

16.4.2024

A9-0234/ 001-297

AMENDMENTS 001-297

by the Committee on Civil Liberties, Justice and Home Affairs, Committee on Women's Rights and Gender Equality

Report

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A9-0234/2023

Combating violence against women and domestic violence

Proposal for a directive (COM(2022)0105 – C9-0058/2022 – 2022/0066(COD))

Amendment 1

Proposal for a directive

Citation 1

Text proposed by the Commission

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2) and Article 83(1) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2) and Article 83(1) **and (2)** thereof,

Amendment 2

Proposal for a directive

Recital 1

Text proposed by the Commission

Amendment

(1) The purpose of this Directive is to provide a comprehensive framework to effectively combat violence against women and domestic violence throughout the Union. It does so by strengthening and introducing measures in the following areas: the definition of relevant criminal

(1) The purpose of this Directive is to provide a comprehensive framework to effectively **prevent and** combat violence against women and domestic violence throughout the Union. It does so by strengthening and introducing measures in the following areas: the definition of

offences and penalties, the protection of victims and access to justice, victim support, prevention, coordination and cooperation.

relevant criminal offences and penalties, the protection of victims and access to justice, victim support **and compensation, enhanced data collection**, prevention, coordination and cooperation.

Amendment 3

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Equality between women and men and non-discrimination are core values of the Union and fundamental rights enshrined, respectively, in Article 2 of the Treaty on European Union and in Articles 21 and 23 of the Charter of Fundamental Rights of the European Union (the ‘Charter’). Violence against women and domestic violence endanger these very principles, undermining women and girls’ rights to equality in all areas of life.

Amendment

(2) Equality between women and men and non-discrimination are core values of the Union and fundamental rights enshrined, respectively, in Article 2 of the Treaty on European Union and in Articles 21 and 23 of the Charter of Fundamental Rights of the European Union (the ‘Charter’). Violence against women and domestic violence endanger these very principles, undermining women and girls’ rights to equality in all areas of life **and preventing the full advancement of women, girls and our societies as a whole.**

Amendment 4

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Violence against women and domestic violence **violate** fundamental rights such as the right to human dignity, the right to life and integrity of the person, the prohibition of inhuman or degrading treatment or punishment, the right to respect for private and family life, personal data protection, and the rights of the child, as enshrined in the Charter of Fundamental Rights of the European Union.

Amendment

(3) Violence against women and domestic violence **is a violation of** fundamental rights such as the right to human dignity, the right to life and integrity of the person, the prohibition of inhuman or degrading treatment or punishment, the right to respect for private and family life, **the right to liberty and security**, personal data protection, **the right to non-discrimination, including on the grounds of sex**, and the rights of the child, as enshrined in the Charter of Fundamental Rights of the European Union **and the**

Amendment 5

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) This Directive should apply to criminal conduct which amounts to violence against women or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape, female genital mutilation, the non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment, cyber incitement to violence or hatred and criminal conduct covered by other Union instruments, in particular Directives 2011/36/EU² and 2011/93/EU³ of the European Parliament and of the Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of violence against women. This includes crimes such as femicide, sexual harassment, sexual abuse, stalking, early **and forced marriage**, forced abortion, **forced sterilisation** and different forms of cyber violence, such as online sexual harassment, cyber bullying **or the unsolicited receipt of sexually explicit material**. Domestic violence is a form of violence which may be specifically criminalised under national law or covered by criminal offences which are committed within the family or domestic unit or between former or current spouses.

Amendment

(4) This Directive should apply to criminal conduct which amounts to violence against women or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape, **sexual assault**, female genital mutilation, **intersex genital mutilation, forced sterilisation, forced marriage, sexual harassment in the world of work**, the non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment, **the unsolicited receipt of sexually explicit material**, cyber incitement to violence or hatred and criminal conduct covered by other Union instruments, in particular Directives 2011/36/E³⁶ and 2011/93/EU³⁷ of the European Parliament and of the Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of violence against women. This includes crimes such as femicide, **intimate partner violence**, sexual harassment, sexual abuse, stalking, early forced abortion, **sexual exploitation through the prostitution of others, preventing or attempting to prevent a voluntary termination of pregnancy** and different forms of cyber violence, such as online sexual harassment, **or** cyber bullying. Domestic violence is a form of violence which may be specifically criminalised under national law or covered by criminal offences which are committed

within the family or domestic unit or between former or current spouses *or partners, irrespective of whether or not they share housing. However, in order to fully complete the legislative framework to address all forms of gender-based violence, it is imperative that the areas of crime listed in Article 83(1) of the Treaty on the Functioning of the European Union (TFEU) be extended in order to include gender-based violence.*

² Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011, p. 1–11.

³ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335, 17.12.2011, p. 1–14.

² Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims (OJ L 101, 15.4.2011, p. 1).

³ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

Amendment 6

Proposal for a directive Recital 5

Text proposed by the Commission

(5) The measures under this Directive have been designed to address the specific needs of women and girls, given that they are disproportionately affected by the forms of violence covered under this Directive, namely violence against women and domestic violence. This Directive, **however**, acknowledges that other persons may also fall victim to these forms of violence and should benefit from the measures provided for therein. Therefore, the term ‘victim’ should refer to all persons, regardless of their sex or gender.

Amendment

(5) The measures under this Directive have been designed to address the specific needs of women and girls, given that they are disproportionately, **but not exclusively**, affected by the forms of violence covered under this Directive, namely violence against women and domestic violence. **According to Eurostat data from 2015, nine out of ten rape victims and eight out of ten sexual assault victims in the Union were women. 99 % of those imprisoned for such crimes were men.** This Directive acknowledges that other persons may also fall victim to these forms of violence and

should benefit from the measures provided for therein. Therefore, the term ‘victim’ should refer to all persons, regardless of their sex or gender.

Amendment 7

Proposal for a directive Recital 6

Text proposed by the Commission

(6) Due to their vulnerability, children who witness violence against women or domestic violence suffer **a** direct emotional harm, which impacts their development. Therefore, such children should be considered victims and benefit from targeted protection measures.

Amendment

(6) Due to their vulnerability, children who witness violence against women or domestic violence suffer direct emotional **and psychological** harm, which impacts their development. Therefore, such children should be considered victims and benefit from targeted **and specialised** protection measures, **targeted and specialised prevention measures and targeted and specialised support measures. Member States should, in particular, ensure that children of a parent who has been killed as a result of violence against women or domestic violence receive the support they need, including through targeted protection measures and support, especially during any relevant judicial proceedings, due to their particularly vulnerable situation. Targeted measures for children should be based on a holistic and gender-specific understanding of the dynamics of abusive relationships and should ensure that any re-victimisation of the child is avoided and should ensure the rights of the child. That is especially important when considering child custody rights and visitation rights.**

Amendment 8

Proposal for a directive Recital 7

Text proposed by the Commission

(7) Violence against women is a persisting manifestation of structural discrimination against women, resulting from historically unequal power relations between women and men. It is a form of gender-based violence, which is inflicted primarily on women and girls, by men. It is rooted in the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men, generally referred to under the term ‘gender’.

Amendment

(7) Violence against women **is understood to be a violation of human rights and to be a major public health issue and** is a persisting manifestation of structural discrimination against women **in all their diversity**, resulting from historically unequal power relations between women and men. It is a form of gender-based violence, which is inflicted primarily on women and girls, by men. It is rooted in the socially constructed roles, behaviours, **gender stereotypes**, activities and attributes that a given society considers appropriate for women and men, generally referred to under the term ‘gender’. **It remains widespread and affects women at all levels of society, regardless of age, education, income, social position or country of origin or residence. It is one of the most serious obstacles to achieving gender equality.**

Amendment 9

**Proposal for a directive
Recital 8**

Text proposed by the Commission

(8) Domestic violence is a serious social problem which often remains hidden. It can lead to serious psychological and physical trauma with severe consequences because the offender typically is a person known to the victims, whom **they** would expect to be able to trust. Such violence can take on various forms, including physical, sexual, psychological and economic. Domestic violence may occur whether or not the offender shares or has shared a household with the victim.

Amendment

(8) Domestic violence is a serious social problem which often remains hidden **as a result of social stigma**. It can lead to serious psychological and physical trauma with severe consequences **for a victim’s personal and professional life** because the offender typically is a person known to the victims, whom **the victim** would expect to be able to trust. Such violence can take on various forms, including physical, sexual, psychological, and economic **and can occur within a range of relationships**. Domestic violence **often includes coercive control and** may occur whether or not the offender shares or has shared a household with the victim.

Amendment 10

Proposal for a directive Recital 9

Text proposed by the Commission

(9) In light of the specificities related to these types of crime it is necessary to lay down a comprehensive set of rules, which addresses the persisting problem of violence against women and domestic violence in a **targeted** manner and caters to the specific needs of victims of such violence. The existing provisions at Union and national levels have proven to be insufficient to effectively combat and prevent violence against women and domestic violence. In particular, Directives 2011/36/EU **and** 2011/93/EU concentrate on specific forms of such violence, while Directive 2012/29/EU of the European Parliament and of the Council⁴ lays down the general framework for victims of crime. While providing some safeguards for victims of violence against women and domestic violence, it is not set out to address their specific needs.

⁴ Directive 2012/29/EU of the European Parliament and of the Council of 25

Amendment

(9) ***The persisting gravity of the problem of violence against women and domestic violence in the Union, which is clearly demonstrated by the fact that the existing legal acts and their implementation have proven to be insufficient, in combination with the specificities of those crimes, justifies treating victims of violence against women and domestic violence differently in comparison to victims of other crimes in the Union and justifies the specific measures introduced by this Directive in relation to victims of violence against women and domestic violence.*** In light of the specificities related to these types of crime it is necessary to lay down a comprehensive set of rules, which addresses the persisting problem of violence against women and domestic violence in a **gender-sensitive and holistic** manner and caters to the specific needs of victims of such violence. The existing provisions at Union and national levels have proven to be insufficient to effectively combat and prevent violence against women and domestic violence. In particular, Directives 2011/36/EU 2011/93/EU concentrate on specific forms of such violence, while Directive 2012/29/EU of the European Parliament and of the Council⁴ lays down the general framework for victims of crime. While providing some safeguards for victims of violence against women and domestic violence, it is not set out to address their specific needs.

