "Application and Consequences of the Consent Law", the Swedish National Council for Crime Prevention (Brå), 2025.

40. GREVIO has welcomed the fact that the reform on rape legislation was complemented by awareness-raising and training initiatives on the importance of consent in sexual relations, targeting different segments of society. The government's *Av fri vilja* ("Free Will") campaign and the Swedish Gender Equality Agency's "Don't let silence speak!" initiative aims to embed consent norms in the public consciousness, playing a role in ensuring that the consent culture established by the new law is understood by the public. In addition, cultural events, social assistance activities targeting young people, and especially Fatta's collaborations with artists and schools have played a role in promoting awareness and spreading the culture of consent. Mandatory sexuality education in secondary and upper secondary schools address consent, and teachers can follow a web-based training programme and get a teacher's guide.

41. At the December 2025 hearing, Sara Uhnöo underlined that several challenges still persisted. Legislation on negligent rape is difficult to apply. Until today, credibility assessments dominate trials. As Fransson²³ points out, although the law provides a clear framework on consent, the parties to the proceedings and jury members have not fully internalised this social transformation. According to Brå's 2025 assessment²⁴, there are "limitation issues" in distinguishing voluntary participation in sexual activity from passive consent, and courts are therefore cautious in applying the category of negligent rape. Many cases are still being dismissed in court due to insufficient evidence and traditional reliance on proof of physical resistance. The impact is clear on the legal side and in public discourse. However, accompanying measures are needed to ensure that the importance of consent is internalised by every person.

7. The case of France

42. The definition of rape in force until 2025 had a requirement to provide a proof of violence, coercion, threat or surprise. Catherine Le Magueresse, researcher, stated during the exchange of views in 2023 that French law was based on the stereotype that women were in a state of permanent sexual availability.

43. According to Manon Garcia, the shock observed in a considerable number of victims of sexual assault prevented them from saying no. It was a defence reflex that paralyses a person. The threat of physical violence could also make it difficult to say no.

44. #MeToo contributed to changing the narrative on sexual violence. Several rulings by the European Court of Human Rights stressed the importance of consent. In the case of *L. and Others v. France* (application nos. 46949/21, 24989/22 and 39759/22) reiterating that consent had to reflect a free willingness to engage in sexual relations at a given moment and in the specific circumstances, the Court considered that, given both the legal framework in place at the relevant time and the manner in which it had been applied ... the French State had failed to comply with the positive obligation... to apply, in practice, a criminal-law system capable of punishing non-consensual sex acts.²⁵ In the case of *H.W. v. France* (application no. 13805/21), the Court condemned marital rape.

45. The Haut Conseil à l'Égalité also called for a change of legislation: "contrary to the rape culture that assumes women's bodies are freely available, the triumph of consent in law would allow for a focus on women's agency in consenting to or refusing a sexual act".²⁶ It also warns about sexual coercion in the context of marriage and indicates that fear could lead to a woman's survival strategy being to give in to her partners' advances.

46. In its thematic report on France, GREVIO calls for the adoption of a definition of sexual violence based on the absence of the victim's freely given consent.²⁷

47. There had been for years a reluctance of parliamentarians and public authorities to give consent a central place in legislation. Nevertheless, on 6 November 2025, a legislative change placed consent at the centre of the definition of rape and sexual violence. It is now defined as "any non-consensual sexual act" in the criminal code. It stresses that consent must be free and informed, specific, prior and revocable.

23. Fransson, L., "The problem of establishing consent: A critical policy analysis of how the problem of establishing consent and voluntariness has changed in Swedish rape judgements after the consent law", Master's thesis, Lund University, 2022.

24. "Application and Consequences of the Consent Law", op cit.

25. Case *L. and Others v. France* (application nos 46949/21, 24989/22 and 39759/22), 24 April 2025.

26. "*Mettre fin au déni et à l'impunité face aux viols et agressions sexuelles*", Haut Conseil à l'égalité entre les femmes et les hommes, 25 September 2025.

27. [First thematic evaluation report on France](#), GREVIO, published on 16 September 2025.

48. This legislative change occurred after the Mazan trial, which deeply marked French society. Gisèle Pélicot is a survivor of sexual violence perpetrated by men chosen by her husband Dominique Pélicot. She was unconscious when she was being raped, as her husband had given her pills which created a chemical submission. As a defence strategy in court, some perpetrators stated that they had assumed that she had given her consent to her husband for these practices.

