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### **Press Release of the MFHR on the occasion of the ECtHR judgment, *X. v. Cyprus***

On 27 February 2025, the European Court of Human Rights (ECtHR) delivered its judgment in the case of *X v. Cyprus*. The case concerns the applicant's claims that the Cypriot authorities failed to carry out an effective investigation and prosecute the gang rape of her by a group of men at the hotel where she was staying during a holiday when she was 19 years old.

In particular, the applicant claimed that the investigation conducted by the authorities was systemically flawed, leading to her secondary victimisation. Indeed, in this case, the applicant was quickly transformed from a victim to an accused person.

After exhaustive testimony under difficult circumstances, without a lawyer and a psychologist, she withdrew her initial statement, although she claimed that she had been pressured to do so. As a result, the investigation of the gang rape was immediately closed and replaced by an investigation against her for "public harm" (Article 115 of the Criminal Code) on the charge of falsely reporting the rape, an offence for which she was convicted in the first instance and subsequently acquitted.

The ECtHR first clarified that in cases of hideous crimes, such as rape, the positive obligation of the State under Article 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life) of the European Convention on Human Rights (ECHR) concerning the protection of the applicant's physical integrity, extends to the question of the effectiveness of the criminal investigation, but also to the question of reparation.

As regards the investigation of the police authorities, the ECtHR observed that a number of errors were committed, in particular, that the authorities did not immediately block access to the crime scene, that they did not effectively try to collect the necessary DNA material that could shed more light on the identities of the victims, that they confined their investigation only to the room where the alleged rape took place, while they did not search the mobile phone messages of the suspects and did not seek out individuals from the applicant's circle who could provide useful information.

Furthermore, the Court stressed that the national authorities had not sufficiently examined the issue of the applicant's (lack of) consent to the sexual acts, in particular in the light of the specific circumstances. Among other things, they did not take into account her psychological and physical condition, the toxicological tests, her young age, the fact that she was in a foreign country, and other elements of the file which could even explain the withdrawal of her initial statement.



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Instead, the applicant's credibility appears to have been assessed under the veil of gender stereotypical prejudices and perceptions that shift blame and responsibility to the victims. Moreover, the multiple and exhaustive interviews to which the applicant was subjected contributed to her secondary victimisation.

In its judgment, the Court repeatedly referred to the Baseline Report of the Council of Europe's Group of Experts on the Combating Violence against Women and Domestic Violence (GREVIO) for Cyprus and its findings in this regard. In that report, issued in November 2022, GREVIO had referred to this case as a typical example in which blame and responsibility were shifted to the victim (para. 229). The Court highlighted GREVIO's recommendations on the urgent need to establish crisis management centres where victims of sexual offences can receive holistic support and care, and the need to improve the procedures to be followed in reporting sexual violence.

Without ruling on the guilt of the alleged perpetrators, the ECtHR held that this case brings to light certain prejudices about women in Cyprus, which were an obstacle to the effective protection of the applicant's rights as a victim of gender-based violence. If these prejudices are not eradicated, there is a risk of creating an environment of impunity and undermining victims' confidence in the criminal justice system, despite the existence of a satisfactory legislative framework. The Court therefore found a violation of Articles 3 and 8 of the ECHR.

The Marangopoulos Foundation for Human Rights stresses the importance of this ECtHR judgment, which demonstrates that the legal framework for the prosecution of sexual offences - however robust - is not sufficient if not effectively implemented. Essential to this end is an understanding of the gender dimension by professionals who come into contact with victims and the development of appropriate reflexes and protocols when investigating such offences. Mandatory, systematic initial and lifelong training of professionals in particular to combat entrenched stereotypical and outdated perceptions, as well as to raise awareness against the culture of gender inequality and imbalance in power relations between men and women is crucial.