⁴ Directive 2012/29/EU of the European Parliament and of the Council of 25

October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).

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Amendment 11

Proposal for a directive Recital 10

Text proposed by the Commission

(10) This Directive supports the international commitments the Member States have undertaken to combat and prevent violence against women and domestic violence, in particular the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)⁵ and, where relevant, the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention')⁶ **and** the International Labour Organization's Convention concerning the elimination of violence and harassment in the world of work, signed on 21 June 2019 in Geneva.

⁵ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA, 1979.

⁶ Convention on preventing and combating violence against women and domestic

Amendment

(10) This Directive supports the international commitments the Member States have undertaken to combat and prevent violence against women and domestic violence, in particular the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)⁵, **and its General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, the United Nations Convention on the Rights of Persons with Disabilities (CRPD)**, and, where relevant, the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention')⁶, the International Labour Organization's Convention concerning the elimination of violence and harassment in the world of work, signed on 21 June 2019 in Geneva, **and the International Labour Organization's Convention concerning Discrimination in Respect of Employment and Occupation and Convention concerning decent work for domestic workers.**

⁵ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA, 1979.

⁶ Convention on preventing and combating violence against women and domestic

violence (Istanbul Convention), Council of Europe, 2011.

violence (Istanbul Convention), Council of Europe, 2011.

Amendment 12

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Violence against women and domestic violence can be exacerbated where it intersects with discrimination based on sex and other grounds of discrimination prohibited by Union law, namely nationality, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Member States should therefore pay due regard to victims affected by such intersectional discrimination, through providing specific measures where intersecting forms of discrimination are present. In particular, lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) women, women with disabilities and women with a minority racial or ethnic background are at a heightened risk of experiencing gender-based violence.

Amendment

(11) Violence against women and domestic violence can be exacerbated where it intersects with ***and is inseparable from*** discrimination based on ***gender or sex*** and other grounds of discrimination prohibited by Union law, namely nationality, race, colour, ethnic or social origin, ***residence status***, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, ***gender identity, gender expression and sex characteristics***. Member States should therefore pay due regard to victims affected by such intersectional discrimination through providing specific measures where intersecting forms of discrimination are present. In particular, lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) women, women with disabilities, ***pregnant women, women living in rural areas*** and women with a minority racial or ethnic background are at a heightened risk of experiencing gender-based violence ***and domestic violence. For example, acts of gender-based violence which seek to punish victims for their sexual orientation, gender expression or gender identity, such as so-called “corrective rape”, should be given particular attention. In addition, women and girls exposed to discrimination and violence on the basis of a combination of their sex or gender and other grounds are disproportionately affected by cyber violence, including cyber harassment and cyber incitement to violence or hatred***

and, therefore, those offences should be treated with due gravity.

Amendment 13

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Victims of violence against women and domestic violence are at an increased risk of intimidation, retaliation, secondary and repeat victimisation. Particular attention should thus be paid to these risks and to the need to protect the dignity and **physical** integrity of such victims.

Amendment

(12) Victims of violence against women and domestic violence are at an increased risk of intimidation, retaliation, secondary and repeat victimisation. Particular attention should thus be paid to these risks and to the need to protect the **physical and psychological** dignity and integrity of such victims **in all cases, including before, during and after criminal proceedings, and their right to protection and support, while ensuring justice by holding offenders accountable. According to a report from the European Union Agency for Fundamental Rights entitled ‘Violence against women: an EU-wide survey’, 67% of victims of sexual violence have had some previous acquaintance or relationship with the perpetrator and, therefore, robust victim protection is needed in order to prevent further attacks.**

Amendment 14

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Rape is one of the most serious offences breaching a person’s sexual integrity and is a crime that disproportionately **affects** women. It entails a power imbalance between the offender and the victim, which allows the offender to sexually exploit the victim for purposes such as personal gratification, asserting domination, gaining social recognition,

Amendment

(13) Rape is one of the most serious offences breaching a person’s **dignity and sexual and bodily** integrity and is a crime that disproportionately **affect** women. It entails a power imbalance between the offender and the victim, which allows the offender to sexually exploit the victim for purposes such as personal gratification, asserting domination, gaining social

advancement *or* possibly financial gain. Many Member States still require the use of force, threats or coercion for the crime of rape. Other Member States solely rely on the condition that the victim has not consented to the sexual act. Only the latter approach achieves the full protection of the sexual integrity of victims. Therefore, it is necessary to ensure equal protection throughout the Union by providing the constitutive elements of the crime of rape of women. .

recognition, advancement, possibly financial gain *or punishment through “corrective rape”*. Many Member States still require the use of force, threats or coercion for the crime of rape. Other Member States solely rely on the condition that the victim has not consented to the sexual act. Only the latter approach achieves the full protection of the sexual integrity of victims. Therefore, it is necessary to ensure equal protection throughout the Union by providing the constitutive elements of the crime of rape of women *in particular*.

Amendment 15

Proposal for a directive Recital 14

Text proposed by the Commission

(14) Rape should explicitly include all types of sexual penetration, with any bodily part or object. The lack of consent should be a central and constitutive element of the definition of rape, given that frequently no physical violence or use of force is involved *in its perpetration*. *Initial* consent should be withdrawable at any given time during the act, in line with the sexual autonomy of the victim, and should not automatically imply consent for future acts. Non-consensual sexual penetration should constitute rape *even* where committed against a spouse or intimate partner.

Amendment

(14) Rape should explicitly include all types of sexual penetration, with any bodily part or object. The lack of consent should be a central and constitutive element of the definition of rape, given that frequently no physical violence or use of force is involved *when the act is committed*. Consent should be withdrawable at any given time during the act, in line with the sexual autonomy of the victim, and should not automatically imply consent for future acts. Non-consensual sexual penetration should constitute rape, *including* where committed against a spouse or intimate partner.

Amendment 16

Proposal for a directive Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Sexual assault is a type of sexual violence that disproportionately affects

women and that seriously violates a person's physical integrity and bodily autonomy. National law on sexual assault varies widely across Member States and there is therefore a clear need to establish rules on sexual assault at Union level. Sexual assault covers acts of a sexual nature. Acts of a sexual nature includes acts where there is physical contact between the perpetrator's body and the victim's genitals and acts where there is contact between the victim's body and the perpetrator's genitals.

Amendment 17

Proposal for a directive Recital 14 b (new)

Text proposed by the Commission

Amendment

(14b) Consent should always be given freely and voluntarily. Consent should be withdrawable at any given time during an act, in line with the sexual autonomy of the victim, and should not automatically imply consent for future acts. There are a number of situations in which a victim is unable to form free will and offences committed in those situations should therefore be deemed non-consensual acts. While making an assessment of a particular situation, personal and external circumstances should be taken into account. In that context, fear is not limited to the threat of a criminal act. The lack of consent due to intoxication should cover incapacitation caused by drugs, alcohol or other intoxicating substances. Particularly vulnerable situations include situations in which victims have clearly limited opportunities to defend their bodily and sexual integrity and avoid an assault. A particularly vulnerable situation could also include situations of a particularly serious power imbalance or of serious economic dependence. Stealthing involves intentionally and

secretly ceasing to use a method of prophylaxis or reproductive control during penetration. Due to the fact that stealthing changes the circumstances in which consent was given, it could be considered rape or sexual assault.

Amendment 18

Proposal for a directive Recital 15

Text proposed by the Commission

(15) *With regard to offences amounting to rape*, offenders who have been *previously* convicted of *offences of the same nature* should be obliged to participate in intervention programmes to mitigate the risk of recidivism.

Amendment

(15) Offenders who have been convicted of *rape* should be obliged to participate in *evidence-based* intervention programmes to mitigate the risk of recidivism, *to ensure safe relations and to address, in a comprehensive and informative manner, the harm caused by recognising their responsibility and changing their harmful attitudes and behaviours. The competent authorities should inform the judicial authorities of the availability of such programmes.*

Amendment 19

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Forced marriage is a form of exploitation that primarily affects women and girls and has the intention of asserting domination over them. It is a form of violence that entails serious violations of fundamental rights and, in particular, the rights of women and girls to physical integrity, freedom, autonomy, physical and mental health, sexual and reproductive health, education and a private life. Poverty, unemployment, custom or conflicts are all factors that promote forced marriage. Physical and

sexual violence and threats of violence are frequently used forms of coercion to force a woman or girl to marry. Once forced to marry, there is a greater risk of sexual exploitation and further violence. Often, forms of physical and psychological exploitation and violence, such as sexual exploitation, accompany forced marriage. It is therefore necessary that all Member States criminalise forced marriage, subject offenders to appropriate penalties and make it possible for such marriages to be annulled or dissolved without any excessive administrative or financial burden for victims.

Amendment 20

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) In order to address the ***irreparable and lifelong damage*** female genital mutilation has on victims, this offence should be specifically and adequately addressed in the criminal laws. Female genital mutilation is an exploitative practice that pertains to the sexual organs of a girl or a woman and that is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over girls and women's sexuality. It is sometimes performed in the context of child forced marriage or domestic violence. Female genital mutilation may occur as a traditional practice which some communities perform on their female members. It should cover practices undertaken for non-medical reasons. The term "excising" should refer to the partial or total removal of the clitoris and the labia majora. "Infibulating" should cover the closure of the labia majora by partially sewing together the outer lips of the vulva in order to narrow the vaginal opening. The

Amendment

(16) In order to address the ***severe and long-lasting physical and psychological consequences*** that female genital mutilation has on victims, this offence should be specifically and adequately addressed in the criminal laws. Female genital mutilation is an exploitative practice that pertains to the sexual organs of a girl or a woman and that is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over girls and women's sexuality. It is sometimes performed in the context of child forced marriage or domestic violence. Female genital mutilation may occur as a traditional practice which some communities perform on their female members. It should cover practices undertaken for non-medical reasons. The term "excising" should refer to the partial or total removal of the clitoris and the labia majora. "Infibulating" should cover the closure of the labia majora by partially sewing together the outer lips of the vulva

term “performing any other mutilation” should refer to all other physical alterations of the female genitals.

in order to narrow the vaginal opening. The term “performing any other mutilation” should refer to all other physical alterations of the female genitals.