8. End of “conjugal duty” and criminalisation of marital rape

49. Consent, bodily autonomy and equality are at the centre of the prevention and fight against sexual violence, including in intimate relationships. The preservation of a certain vision of society based on marriage between unequal partners can no longer prevail.

50. The jurisprudence of the European Court of Human Rights has played a central role in reaffirming clear human rights standards by rejecting doctrines of implied or irrevocable spousal consent. It does not accept the argument that a community of life would entail a so-called conjugal duty. Marriage cannot be considered as a right of property of a person over another person, and it cannot be regarded as a mitigating or exceptional context. Marriage cannot justify or excuse gender-based violence.

51. Work needs to be done to align domestic criminal law with evolving human rights standards. The status of a relationship should not imply less protection from sexual violence for a person.

52. The European Court of Human Rights has clearly established that sexual autonomy is a fundamental component of private life and that States must provide effective criminal law protection regardless of the context of marriage or a relationship (*M.C. v. Bulgaria*, 2003). Marriage can no longer be deemed as a legally privileged space isolated from ordinary principles of bodily autonomy and consent.

9. Presumption of non-consent for children below the legal age for sexual activities

53. It must be reaffirmed that the principle and presumption of non-consent remain the absolute rule for children below the legal age for sexual activities. Several French actresses, including Judith Godrèche and Adèle Haenel have filed complaints for rape against directors with whom they were living or working when minors. They contributed to lifting a taboo about the prevalence of gender-based violence in the visual arts sector.

54. The Epstein files released to the public show an overwhelming presence of girls under 18 at the parties organised mostly for powerful and wealthy men. Jeffrey Epstein openly said that he considered women as shrimps, from whom one would cut the head and keep the body. For decades, these acts of sexual violence were known by too many, including persons holding positions of power, without triggering legal action or even a reaction of condemnation or rejection of the perpetrator.

55. According to the Lanzarote Convention, for children above the legal age for sexual activities, sexual activity with a person under 18 years of age shall be considered sexual abuse where it involves coercion, force, threats, abuse of a position of trust, authority or influence, or exploitation of a situation of particular vulnerability of the child.

56. The impunity of persons of power, “system impunity” or “elite impunity” has remained a reality for too long in several member States and beyond. It sends a message to the overall population that gender-based violence is normalised, widely accepted and not prosecuted.

57. A systemic change is needed to transform a culture where rape is tolerated and excused into a culture where consent is taken seriously. It is time that survivors of gender-based violence are treated with respect and that existing mechanisms to support them and for the prosecution of perpetrators are properly used.

10. Raising awareness on the importance of consent

58. There is still a deeply ingrained misogyny in Council of Europe member States. Different forms of gender-based violence are still too often trivialised as harmless. The persistence of these patterns demonstrates that legislative advances alone are insufficient to dismantle structural sexism.

59. I would like to express my deep concern with regard to the increasing attention given to masculinist movements, notably on social media. This insidious movement promotes the submission of women to men and messages telling men that they are being tricked by feminists. Its proponents make jokes about consent and undermine its importance. In her report entitled “The role and responsibility of men and boys in stopping

gender-based violence against women and girls”,²⁸ Ms Petra Stienen (Netherlands, ALDE) had stressed that “Most perpetrators of gender-based violence are men but not all men are perpetrators”. She also called for measures to address harmful masculinities and promote mindful masculinities. A cultural transformation challenging patriarchal norms is essential. Without awareness-raising and educational programmes on consent and respect, the roots of gender-based violence will remain deeply embedded.

60. In the judgment on the case *M.G.C. v. Romania*, no. 61495/11 (15 March 2016), the European Court of Human Rights established that in such serious acts as rape, positive obligations under Articles 3 and 8 might extend to effectiveness of the criminal investigation. The Court recommended requiring the penalisation and effective prosecution of any non-consensual sexual act – including in the absence of physical resistance by the victim –, launching awareness-raising campaigns on the importance of consent (Article 13 of the Istanbul Convention), delivering training to law enforcement and judiciary (Article 16 of the Istanbul Convention) and increasing support systems for victims of rape – sexual violence referral centres, rape crisis centres, general and specialist services (Articles 20, 22 and 25 of the Istanbul Convention). Awareness raising is a central element in the promotion of a culture of consent and there have been several successful and inspiring campaigns recently in Europe.

