EU rules on combating violence against women

In March 2022, the Commission proposed a directive to combat violence against women and domestic violence in the EU, and the co-legislators agreed on a compromise text in early 2024. Parliament is set to vote on the text during its April II part-session. The new directive would set minimum standards for criminalising severe forms of violence and for enhancing prevention, access to justice and protection of victims.

Background

Violence against women – a phenomenon shaped by cultural, legal, economic and political factors – is perceived as a form of violence that targets women because of their gender, or that disproportionately affects women. It is a human rights violation and a severe form of discrimination. Domestic violence predominantly affects women and children, though men can also be victims. Data show that violence against women remains widespread in the EU, with significant costs for society. It can take many forms, including off- or online harassment and stalking, rape, female genital mutilation (FGM) and femicide.

European Commission proposal

Responding to longstanding calls for EU legislation from the Parliament and civil society organisations, in March 2022 the Commission submitted a proposal for an EU directive on combating violence against women and domestic violence. Adopting such rules was identified as a priority of the von der Leyen Commission at the start of its term. The initial proposal aimed to establish minimum EU standards for criminalising several forms of violence: rape as a (sexual) penetrative act without consent, FGM, non-consensual sharing of intimate images, cyber-stalking, cyber-harassment and cyber-incitement to hatred or violence. Member States would be required to implement measures to enhance prevention, protection of and support for victims, as well as improve their access to justice.

European Parliament position

The European Parliament’s Committee on Women’s Rights and Gender Equality (FEMM) and the Committee on Civil Liberties, Justice and Home Affairs (LIBE) jointly examined the file. Their report, adopted on 28 June 2023, paved the way for interinstitutional negotiations, which began in July 2023.

A difficult political agreement was reached in February 2024, after the criminalisation of rape had been removed from the text. This had been the main stumbling block during the negotiations, with the Council objecting to the criminalisation of rape as being outside the EU’s legal remit, while the Parliament and Commission held the opposite view.

Several key amendments proposed by Parliament were retained in the political agreement. These included the criminalisation of forced marriage and cyber-flashing; an extended list of aggravating circumstances (for crimes committed against public representatives, journalists and human rights defenders, and for ‘honour crimes’); and the possibility to review the act in 5 years. The agreement also obliges Member States to take rape prevention measures and to raise awareness of the central role of consent. The agreement now needs to be formally adopted by both the Parliament and Council.