Amendment 21

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Forced, coercive and otherwise involuntary sterilisation is a harmful and exploitative practice that removes the ability of victims to sexually reproduce, often results in grave consequences for the person’s physical, psychological and social health, and is performed for the purpose of exerting social control over women and children and their sexuality. It violates fundamental rights such as the rights to dignity, physical integrity and privacy, it does not respect the requirement that free and informed consent be given and it is recognised as a form of torture and ill-treatment. Forced, coercive and otherwise involuntary sterilisation is often deeply connected with discrimination and stereotypical ideas about who should or should not be pregnant and have children. Roma women and children, women and children with disabilities, including, in particular, intellectual and psychosocial disabilities, women wishing to obtain gender affirming treatment and women and children living in institutions have been particularly at risk of forced, coercive and otherwise involuntary sterilisation. Specific emphasis should be placed on the prior and informed consent of the woman or child to undergo sterilisation. The consent of the woman or child should not be substituted by the consent of a legal guardian. The provisions on forced sterilisation set out in this Directive do not cover emergency medical interventions or

surgical procedures which are carried out, for example, for the purpose of assisting a woman by saving her life.

Amendment 22

Proposal for a directive Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) Intersex genital mutilation is a medically unnecessary, non-vital surgical or medical procedure or treatment that is performed on a person born with variations of sex characteristics with the purpose or effect of altering such characteristics to align them with those considered typically female or male. Non-vital and non-consensual procedures and treatments performed on intersex women and children are based on the belief that a binary option of sex characteristics is the norm and that any alternative is abnormal and needs to be rectified. Procedures or treatments on the sex characteristics of women or children born with variations of sex characteristics who do not have the capacity to consent should only be performed when there is a clear and urgent need to preserve their life or prevent serious harm to their physical health. Non-vital procedures or treatments with the purpose or effect of altering sex characteristics should only be performed with the fully informed and prior consent of a woman or child born with variations of sex characteristics. Intersex genital mutilation can result in life-long physical and psychological impairments and, therefore, should be treated with the same gravity as female genital mutilation. It is therefore important to provide appropriate medical and psychological support to intersex persons and their families and to respect their right to make informed decisions about their own bodies and healthcare.

Amendment 23

Proposal for a directive Recital 16 c (new)

Text proposed by the Commission

Amendment

(16c) Sexual harassment and harassment related to sex are generally prohibited at national level in the framework of the implementation of the Union directives on gender equality. However, Union legal acts have not proven sufficiently effective in combating those phenomena in practice, in particular with regard to penalties. If such conduct is not penalised under criminal law, victims will not benefit from the targeted protection that this Directive provides. Article 83(2) TFEU allows for the establishment of minimum rules with regard to the definition of criminal offences provided that the approximation of criminal laws of the Member States proves essential to ensure the effective implementation of a Union policy in an area which has been subject to harmonisation measures. Directives 2006/54/EC, 2004/113/EC and 2010/41/EU have harmonised, at Union level, rules concerning sexual harassment at work and sexual harassment in the provision of and access to goods and services. Given that context and the ineffective implementation of the Union's policy against sexual harassment, additional minimum rules are therefore needed in that area.

Amendment 24

Proposal for a directive Recital 17

Text proposed by the Commission

Amendment

(17) It is necessary to provide for

(17) It is necessary to provide for

harmonised definitions of offences and penalties regarding certain forms of cyber violence. Cyber violence particularly targets and impacts women politicians, journalists *and* human rights defenders. *It* can have the effect of silencing women and hindering their societal participation on an equal footing with men. Cyber violence also disproportionately affects women and girls in educational settings, such as schools and universities, with detrimental consequences to their further education and to their mental health, which may, in extreme cases, lead to suicide.

harmonised definitions of offences and penalties regarding certain forms of cyber violence. Cyber violence particularly targets and impacts women politicians, journalists, human rights defenders, *activists and persons who are part of marginalised communities or who are subject to intersecting forms of discrimination. Women exposed to discrimination or violence on the basis of their gender or other grounds are disproportionately affected by cyber violence. Cyber violence* can have the effect of silencing women and hindering their societal *and professional* participation on an equal footing with men. *The increased use of information and communication technologies at work has led to increased cyber violence against women. As a result of such increased cyber violence, the European Economic and Social Committee, in an opinion entitled ‘Teleworking and gender equality – conditions so that teleworking does not exacerbate the unequal distribution of unpaid care and domestic work between women and men and for it to be an engine for promoting gender equality’, and the International Labour Organization have stated that particular attention needs to be paid to preventative and protective measures in the context of work.* Cyber violence also disproportionately affects women and girls in educational settings, such as schools and universities, with detrimental consequences to their further education and to their mental health, which may, in extreme cases, lead to suicide. *Competent authorities combating violence against women should be trained to successfully prosecute offences related to cyber violence in order to ensure that such offences are successfully prosecuted and in order to fight against impunity.*

Amendment 25

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) The use of information and communication technologies bears the risk of easy, fast and wide-spread **amplification** of certain forms of cyber violence with the effect of creating or **enhancing** profound and long-lasting harm for the victim. **The potential for such amplification, which** is a pre-requisite for the perpetration of several offences of cyber violence defined under this Directive, **should be** reflected by the element of making certain material accessible, through information and communication technologies, to **a ‘multitude’ of** end-users. The term ‘**multitude**’ should be understood as referring to reaching a **significant** number of end-users of the technologies in question, thus allowing for **significant** access to, and potential further distribution of that material. That term should be interpreted and applied having regard to the relevant circumstances, including the technologies used to make that material accessible and the means these technologies offer for **amplification**.

Amendment 26

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) **Especially** due to its tendency for easy, swift and broad distribution and perpetration, as well as its intimate nature, the non-consensual making accessible **of intimate images or videos and material that depict sexual activities, to a multitude of end-users**, by means of information and communication technologies, can be very harmful for the victims. The offence provided for in this Directive should cover

Amendment

(18) The use of information and communication technologies bears the risk of easy, fast and wide-spread **dissemination** of certain forms of cyber violence with the effect of creating or **exacerbating** profound and long-lasting harm for the victim. **Dissemination** is a pre-requisite for the perpetration of several offences of cyber violence defined under this Directive **and is** reflected by the element of making certain material accessible, through information and communication technologies, to **other** end-users. The term ‘**other end-users**’ should be understood as referring to reaching a number of end-users of the technologies in question, thus allowing for access to, and potential further distribution of that material. That term should be interpreted and applied having regard to the relevant circumstances, including the technologies used to make that material accessible and the means these technologies offer for **dissemination**.

Amendment

(19) Due to its tendency for easy, swift and broad distribution and perpetration, as well as its intimate nature, the non-consensual making accessible by means of information and communication technologies **of intimate material and material of a sexual nature to other end-users**, can be very harmful for the victims. The offence provided for in this Directive should cover all types of such material,

all types of such material, such as images, photographs and videos, including sexualized images, audio clips and video clips. It should relate to situations where the making accessible of the material to **a multitude of** end-users, through information and communication technologies, occurs without the victim's consent, irrespective of whether the victim consented to the generation of such material or may have transmitted it to a particular person. The offence should also include the non-consensual production or manipulation, for instance by image editing, of material that makes it appear as though another person is engaged in sexual activities, insofar as the material is subsequently made accessible to **a multitude of** end-users, through information and communication technologies, without the consent of that person. Such production or manipulation should include the fabrication of 'deepfakes', where **the** material appreciably resembles an existing person, **objects, places or other entities or events, depicting sexual activities of another person**, and would falsely appear to others to be authentic or truthful. In the interest of effectively protecting victims of such conduct, threatening to engage in such conduct should be covered as well.

such as images, photographs and videos, including sexualized images, audio clips and video clips. It should relate to situations where the making accessible of the material to **other** end-users, through information and communication technologies, occurs without the victim's consent, irrespective of whether the victim consented to the generation of such material or may have transmitted it to a particular person. The offence should also include the non-consensual production or manipulation, for instance by image editing, **including by means of artificial intelligence** of material that makes it appear as though another person is engaged in sexual activities, insofar as the material is subsequently made accessible to end-users, through information and communication technologies, without the consent of that person. Such production or manipulation should include the fabrication of 'deepfakes', where **material which amounts to intimate material or material of a sexual nature depicts a person that** appreciably resembles an existing person and would falsely appear to others to be authentic or truthful. In the interest of effectively protecting victims of such conduct, threatening to engage in such conduct should be covered as well. **Moreover, since "cyber-flashing" is a common form of intimidating and silencing women, an offence of the unsolicited sending of images, videos or other material depicting genitals should therefore be covered by this Directive.**

Amendment 27

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Cyber stalking is a modern form of violence which is often perpetrated against family members or persons living in the

Amendment

(20) Cyber stalking is a modern form of violence which is often perpetrated against family members or persons living in the

same household, but also perpetrated by ex-partners or acquaintances. Typically, technology is misused by the offender to proceed to intensify coercive and controlling behaviour, manipulation and surveillance, thereby increasing the victim's fear, anxiety and gradual isolation from friends *and* family. Therefore, minimum rules on cyber stalking should be established. The offence of cyber stalking should cover the continuous surveillance of the victim without their consent or legal authorisation by means of information and communication technologies. This might be enabled by processing the victim's personal data, such as through identity theft or the spying out of such data on their various social media or messaging platforms, their emails and phone, stealing passwords or hacking their devices to access their private spaces, via the installation of geo-localisation apps, including stalkerware, or via stealing their devices. Furthermore, stalking should cover the monitoring of victims, without that person's consent or authorisation, via technology devices connected through the Internet of Things, such as smart home appliances.

same household, but also perpetrated by ex-partners or acquaintances. Typically, technology is misused by the offender to proceed to intensify coercive and controlling behaviour, manipulation and surveillance, thereby increasing the victim's fear, anxiety and gradual isolation from friends, family *and work*. Therefore, minimum rules on cyber stalking should be established. The offence of cyber stalking should cover the continuous surveillance of the victim without their consent or legal authorisation by means of information and communication technologies. This might be enabled by processing the victim's personal data, such as through identity theft or the spying out of such data on their various social media or messaging platforms, their emails and phone, stealing passwords or hacking their devices *or secretly activating keylogging software* to access their private spaces, via the installation of geo-localisation apps, including stalkerware, or via stealing their devices. Furthermore, stalking should cover the monitoring of victims, without that person's consent or authorisation, via technology devices connected through the Internet of Things, such as smart home appliances. *Moreover, since the repeated sending of threatening and insulting messages in private conversations is a common form of violence against women, it should therefore be covered by this Directives.*