61. In a directive²⁹ on violence against women adopted in February 2024, the European Union ultimately decided not to provide a criminal definition of rape including the notion of lack of consent. Members of the European Parliament asked for consent-based rape legislation, but several EU member States were strongly opposed to this. Evin Incir told the Committee on Equality and Non-Discrimination that more work was needed towards a consent culture, with concrete actions. She has accordingly initiated a report on the importance of consent, together with Johanna Scheuring-Wielgus.³⁰ The report was approved by the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Committee on Women's Rights and Gender Equality (FEMM) of the European Parliament, with a vote in plenary foreseen on 25 March 2026. It calls on the European Commission to propose legislation establishing an EU-wide definition of rape based on the requirement of “freely given, informed and reversible consent”, with a view to improving reporting and conviction rates. It also reiterates a call for gender-based violence to be included among the “Eurocrimes” referred to in Article 83(1) of the Treaty on the Functioning of the European Union. The rapporteurs call on the European Commission to act to ensure a better protection from gender-based violence.

62. Potential perpetrators need to understand that relying on an assumption of consent or a lack of non-consent would not be accepted by society and that there would be no impunity.

63. A campaign “Equality prevents violence” launched on 25 November 2025 by the Swiss Federal Office for Gender Equality puts consent at the heart of the fight against violence against women. One poster has the slogan “you say no, he hears yes”.³¹

64. The Dublin Rape Crisis Centre developed the We-Consent campaign with the objective of igniting a national conversation about consent and calling for behavioural change in Ireland across all age groups. The campaign focused on understanding and valuing consent, on the premise that creating a positive vision and giving people a role worked in campaigns. The long-term objectives of We-Consent have been to ensure that cultural norms around sex, consent and gender equality were challenged, and that consent was understood and valued. The We-Consent campaign delivered key messages: consent is for everyone, it is for all ages and is for long-term relationships too.

65. This campaign stresses that consent is about an agreement between people rather than a permission granted by one person to another. Consent is in fact a continual agreement between people who are equal.

66. The website www.we-consent.ie provides a large resource hub to equip people to learn and have conversations about consent with people in their lives. Workshops on how to have conversations about consent with various groups are organised all across Ireland. A new platform has been launched to allow survivors to share their stories safely, in their own time and in their own way (We-Speak). An ambassador

28. Resolution 2480 (2023) “The role and responsibility of men and boys in stopping gender-based violence against women and girls”, and Doc. 15678.

29. Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence.

30. Evin Incir and Joanna Scheuring-Wielgus are rapporteurs on the importance of consent-based rape legislation in the EU (2025/2024(INI)).

31. “Equality prevents violence”, Swiss Federal Office for Gender Equality, 2025.

programme has started to equip people to become activists for consent in their communities and work is underway with different minority groups to find ways to make the consent message resonate with all members of society.

67. Messages on consent need to be clear and explain that ensuring that consent has been given is not a complicated matter. In November 2019, UN Women launched a campaign entitled “Consent, there are no blurred lines”.³² It explains that consent should be enthusiastic, given freely, informed, specific and reversible.

68. I would also like to refer to an image that Petra Stienen, former member of the Assembly, shared with the Committee on Equality and Non-Discrimination. Giving one’s free consent corresponds to wearing a seat belt in a car. It is easy to wear, easy to take away and it protects from potential violence. Receiving a partner’s full and free consent is fundamental to prevent any kind of violence, we can consider it as a seatbelt for relationships. Consent must be central to all political, legislative and societal efforts to prevent and combat sexual violence.

69. Awareness raising must not be limited to younger generations. In order to change mindsets, it would be crucial to organise large-scale awareness-raising campaigns targeting different age groups. According to Victoire Tuaillon, it is essential to organise workshops to deconstruct myths on consent, both in separate groups of boys and girls, and together. Boys and men, in all their diversity, also need to learn about their body and their own consent. Rebecca Levy-Guilain, who carried out research on gender inequalities in relationships and in sexuality, stressed that women can be expected to express empathy for their partners and therefore hesitate to formulate a clear no.

11. A comprehensive set of actions to build a culture of consent

70. Ensuring that national legislation defines rape and sexual assault by the absence of free consent has an impact on the understanding of consent by the population. Legislative change is a first step. The Assembly could also encourage member States to adopt a “Only yes means yes” approach in their legislation on combating sexual violence. It is the only model that ensures the criminalisation of sexual intercourse with a person who has not expressed consent.