Amendment 28

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) Minimum rules concerning the offence of cyber harassment should be laid down to counter initiating an attack *with third parties* or participating in such an attack directed at another person, by

Amendment

(21) Minimum rules concerning the offence of cyber harassment should be laid down to counter initiating an attack or participating in such an attack directed at another person, by making threatening or

making threatening or insulting material accessible to *a multitude of* end-users. Such broad attacks, including coordinated online mob attacks, may morph into offline assault or cause significant psychological injury and in extreme cases lead to suicide of the victim. They often target prominent (female) politicians, journalists or otherwise well-known persons, but they can also occur in different contexts, for instance on campuses or in schools. Such online violence should be addressed especially where the attacks occur on a wide-scale, for example in the form of pile-on harassment by a significant amount of people.

insulting material accessible to *other* end-users. Such broad attacks, including coordinated online mob attacks, may morph into offline assault or cause significant psychological injury and in extreme cases lead to suicide of the victim. They often target prominent (female) politicians, journalists, *human-rights defenders* or otherwise well-known persons, but they can also occur in different contexts, for instance on campuses or in schools *and in the world of work*. Such online violence should be addressed especially where the attacks occur on a wide-scale, for example in the form of pile-on harassment by a significant amount of people.

Amendment 29

Proposal for a directive Recital 22

Text proposed by the Commission

(22) The increase in internet and social media usage has led to a sharp rise in public incitement to violence and hatred, including based on sex or gender, over the past years. The easy, fast and broad sharing of hate speech through the digital word is reinforced by the online disinhibition effect, as the presumed anonymity on the internet and sense of impunity reduce people's inhibition to engage in such speech. Women are often the target of sexist and misogynous hate online, which can escalate into hate crime offline. This needs to be intercepted at an early stage. The language used in this type of incitement does not always directly refer to the sex or gender of the targeted person(s), but the biased motivation can be inferred from the overall content or context of the incitement.

Amendment

(22) *The prevalence of dominant online platforms has played a significant role in* the increase in internet and social media usage *and* has led to a sharp rise in public incitement to violence and hatred, including based on sex or gender, *especially in combination with other grounds*, over the past years. The easy, fast and broad sharing of hate speech through the digital word is reinforced by the online disinhibition effect, as the presumed anonymity on the internet and sense of impunity reduce people's inhibition to engage in such speech. *However, anonymity can also be essential to survivors of gender-based violence and to other communities at risk* Women are often the target of sexist and misogynous hate online, which can escalate into hate crime offline. *Children and young people can also be the target of cyber violence which often refers to personal characteristics such as disability, racial or*

ethnic origin, sexual orientation, gender identity, gender expression, sex characteristics or other grounds which, if left unaddressed, can cause social exclusion, anxiety, inducement to inflict self-harm and, in extreme situations, suicidal ideation, suicide attempts or suicide. This needs to be *prevented or* intercepted at an early stage. The language used in this type of incitement does not always directly refer to the sex or gender of the targeted person(s), but the biased motivation can be inferred from the overall content or context of the incitement.

Amendment 30

Proposal for a directive Recital 23

Text proposed by the Commission

(23) The offence of cyber incitement to violence or hatred presupposes that the incitement is not expressed in a purely private context, but publicly through the use of information and communication technologies. Therefore, it should require dissemination to the public, which should be understood as entailing the making **accessible**, through information and communications technologies, of a given item of material inciting to violence or hatred to a potentially unlimited number of persons, namely making the material easily accessible to users in general, without requiring further action by the person who provided the material, irrespective of whether those persons actually access the information in question. Accordingly, where access to the material requires registration or admittance to a group of users, that information should be considered to be disseminated to the public only where users seeking to access the material are automatically registered or admitted without a human decision or selection of whom to grant access. In

Amendment

(23) The offence of cyber incitement to violence or hatred presupposes that the incitement is not expressed in a purely private context, but publicly through the use of information and communication technologies. Therefore, it should require dissemination to the public, which should be understood as entailing the making **available** through information and communications technologies, of a given item of material inciting to violence or hatred to a potentially unlimited number of persons, namely making the material easily accessible to users in general, without requiring further action by the person who provided the material, irrespective of whether those persons actually access the information in question. Accordingly, where access to the material requires registration or admittance to a group of users, that information should be considered to be disseminated to the public only where users seeking to access the material are automatically registered or admitted without a human decision or selection of whom to grant access. In

assessing whether material qualifies as amounting to incitement to hatred or violence, the competent authorities should take into account the fundamental rights to freedom of expression as enshrined in Article 11 of the Charter.

assessing whether material qualifies as amounting to incitement to hatred or violence, the competent authorities should take into account the fundamental rights to freedom of expression as enshrined in Article 11 of the Charter. ***In order to ensure that online material qualifies as cyber incitement to violence or hatred, Member States should ensure that such material is assessed, on a case-by-case basis, based on the criteria laid down in the United Nation's 'Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence', taking into account, in particular, the social and political context of the message, the status of the speaker, the content and form of the speech, the intent and the likelihood and imminence of harm.***

Amendment 31

Proposal for a directive Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Member States should ensure that the fact that an offence is committed with the intention of bringing profit or gain or that an offence actually brought profit or gain, for example through blackmail in the case of cyber violence or by earning income through perpetrating female genital mutilation or forced sterilisation, is considered to be an aggravating circumstance because profit or gain proves that there was a systematic and methodical approach to the crime, thus highlighting its gravity.

Amendment 32

Proposal for a directive Recital 23 b (new)

Text proposed by the Commission

Amendment

(23b) So called “honour crimes” are committed to pursue an aim other than, or in addition to, the immediate effect of the crime. That aim could be the restoration of family “honour” or the desire to be seen as respecting tradition or complying with the perceived religious, cultural or customary requirements of a particular community. Such crimes put severe pressure on the victim, can lead to violations of the victim’s human rights and tend to affect the person’s whole life, thereby making the victim particularly vulnerable.

Amendment 33

Proposal for a directive Recital 23 c (new)

Text proposed by the Commission

Amendment

(23c) A gender-sensitive perspective implies taking into account the particularities pertaining to the lives of both women and men, while aiming to eliminate inequalities and promote gender equality, thereby addressing and taking into account the gender dimension. Consequently, Member States should include a gender-sensitive perspective in the implementation of this Directive and in the evaluation of its implementation. A gender-sensitive perspective also includes the structural understanding of the roots of gender-based violence, including violence against women and domestic violence as a systemic phenomenon and as a result of pervasive inequality and discrimination against women, which provides a breeding ground for tolerance of violence against women.

Amendment 34

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Victims should be able to report crimes of violence against women or domestic violence easily without being subject to secondary or repeat victimisation. To this end, Member States should provide the possibility to submit complaints online or through other information and communication technologies for the reporting of such crimes. Victims *of cyber violence* should be able to upload materials relating to their report, such as screenshots of the alleged violent behaviour.

Amendment

(24) Victims should be able to report crimes of violence against women or domestic violence **and provide evidence** easily without being subject to secondary or repeat victimisation. ***With due regard to the specificities of the crimes covered by this Directive, and the clear risk that victims might withdraw their criminal complaint, Member States should ensure that relevant authorities take all necessary measures to ensure that evidence is collected in a comprehensive manner as early as possible. Member States are encouraged to share best practices on how to ensure the protection of the evidence in investigations into such crimes, including by enabling video recording of the first interview with the victim, as appropriate. Although perhaps not mentioned by the victim, competent authorities should always consider that the crimes covered by this Directive are violence against women or domestic violence and should, therefore, consider assessing that aspect in the course of the investigation.*** To this end, Member States should, ***in addition to in-person reporting***, provide the possibility to submit complaints, ***in a safe environment***, online or through other ***accessible*** information and communication technologies for the reporting of such crimes. ***Online complaint systems should meet security standards and should not endanger the safety of the victim. Member States should facilitate reporting by victims in all their diversity, including by, inter alia, ensuring easy and accessible options for those who live in remote areas and providing support services to assist those who cannot read, persons living in institutions or persons with disabilities, including through the use of braille and sign language.*** Victims should be able to

upload materials relating to their report, such as screenshots of the alleged violent behaviour. ***Victims should have access to legal aid and assistance, free of charge and in a language they can reasonably understand, when reporting criminal offences and during judicial proceedings.***

Amendment 35

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) In the case of domestic violence and violence against women, especially when committed by close family members or intimate partners, victims may be under such duress by the offender that they fear to reach out to the competent authorities, even if their lives are in danger. Therefore, Member States should ensure their confidentiality rules do not constitute an obstacle for relevant professionals, such as healthcare professionals, to report to the competent authorities, where they have reasonable grounds to believe that the life of the victim is at ***an imminent*** risk of ***serious*** physical harm. Similarly, instances of domestic violence or violence against women affecting children are often only intercepted by third parties noticing irregular behaviour or physical harm to the child. Children need to be effectively protected from such forms of violence and adequate measures promptly taken. Therefore, relevant professionals coming in contact with child victims or potential child victims, including healthcare or education professionals, should equally not be constrained by confidentiality where they have reasonable grounds to believe that ***serious*** acts of violence under this Directive have been committed against the child or further serious acts are to be expected. Where professionals report such instances of violence, Member States

Amendment

(25) In the case of domestic violence and violence against women, especially when committed by close family members or intimate partners, victims may be under such duress by the offender that they fear to reach out to the competent authorities, even if their lives are in danger. Therefore, Member States should ensure their confidentiality rules do not constitute an obstacle for relevant professionals, such as healthcare professionals, to report to the competent authorities, where they have reasonable grounds to believe that the life of the victim is at ***serious*** risk of physical harm. ***Such third-party reporting is justified as a targeted measure for violence against women and domestic violence because such violence often occurs in close relationships or family circumstances and might not be regarded as a criminal act and therefore not reported by those who experience or directly witness it.*** Similarly, instances of domestic violence or violence against women affecting children are often only intercepted by third parties noticing irregular behaviour or physical harm to the child. Children need to be effectively protected from such forms of violence ***given the long-lasting detrimental consequences it has on them,*** and adequate measures ***need to be*** promptly taken. Therefore, relevant professionals

should ensure that they are not held liable for breach of confidentiality.

coming in contact with child victims or potential child victims, including healthcare or education professionals, should equally not be constrained by confidentiality **and should act** where they have reasonable grounds to believe that acts of violence under this Directive have been committed against the child or further serious acts are to be expected. Where professionals report such instances of violence Member States should ensure that they are not held liable for breach of confidentiality.

Amendment 36

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) In order to tackle underreporting in the cases when the victim is a child, safe and child-friendly reporting procedures should be established. This can include questioning by competent authorities in simple and accessible language.

Amendment

(26) In order to tackle underreporting in the cases when the victim is a child, safe and child-friendly reporting procedures should be established. This can include questioning by competent authorities in simple and accessible language. ***To safeguard the best interests of the child, Member States should ensure that professionals specialised in caring for and supporting children are present in order to assist them with reporting procedures.***

Amendment 37

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) Delays in processing complaints of violence against women and domestic violence can bear particular risks to victims thereof, given that they might still be in immediate danger given that offenders might often be close family members or spouses. Therefore, the competent

Amendment

(27) Delays in processing complaints of violence against women and domestic violence can bear particular risks to victims thereof, given that they might still be in immediate danger given that offenders might often be close family members or spouses. Therefore, the competent

authorities should have **the** sufficient expertise and effective investigative tools to investigate and prosecute such crimes.

authorities **for investigation and prosecution should process such complaints without delay. The fact that the victim has complained or intends to leave the relationship can mean increased danger for the victim. The competent authorities** should have sufficient **specialised** expertise and effective investigative tools to investigate and prosecute such crimes **without undue delay because the continuum of violence means that even those offences which are perceived to be least damaging can be the first such offence in escalating seriousness.**

Amendment 38

Proposal for a directive Recital 28

Text proposed by the Commission

(28) Victims of domestic violence and violence against women are typically in need of immediate protection **or** specific support, for example in the case of intimate partner violence, where the rate of recidivism tends to be high. Therefore, **an** individual assessment to identify the victim's protection needs should be conducted upon the very first contact of competent authorities with the victim or as soon as suspicion arises that the person is a victim of violence against women or domestic violence. This can be done before a victim has formally reported an offence or proactively if a third party reports the offence.

Amendment

(28) Victims of domestic violence and violence against women are typically in need of immediate protection **and** specific support, for example in the case of intimate partner **violence or sexual violence**, where the rate of recidivism tends to be high. Therefore, **a gender-sensitive** individual assessment to identify the victim's protection **needs and medical and specialist support** needs should be conducted upon the very first contact of competent authorities with the victim or as soon as suspicion arises that the person is a victim of violence against women or domestic violence. This can be done before a victim has formally reported an offence or proactively if a third party reports the offence.

Amendment 39

Proposal for a directive Recital 29

Text proposed by the Commission

(29) When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the victim's **safety** and providing tailored support, taking into account, among other matters, the individual circumstances of the victim. Such circumstances requiring special attention could include the victim's pregnancy **or** the victim's dependence on or relationship to the offender.

Amendment

(29) When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the **victim and dependant's safety and the victim's rights and needs**, and providing tailored **protection and** support, taking into account, among other matters, the individual circumstances **and vulnerability** of the victim. Such circumstances requiring special attention could include the victim's pregnancy, **the victim's physical and mental health, disabilities, substance abuse issues, the presence of children, the presence of companion animals**, the victim's dependence on or relationship to the offender, **including economic dependence or dependence for reasons relating to residence status, or the victim having a common child with the offender**.

Amendment 40

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) In order to ensure comprehensive support and protection to victims, all competent authorities and relevant bodies, not limited to law enforcement and judicial authorities, should be involved in assessing the risks for victims and appropriate support measures on the basis of clear guidelines issued by the Member States. Such guidelines should include factors to be taken into consideration when assessing the risk emanating from the offender or suspect, **including** the consideration that suspects charged with minor offences are as likely to be dangerous as those charged with more severe offences, especially in cases of domestic violence and stalking.

Amendment

(30) In order to ensure comprehensive, **appropriate and coordinated** support and protection to victims, **a standardised approach to risk assessment that promotes a shared understanding of the risk throughout proceedings, and a common language to communicate risk, should be adopted**. All competent authorities and relevant bodies, not limited to law enforcement and judicial authorities, should be involved in assessing the risks for victims and appropriate support **and protection** measures. **That should be done on the basis of gender-sensitive and culturally sensitive risk assessment protocols and** clear guidelines issued by the Member States, **developed in cooperation with women's specialist**

*support services and the European Institute of Gender Equality. Such guidelines should include factors to be taken into consideration when assessing the risk emanating from the **specificities of the forms of violence covered by this Directive, including coercive and controlling behaviour from the** offender or suspect, **and** the consideration that suspects charged with minor **or first** offences are as likely to be dangerous as those charged with more severe **or repeated** offences, especially in cases of domestic violence, and stalking. **Specialised training for frontline professionals on the use of risk assessment tools is also essential. Risk assessments should be revised at important junctures in the process, such as the commencement of a court case, the handing down of a judgment or discussions as to the revision of custody arrangements.***

Amendment 41

Proposal for a directive Recital 31

Text proposed by the Commission

(31) Due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation, and the fact that they suffer emotional harm that prejudices their development, the victim's children should receive the same protection measures as those accorded to the victim. Other persons dependant on the victim, such as adults with disabilities or older dependant adults for whom the victim provides care, may experience similar emotional harm and should thus be accorded the same protection measures.

Amendment

(31) Due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation, and the fact that they suffer emotional harm that prejudices their development, the victim's children should receive the same protection measures as those accorded to the victim. Other persons dependant on the victim, such as adults with disabilities or older dependant adults for whom the victim provides care, may **can** experience similar emotional harm and should thus be accorded the same protection measures. ***In the context of violence against women, ill treatment of children by perpetrators can be used to exercise power over and commit acts of violence against mothers, a type of indirect violence against women***

known in some Member States as vicarious violence. Animals are also often used as leverage in the execution of power by the perpetrator. It is therefore vital that Member States ensure that the relevant authorities are adequately trained on the complex dynamics of abusive relationships so that they are able to accord such protection measures wherever and whenever they are appropriate.

Amendment 42

Proposal for a directive Recital 32

Text proposed by the Commission

(32) Victims of violence against women and domestic violence are often in need of specific support. To ensure they effectively receive offers of support, the competent authorities should refer victims to appropriate support services. This should in particular be the case where an individual assessment has found particular support needs of the victim. In that case, support services should be able to reach out to the victim even without the victim's consent. For the processing of related personal data by competent authorities, Member States should ensure that it is based on law, in accordance with Article 6(1)(c) read in conjunction with Article (6)(2) and (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council⁷. Such laws should include appropriate personal data safeguards that respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the individuals. Where competent authorities transfer victims' personal data to support services for victims' referral, they should ensure that the data transferred is limited to what is necessary to inform the services of

Amendment

(32) Victims of violence against women and domestic violence are often in need of specific support **services by trained professionals and of medical care**. To ensure they effectively receive offers of support, the competent authorities should **immediately** refer victims to appropriate support **services, including medical** services. This should in particular be the case where an individual assessment has found particular support **and medical** needs of the victim. In that case, support services should be able to reach out to the victim even without the victim's consent, **but with due regard for the victim's safety, taking into consideration the victim's needs and preventing any further or secondary victimisation. However, due caution should be exercised in that regard because a victim could be put in danger if support services reach out to the victim without the victim's consent, for instance if the victim lives with a controlling offender. That also risks further isolating victims from support due to fear. Therefore, support services should only reach out to victims without their consent where they deem it vital for the victims' safety and wellbeing**. For the processing of

the circumstances of the case, so that victims receive appropriate support and protection.

related personal data by competent authorities, Member States should ensure that it is based on law, in accordance with Article 6(1)(c) read in conjunction with Article (6)(2) and (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council⁷ **and Directive (EU) 2016/680**. Such laws should include appropriate personal data safeguards that respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the individuals. Where competent authorities transfer victims' personal data to support **and medical** services for victims' referral, they should ensure that the data transferred is limited to what is necessary to inform the services of the circumstances of the case so that victims receive appropriate **medical care**, support and protection. ***It should be ensured that only a limited number of persons have access to the data and that access periods are clearly established. Victims should be provided with information about the steps in the proceedings and about how evidence can be secured for potential future criminal proceedings.***

⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (***Text with EEA relevance***), (OJ L 119, 4.5.2016, p. 1–88).

⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Amendment 43

Proposal for a directive Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) Ensuring the presence of specialised staff within Member States' law enforcement, prosecution and judicial authorities is of great importance. The establishment of specialist courts or chambers and the designation of specialised prosecutors on violence against women and domestic violence should be considered as an option for Member States to ensure a gender-sensitive approach to combating those offences. Member States should ensure that the competent authorities are provided with sufficient resources to investigate the offences covered by this Directive in order to avoid a situation whereby an inadequate investigation leads to the ineffective prosecution of the offence and in order to avoid increasing impunity.

Amendment 44

Proposal for a directive Recital 33

Text proposed by the Commission

Amendment

(33) Member States should take the necessary measures to ensure the availability of emergency barring, restraining and protection orders to ensure effective protection of victims and their dependants.

(33) Member States should take the necessary measures to ensure the ***swift*** availability of emergency barring, restraining and protection orders ***as well as the use of arrest and detention*** to ensure effective protection of victims and their dependants.

Amendment 45

Proposal for a directive Recital 34

Text proposed by the Commission

Amendment

(34) Member States should ensure that

(34) Member States should ensure that

emergency barring orders may be issued in situations of immediate danger, such as where harm is imminent or has already materialised and is likely to be inflicted again.

emergency barring orders may be issued in situations of immediate danger, such as where harm is imminent or has already materialised and is likely to be inflicted again *on victims or dependants*.