71. A culture of consent is a set of norms and behaviours. In order to foster a culture of consent and respect, awareness-raising campaigns on consent should be organised throughout Europe, via social media and traditional media. Awareness raising on the importance of consent amongst the population is a crucial second step to accompany changes in legislation.

72. Socialisation patterns, gender norms, and perceptions of sexual communication still influence how individuals interpret consent in their daily lives. Building a culture of consent challenges sexism and so-called traditional gender roles and it stresses the risks of violence in relationships based on domination and submission. This is why concrete activities, such as targeted workshops on consent, provided for adults, young persons and children, could make a difference.

73. Everyone has a role to play in teaching the importance of consent to younger generations. Sharing information on consent should start already from a young age. Young children should be taught and understand that they can say no and that no one can touch their body.³³ Sexual and emotional education programmes should therefore include sessions on consent. This measure is fundamental to go from a culture of rape to a culture of consent. Too often, such educational programmes are left aside or are limited to one or two sessions a year. A third step is therefore to ensure that sexual and emotional educational programmes are held regularly during the school curriculum and provide an opportunity to discuss relationships and the importance of consent, with a view to preventing sexual violence and helping children to recognise abusive behaviours in order to seek help and support if they are a victim. Sufficient funding needs to be allocated for these programmes. Discussions in safe and interactive spaces can be encouraged.

74. Investing in the implementation of legislation is necessary. The full potential of legislation on consent depends on implementation and a cultural change within institutions and society at large.

75. Training on consent for law enforcement officers, legal professionals and the judiciary needs to be put in place so as to better support survivors of sexual violence. When filing a complaint, survivors should not be questioned about their behaviour, their outfit or their lifestyles. Investing in training for professionals supporting survivors of sexual violence is essential for assistance to be provided in the most respectful and trust-building

32. “When it comes to consent, there are no blurred lines”, UN Women, 18 November 2019.

33. Baptiste Beaulieu, *Les pansements invisibles*, 2025.

conditions for the survivors. Training on consent should also include training on child sexual exploitation and sexual abuse to empower officers to recognise situations where a child is deemed incapable of giving free and informed consent.

76. The judicial interpretation of consent should be clear and consistent. There must be an overall understanding that consent is an evolving process, it should be actively sought and not passively assumed.

77. Free consent and gender inequalities are closely connected. Economic discrepancies may affect consent both in and outside established relationships. Promoting gender equality in all fields and taking concrete measures for this to become a reality are for me an overall recommendation which needs repeating in this context too, so that all specific measures can take root. We still need to do more, invest more and step up efforts to make gender equality progress in our societies. Our common objective is to ensure that human rights, including women's rights and dignity, are respected and that everyone feels protected from violence in our societies.

78. The transformation of photos and videos, through their non-consensual use, to make nude content is prohibited in Europe. Member States will need to ensure that this prohibition is implemented. I welcome the steps taken against Grok to this end. This is a matter of dignity, consent and the rule of law.

12. Conclusions

79. There are multiple layers of expectations regarding women, their behaviour and their sexuality. However, their consent is at times ignored or overlooked. Rising masculinist movements undermine the place of women, in all their diversity, in society, and are using social media to amplify their messages. We can see that patriarchy is still deeply entrenched in our societies.

80. My report aims at shedding light on the importance of consent in the fight against sexual violence.³⁴ The Assembly should call on all Council of Europe member and observer States, as well as States enjoying observer or partner for democracy status with the Assembly, to develop a comprehensive legal definition of consent in matters of sexual violence as outlined in the Istanbul Convention.

81. This report is a call for action and a call for respect in interpersonal relations. In 2026, we can no longer accept impunity for gender-based violence. We can no longer hear perpetrators claim that they did not know that a victim was sleeping or unconscious. We can no longer tolerate that society expects that a woman or a wife's duty is to be submitted to a man's will. Preventing and combating violence against women is a political matter and I count on actions by parliamentarians to contribute to triggering a change of mindsets and to put an end, at last, to impunity for perpetrators. Consent needs to gain further importance in our lives and our legal frameworks.

82. Women's empowerment, investing in education, training on consent, promoting positive masculinities and raising awareness of the importance of consent can all contribute to building a culture of consent. In conclusion, consent is powerful, empowering and an essential part of relationships.

34. ["Absence of consent must become the global standard for definition of rape"](#), Office of the High Commissioner for Human Rights, 25 November 2019.