Amendment 46

Proposal for a directive Recital 35

Text proposed by the Commission

(35) Protection orders *may* include prohibiting the offender or suspect *to access* certain localities; *to approach* the victim or dependant closer than a prescribed distance *or to contact them*, including through the use of online interfaces *and to possess* firearms or deadly weapons, where necessary.

Amendment

(35) ***Restraining and*** protection orders *can* include prohibiting the offender or suspect ***from accessing*** certain localities; ***places or defined areas where the victim or dependant resides or visits from approaching*** the victim or dependant closer than a prescribed distance, ***from contacting the victim or dependant***, including through the use of online interfaces, ***and from possessing*** firearms or deadly weapons, where necessary. ***Such orders should be issued whenever the situation of risk to the victim makes it advisable, regardless of whether the victim has reported a criminal offence.***

Amendment 47

Proposal for a directive Recital 36

Text proposed by the Commission

(36) In order to safeguard the effectiveness of emergency barring, restraining and protection orders, breaches of such orders should be subject to penalties. Those penalties can be of a criminal law or other legal nature and may include prison sentences, fines or any other legal penalty that is effective, proportionate and dissuasive.

Amendment

(36) In order to safeguard the effectiveness of emergency barring, restraining and protection orders, breaches of such orders should be subject to penalties. Those penalties can be of a criminal law or other legal nature and may include prison sentences, fines or any other legal penalty that is effective, proportionate and dissuasive. ***Member States should ensure that in situations in which barring, restraining and protection orders are***

issued, offenders are informed and encouraged to voluntarily enrol in specialised programmes addressing their violent behaviour. It is essential that victims are informed of any breach of barring, restraining or protection orders. As breaches of barring, prescription or protection orders can increase risks and require further protection to be put in place, a renewed assessment of the order should immediately be made after a documented breach.

Amendment 48

Proposal for a directive Recital 36 a (new)

Text proposed by the Commission

Amendment

(36a) Electronic monitoring should be used to ensure the enforcement of emergency barring, restraining and protection orders. Electronic monitoring makes it possible to ensure compliance with emergency barring, restraining and protection orders, to record evidence of breaches of such orders and to enhance the supervision of offenders. Victims should always be informed about the capabilities and limitations of electronic monitoring.

Amendment 49

Proposal for a directive Recital 37

Text proposed by the Commission

Amendment

(37) Presenting evidence of past sexual behaviour to challenge the credibility and lack of consent of victims in sexual violence cases, especially rape cases, may reinforce the perpetuation of damaging stereotypes of victims and lead to repeat or secondary victimisation. Therefore,

(37) Presenting evidence of past sexual behaviour, *the sexual preferences of the victim and the attire or outfit of the victim* to challenge the credibility and lack of consent of victims in sexual violence cases, especially rape cases, may reinforce the perpetuation of damaging stereotypes of

without prejudice to the rights of defence, questions, enquiries and evidence concerning past sexual conduct of the victim should not be permitted in criminal investigations and court proceedings.

victims and lead to repeat or secondary victimisation. Therefore, without prejudice to the rights of defence, questions, enquiries and evidence concerning past sexual conduct of the victim should not be permitted in criminal investigations and court proceedings. ***It should only be possible to use in court proceedings notes taken by counsellors or therapists with the agreement of the person who spoke to the counsellor or therapist.***

Amendment 50

Proposal for a directive Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) Women's specialist services play a crucial role in providing support for victims of violence against women and domestic violence. They provide services that use gender-responsive methodologies to support women and their children who experience violence against women and domestic violence. Such services include women's support centres, women's shelters, helplines, rape crisis, sexual violence referral centres, and primary prevention services. They are often provided by non-governmental women's-led organisations.

Amendment 51

Proposal for a directive Recital 38

Text proposed by the Commission

Amendment

(38) Given the complexities and gravity of offences of violence against women and domestic violence and specific support needs of victims, Member States should ensure additional support and prevention of such offences is provided by designated

(38) Given the complexities and gravity of offences of violence against women and domestic violence and specific support needs of victims, Member States should ensure additional support and prevention of such offences is provided by ***specialist***

bodies. Given their expertise in matters of discrimination on grounds of sex, national equality bodies, set up in accordance with Directives 2004/113/EC⁸, 2006/54/EC⁹ and 2010/41/EU¹⁰ of the European Parliament and of the Council, **are** well placed to fulfil these tasks. Such bodies should **in addition** have legal standing to act on behalf or in support of victims of all forms of violence against women or domestic violence in judicial proceedings, including for the application for compensation and removal of online illegal content, with the victims' approval. This should include the possibility of acting on behalf or in support of several victims together. To enable these bodies to effectively carry out their tasks, Member States should ensure that they are provided with sufficient human and financial resources.

services and designated **national bodies, equality bodies and other relevant actors**. Given their expertise in matters of discrimination on grounds of **race, ethnicity and** sex, national equality bodies, set up in accordance with Directives **2000/43/EC**, 2004/113/EC⁸, 2006/54/EC⁹ and 2010/41/EU¹⁰ of the European Parliament and of the Council, **could be** well placed to fulfil these tasks **provided that they have the adequate specialised expertise in the area of violence against women and domestic violence. In accordance with the individual legal traditions and cultures of the Member States**, such bodies **and other specialised relevant actors** should **be able to support data collection and should** have legal standing to act on behalf or in support of victims of all forms of violence against women or domestic violence in judicial proceedings, including for the application for compensation and removal of online illegal content, with the victims' approval. This should include the possibility of acting on behalf or in support of several victims together. To enable these bodies to effectively carry out their tasks, Member States should ensure that they are provided with sufficient human and financial resources **and that they are properly trained to keep themselves up to date with the development of new technologies used in connection with the offences covered by this Directive.**

⁸ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, (OJ L 373, 21.12.2004, p. 37).

⁹ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), (OJ

⁸ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).

⁹ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ L

L204, 26.7.2006, p. 23).

¹⁰ Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, (OJ L 180, 15.7.2010, p. 1).

204, 26.7.2006, p. 23).

¹⁰ Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).

Amendment 52

Proposal for a directive Recital 39

Text proposed by the Commission

(39) Certain offences covered by this Directive involve the increased risk of repeated, prolonged or even continuous victimisation. That risk occurs especially in relation to offences involving the making accessible to **a multitude of** end-users, through information and communication technologies, of material, resulting from certain offences of cyber violence, considering the ease and speed with which such material can be distributed on a large scale and the difficulties that often exist when it comes to removing such material. That risk typically remains even after a conviction. Therefore, in order to effectively safeguard the rights of the victims of those offences, Member States should be required to take suitable measures aimed at the removal of the material in question. Considering that removal at the source may not always be feasible, for instance because of legal or practical difficulties relating to the execution or enforcement of an order to remove, Member States should also be allowed to provide for measures to disable access to such material.

Amendment

(39) Certain offences covered by this Directive involve the increased risk of repeated, prolonged or even continuous victimisation. That risk occurs especially in relation to offences involving the making accessible to **other** end-users, through information and communication technologies, of material, resulting from certain offences of cyber violence, considering the ease and speed with which such material can be distributed on a large scale and the difficulties that often exist when it comes to removing such material. That risk typically remains even after a conviction. Therefore, in order to effectively safeguard the rights of the victims of those offences, Member States should be required to take suitable measures aimed at the removal of the material in question. Considering that removal at the source may not always be feasible, for instance because of legal or practical difficulties relating to the execution or enforcement of an order to remove, Member States should also be allowed to provide for measures to disable access to such material.

Amendment 53

Proposal for a directive
Recital 42

Text proposed by the Commission

(42) The provisions of this Directive on orders and other measures for the removal and disabling access to relevant material should leave the relevant rules contained in Regulation *XX/YYYY [proposed DSA Regulation]* unaffected. In particular, those orders should comply with the prohibition of imposing general obligations of monitoring or active fact-finding and with the specific requirements of that Regulation regarding orders to remove illegal content online.

Amendment 54

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Considering the potential importance of material that may be the object of the orders or other measures taken under this Directive to remove or disable access thereto for investigating or prosecuting the relevant offences under criminal law, the necessary measures should be taken to allow the competent authorities to obtain or secure such material, where necessary. Those measures could consist, for example, of requiring relevant intermediary service providers to transmit the material to those authorities or to preserve the material for a limited period that does not go beyond what is necessary. Any such measures should ensure the security of the material, remain limited to what is reasonable and comply with the applicable rules on the protection of personal data.

Amendment

(42) The provisions of this Directive on orders and other measures for the removal and disabling access to relevant material should leave the relevant rules contained in Regulation *(EU) 2022/2065* unaffected. In particular, those orders should comply with the prohibition of imposing general obligations of monitoring or active fact-finding and with the specific requirements of that Regulation regarding orders to remove illegal content online.

Amendment

(43) Considering the potential importance of material that may be the object of the orders or other measures taken under this Directive to remove or disable access thereto for investigating or prosecuting the relevant offences under criminal law, the necessary measures should be taken to allow the competent authorities to obtain or secure such material *for the purpose of providing evidence*, where necessary. Those measures could consist, for example, of requiring relevant intermediary service providers to transmit the material to those authorities or to preserve the material for a limited period that does not go beyond what is necessary *in the framework of the investigation and to support it*. Any such measures should ensure the security of the material, remain limited to what is reasonable, *necessary and proportionate*, and comply with the applicable rules on the protection of personal data.

Amendment 55

Proposal for a directive Recital 44

Text proposed by the Commission

(44) In order to avoid secondary victimisation, victims should be able to obtain compensation in the course of criminal proceedings. Compensation from the offender should be full and should not be restricted by a fixed upper limit. It should cover all harm and trauma experienced by victims and costs incurred to manage the damages, including among other things therapy costs, impact on the victim's employment situation, loss of earnings, psychological damages, and moral prejudice due to the violation of dignity. The amount of compensation should reflect that victims of domestic violence may have to uproot their lives in order to seek safety, entailing a possible change of employment or finding new schools for children or even creating a new identity.

Amendment

(44) In order to avoid secondary victimisation, victims should be able to obtain compensation in the course of criminal proceedings. Compensation from the offender should be full and should not be restricted by a fixed upper limit. It should cover all harm and trauma experienced by victims and costs incurred to manage the damages, including, among other things, ***costs for healthcare services, including sexual and reproductive and psychological health services, rehabilitation***, therapy costs, impact on the victim's employment situation, loss of earnings, psychological damages, and moral prejudice due to the violation of dignity. The amount of compensation should reflect that victims of ***violence against women and*** domestic violence may have to uproot their lives in order to seek safety, entailing a possible change of ***residence or*** employment or finding new schools for children or even creating a new identity. ***Compensation should be made available to victims as soon as possible.***

Amendment 56

Proposal for a directive Recital 45

Text proposed by the Commission

(45) Assistance and support to victims of violence against women and domestic violence should be provided before, during and for an appropriate period after the criminal proceedings have ended, for example where medical treatment is still needed to address the severe physical or psychological consequences of the

Amendment

(45) Assistance and support to victims of violence against women and domestic violence should be provided ***without delay*** before, during and for an appropriate period after the criminal proceedings have ended, for example where medical treatment is still needed to address the severe physical or psychological

violence, or if the victim's safety is at risk in particular due to the statements made by the victim in those proceedings.

consequences of the violence, or if the victim's safety is at risk in particular due to the statements made by the victim in those proceedings. ***Assistance and support should be available to victims regardless of whether criminal proceedings have been initiated.***

Amendment 57

Proposal for a directive Recital 46

Text proposed by the Commission

(46) Specialised support services should provide support to victims of all forms of violence against women and domestic violence, including sexual violence, female genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence.

Amendment

(46) Specialised support services should provide support, ***advice and information on any relevant legal and practical matters and on referrals to medical forensic examinations and comprehensive healthcare services*** to victims of all forms of violence against women and domestic violence, including sexual violence, ***sexual exploitation through the prostitution of others***, female ***and intersex*** genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence.

Amendment 58

Proposal for a directive Recital 47

Text proposed by the Commission

(47) Specialist support should offer victims support tailored to their specific needs, and irrespective of any official complaint. Such services ***could*** be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support. Specialist support may be provided by national authorities, victims' support organisations,

Amendment

(47) Specialist support should offer victims support, ***including medical care***, tailored to their specific needs, and irrespective of any official complaint. Such services ***should*** be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support, ***in particular with women's specialist support services. Referral and***

or other non-governmental organisations. They should be granted sufficient human and financial resources and, where the services are provided by non-governmental organisations, Member States should ensure that they receive appropriate funds.

cooperation systems between general victim support services and women's specialised support should be put in place. Specialist support may be provided by national, **regional or local** authorities, victims' support organisations, or other non-governmental organisations. They should be granted sufficient human and financial resources and, where the services are provided by non-governmental organisations, Member States should ensure that they receive appropriate funds. ***When planning the organisation of specialist support services, Member States should take into account the structures of and synergies between existing specialised support services provided by non-governmental organisations and the types of specialised support services offered by non-governmental organisations in order to ensure clear coordination between actors and, as a consequence, to facilitate women's access to those services.***

Amendment 59

Proposal for a directive Recital 48

Text proposed by the Commission

(48) Victims of domestic violence and violence against women typically have multiple protection and support needs. In order to **address these** effectively, Member States should provide such services at the same premises, or have such services coordinated through a central contact point. To ensure **also** victims in remote areas or unable to physically reach such centres are reached, Member States should provide for online access to such services. This should entail setting up a single and updated website where all relevant information on and access to available support and protection services is provided (one-stop online access). The website should follow accessibility requirements for persons with

Amendment

(48) Victims of domestic violence and violence against women typically have multiple protection, **medical** and support needs. ***That type of support is best ensured by women's organisations, considering the disproportionate impact that violence against women has on them. National authorities should support and recognise women's specialist services. Women's specialist services should systematically be included in multiagency coordination processes for risk assessment and management.*** In order to effectively **address the multiple protection, medical and support needs of victims of domestic violence and violence against women,** Member States should provide such

disabilities.

services at the same premises, or, ***alternatively***, have such services coordinated through a central contact point. ***Member States should ensure that such services are equally distributed geographically.*** To ensure ***that all*** victims, ***including those*** in remote areas or unable to physically reach such centres, are reached, Member States should provide for online ***remote*** access to such services ***by setting up an app, a website and a helpline that is available 24/7.*** This should entail, ***inter alia***, setting up a single and updated website where all relevant information on and access to available ***in-person and online*** support and protection services is provided (one-stop online access). The website should follow accessibility requirements for persons with disabilities ***such as those set out in Annex I to Directive (EU) 2019/882.*** ***All services, both online and in-person, should be fully accessible and non-discriminatory.***

Amendment 60

Proposal for a directive Recital 48 a (new)

Text proposed by the Commission

Amendment

(48a) Member States should, in consultation and cooperation with, inter alia, women’s specialist support services, victim protection centres, healthcare professionals and other relevant actors, based on evidence, their expertise and best practices, and taking into consideration the process for carrying out and content of specialised individual assessments to identify victims’ protection needs and individual assessments of victims’ support needs under this Directive, issue and review and, where necessary, update, on a regular basis, in light of their practical application, guidelines and protocols for general victim support services. Such guidelines and protocols should include

information on how to treat victims in a trauma-, gender-, and child-sensitive manner, in a way that avoids gender stereotypes and in a way that prevents secondary or repeat victimisation.

Amendment 61

Proposal for a directive Recital 49

Text proposed by the Commission

(49) Specialist support services, including shelters and rape crisis centres, should be considered essential during crises and states of emergency, including during health crises. These services should continue to be offered in these situations, where instances of domestic violence and violence against women tend to surge.

Amendment

(49) Specialist support services, including shelters and rape crisis centres, **women's advice centres, sexual violence referral centres, specialised LGBTIQ centres, helplines, and programmes addressing the rehabilitation of perpetrators of violence and the clinical management of rape** should be considered essential during crises and states of emergency, including during health crises. These services should continue to be offered in these situations, where instances of domestic violence and violence against women tend to surge.

Amendment 62

Proposal for a directive Recital 50

Text proposed by the Commission

(50) The traumatic nature of sexual violence, including rape, requires a **particularly sensitive** response by trained and specialised staff. Victims of this type of violence need immediate medical care and trauma support **combined with** immediate forensic examinations to collect the evidence needed for prosecution. **Rape crisis centres or sexual violence referral centres should** be available in sufficient numbers and adequately spread over the territory of each Member State. Similarly, victims of female genital mutilation, who

Amendment

(50) The traumatic nature of sexual violence, including rape, requires a **gender-sensitive** response by trained and specialised staff. Victims of this type of violence need immediate, **comprehensive and long-term** medical care, **including sexual and reproductive healthcare and the clinical management of rape, including emergency contraception, post-exposure prophylaxis, sexually transmitted infection treatments and access to safe and legal abortion** and trauma support **as well as the option of**

are often girls, typically are in need of **targeted** support. Therefore, Member States should ensure they provide dedicated support **tailored** to these victims.

long-term support, including counselling. Rape crisis centres or sexual violence referral centres should offer immediate forensic examinations to collect the evidence needed for prosecution and be available on a 24-hour basis in sufficient numbers and adequately spread over the territory of each Member State. Similarly, victims of female and intersex genital mutilation and other harmful practices, who are often girls, typically are in need of tailored support. Therefore, Member States should ensure they provide dedicated support customised to these victims through a multi-disciplinary and victim-centred approach and by providing targeted training to all relevant professionals who might come in contact with a victim or a person at risk. Such specialist support should be provided with the highest standards of privacy, intimacy and confidentiality.

Amendment 63

Proposal for a directive Recital 50 a (new)

Text proposed by the Commission

Amendment

(50a) Victims of female genital mutilation, who are often girls, and victims of forced sterilisation typically are in need of targeted support. Therefore, Member States should ensure that they provide support tailored to those victims and that those specialist support services are provided with the highest standards of privacy, intimacy and confidentiality.

Amendment 64

Proposal for a directive Recital 50 b (new)

Text proposed by the Commission

Amendment

(50b) Because cyber violence is significantly underreported, providers of specialist support services for victims of cyber violence should be appropriately equipped and such services should be easily accessible. Such services should include psychological support, legal counselling and assistance.

Amendment 65

Proposal for a directive Recital 50 c (new)

Text proposed by the Commission

Amendment

(50c) Violence at work and harassment in the world of work is unacceptable and incompatible with decent work. It affects peoples' psychological, physical and sexual health, dignity, and family and social environment, and the quality of public and private services. In particular, it can prevent people, particularly women, from accessing, and remaining and advancing in, the labour market and is therefore a threat to equal opportunities. It also negatively affects the organisation of work, workplace relations, worker engagement, enterprise reputation and productivity.

Amendment 66

Proposal for a directive Recital 51

Text proposed by the Commission

Amendment

(51) Harassment at work is considered as discrimination on grounds of sex by Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. Given that sexual harassment ***at work*** has significant negative

(51) Harassment at work is considered as discrimination on grounds of sex by Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. Given that sexual harassment ***in the world of work is a form a***

consequences both for the victims and the employers, advice on adequately addressing such instances **at the workplace**, on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of early conciliation, if the victim so wishes, should be provided by external **counselling** services to both victims and employers.

discrimination that has significant negative consequences both for the victims and the employers, advice on adequately **preventing and** addressing such instances **in the world of work**, on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of early conciliation, if the victim so wishes, should be provided by external **specialised and trained** services to both victims and employers. **Sexual harassment in the world of work and violence at work should be tackled by means of social dialogue or by means of legal acts or by means of both, taking into account all workplace locations as laid down by the International Labour Organization's Convention concerning the elimination of violence and harassment in the world of work.**

Amendment 67

Proposal for a directive Recital 51 a (new)

Text proposed by the Commission

Amendment

(51a) The social partners can play a key role in addressing, through relevant measures, sexual harassment in the world of work and domestic violence. With the increasing availability of home-based telework, the site of domestic violence can in fact be the workplace of the victim. Employers and trade unions can also contribute to the identification of instances of domestic violence, to supporting victims and to addressing the impact of domestic violence on professional life. There are already many examples of good practices and agreements on workplace policies that give support to victims of domestic violence, enabling them to continue working safely.

Amendment 68

Proposal for a directive Recital 52

Text proposed by the Commission

(52) Member States should ensure that national helplines **are** operated under the EU-harmonised number [116016] and this number is widely advertised as a public number, free of charge and available round-the-clock. The support provided should include crisis counselling and should be able to refer to face-to-face services, such as shelters, counselling **centres or the police**.

Amendment

(52) Member States should ensure that national helplines **for victims seeking support are accessible and** operated under the EU-harmonised number [116016] **or another existing number**, and this number is widely advertised as a public number, free of charge and available round-the-clock. The support provided should include crisis counselling **to be carried out by specialised support services**, and should be able to refer to face-to-face services, such as shelters, **women's specialist support and other social, health and justice services. Such helplines should be operated separately from other helplines for victims of crime and staff manning such helplines should provide all national emergency numbers. Victims of violence against women and domestic violence, if calling a general support helpline, should be redirected to the specialist helpline operated under the EU-harmonised number or another existing number for targeted** counselling. **Member States should establish a national helpline in the event that no such helpline exists.**

Amendment 69

Proposal for a directive Recital 53

Text proposed by the Commission

(53) Shelters play a vital role in protecting victims from acts of violence. Beyond providing a safe place to stay, shelters should provide the necessary support concerning interlocking problems related to victims' health, financial situation and the well-being of their children, ultimately

Amendment

(53) Shelters play a vital role in protecting victims from acts of violence. Beyond providing a safe place to stay, shelters should provide **basic legal guidance and** the necessary support concerning interlocking problems related to victims' **health, including mental** health, financial

preparing victims for an autonomous life.

situation and the well-being of their children, ultimately preparing victims for an autonomous life. ***Member States should ensure that there is a sufficient number of dedicated domestic violence shelters available. Member States shall ensure that those shelters are adequately distributed geographically. Those shelters should be solely available for victims of acts of violence and their location should remain confidential in order to ensure women's safety. A variety of different models of shelter should be made available, including women-only shelters, thereby ensuring maximum flexibility for victims. Shelters should always be available free of charge for the victim and they should ensure the active and continuous physical presence of trained and specialised personnel to engage with and support victims. Shelters and other appropriate interim accommodation should be made available to accommodate the specific needs of victims with disabilities.***

Amendment 70

Proposal for a directive Recital 53 a (new)

Text proposed by the Commission

Amendment

(53a) Domestic violence often affects the victim's employment and productivity and health and safety at work due to stress and fear. Perpetrators often prevent their partners or ex-partners from accessing their workplace. In addition, victims will frequently need additional time away from work to attend medical appointments or legal proceedings or to make social arrangements such as searching for new accommodation. Member States should therefore implement measures to ensure that employers who have been notified of a victim's circumstances are prevented from discriminating or in any way

disadvantaging the victim in the immediate aftermath of the violence and due to the impact of factors that relate to the violence. Rather, in order to support victims through difficult transitions and help them to remain in the workforce, thereby safeguarding their economic resources and financial independence, victims should have the right to paid leave and flexible working conditions for an appropriate duration.

Amendment 71

Proposal for a directive Recital 54

Text proposed by the Commission

(54) To effectively address negative consequences for child victims, support measures to children should include age-appropriate psychological counselling, together with paediatric care where necessary, and be provided as soon as competent authorities have reasonable grounds to believe that children might have been victims, including child witnesses of violence. In the provision of support to child victims, the rights of the child, as laid down in Article 24 of the Charter, should be a primary consideration.

Amendment

(54) To effectively address negative consequences for child victims, support measures to children should include age-appropriate psychological counselling **by trained professionals**, together with paediatric care where necessary, and be provided as soon as competent authorities have reasonable grounds to believe that children might have been victims, including child witnesses of violence. **Such support measures should not require the prior consent of the holder of parental responsibility, where that person is the offender or suspect, and should be in accordance with the principles laid down in the UN Convention on the Rights of the Child, in particular Articles 9 and 12 thereof. Such measures should be made available on a long-term basis, in accordance with the victim's needs.** In the provision of support to child victims, the rights of the child, as laid down in Article 24 of the Charter, should be a primary consideration. **Cooperation between competent authorities and venues the child visits frequently, such as school, should be ensured, both to support the child and provide due support for other children and parents. Cases of parental**

alienation syndrome and similar concepts and terms that blame mothers for their children's 'alienation' from their father are often linked to cases of violence against women and domestic violence, risk jeopardising a child's safety and cause secondary victimisation, additional psychological stress and trauma to victims. Referring to such concepts calls into question victims' parental skills, disregards the children's testimony and the risks of violence to which the children are exposed, and jeopardises the rights and safety of mothers and children.

Amendment 72

Proposal for a directive Recital 55

Text proposed by the Commission

(55) In order to ensure the safety of children during possible visits with an offender or suspect who is a holder of parental responsibility with rights of access, Member States should ensure that supervised neutral places, including child protection or welfare offices, are made available so that such visits can take place there in the best interests of the child. If needed, the visits should take place in the presence of child protection or welfare officials. Where it is necessary to provide for interim accommodation, children should as a priority be accommodated together with the holder of parental responsibility who is not the offender or suspect, such as the child's mother. The best *interest* of the child should be always taken into account.

Amendment

(55) In order to ensure the safety of children during possible visits with an offender or suspect who is a holder of parental responsibility with rights of access, Member States should ensure that supervised neutral places, including child protection or welfare offices, are made available so that such visits can take place there in the best interests of the child. ***Supervised neutral places for visits with an offender should ensure the safety of both the child and, where relevant, the non-abusive holder of parental responsibility and should allow for the avoidance of contact between the offender or suspect and the non-violent parent or their relatives when accompanying the child to the meeting.*** If needed, the visits should take place in the presence of child protection or welfare officials. Where it is necessary to provide for interim accommodation, children should as a priority be accommodated together with the holder of parental responsibility who is not the offender or suspect, such as the child's mother. The best *interests* of the

child should be always taken into account *and prevail over a request from the violent parent for shared custody or rights of access. Appropriate referrals for offenders should be provided in order to address violence towards their family members.*

Amendment 73

Proposal for a directive Recital 55 a (new)

Text proposed by the Commission

Amendment

(55a) Member States should take measures to prevent bias in the determination of “the best interests of the child”. Such bias could include the belief that it is in a child’s best interests to maintain contact with both parents or with relatives at all costs, regardless of the violence the child has witnessed, which has detrimental and dangerous effects for both the child and the other parent. The right of a child to maintain contact with both parents should be restricted if necessary.

Amendment 74

Proposal for a directive Recital 56

Text proposed by the Commission

Amendment

(56) Victims with specific needs and groups at risk of violence against women or domestic violence, such as women with disabilities, women with dependant residence status or permit, undocumented migrant women, women applicants for international protection, women fleeing armed conflict, women affected by homelessness, with a minority racial or ethnic background, living in rural areas, women *sex workers*, detainees, *or* older women, should receive specific protection

(56) Victims with specific needs and groups at risk of violence against women or domestic violence *experiencing intersecting discriminations*, such as women with disabilities, *women living in institutional care facilities*, women with dependant residence status or permit, undocumented migrant women, women applicants for international protection, women fleeing armed conflict, women affected by homelessness, *women in low-wage jobs, unemployed women, women*

and support.

with a minority racial or ethnic background, *victims of so-called “honour crimes”*, *women* living in rural areas *or less prosperous regions*, *women in prostitution, sexual or gender-identity minorities, women suffering from addiction*, detainees, older women *or LBTIQ+ women* should receive specific protection, *medical care* and support. *Victims of violence covered by this Directive who apply for international protection should be considered as applicants with special reception needs as defined in Directive 2013/33/EU of the European Parliament and of the Council^{1a}.*

^{1a} *Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).*

Amendment 75

Proposal for a directive Recital 57

Text proposed by the Commission

(57) Women with **disability** disproportionately experience violence against women and domestic violence and due to their disability often have difficulties in accessing protection and support measures. Therefore, Member States should ensure they can benefit fully from the rights set out in this Directive, on an equal basis with others, while paying due attention to the particular vulnerability of such victims and their likely difficulties to reach out for help.

Amendment

(57) Women with **disabilities** disproportionately experience violence against women and domestic violence and due to their disability often have difficulties in accessing protection and support measures. ***The process for reporting violence is often inaccessible because of inadequate policies and standards, negative attitudes, physical barriers, scarce information and communication, a lack of service provision, inadequate funding and a failure to involve victims with disabilities in decisions that directly affect their lives.*** Therefore, Member States should ***adapt their support services accordingly to*** ensure they can benefit fully from the

rights set out in this Directive, on an equal basis with others, while paying due attention to the particular vulnerability of such victims and their likely difficulties to reach out for help.

Amendment 76

Proposal for a directive Recital 57 a (new)

Text proposed by the Commission

Amendment

(57a) Actions to prevent violence against women and domestic violence should be based on a three-pronged approach composed of primary, secondary and tertiary preventive measures. Adequate coordination of those three approaches should be ensured. Primary preventive measures should aim to prevent violence from occurring and should include awareness-raising campaigns to increase understanding among the general public of the different manifestations of all forms of violence and their consequences. Secondary preventive measures should aim to detect violence early and prevent its progression or escalation at an early stage. Tertiary prevention should be focused on preventing reoffending and revictimisation and on properly managing the consequences of the violence. Those measures should include the promotion of bystander intervention, early intervention centres and intervention programmes.

Amendment 77

Proposal for a directive Recital 58

Text proposed by the Commission

Amendment

(58) Member States should ensure that preventive measures, such as awareness-raising campaigns, are taken to counter

(58) Member States should ensure that ***evidence-based*** preventive measures, such as ***long-term*** awareness-raising campaigns,

violence against women and domestic violence. Prevention should also take place in formal education, in particular, through strengthening sexuality education and socio-emotional competencies, empathy and developing healthy and respectful relationships.

are taken to counter violence against women and domestic violence ***through changes in the social and cultural behaviour of women and men. Such campaigns should include the full provision of information about the different manifestations of violence and about the impact of such violence on children and should promote a human rights-centred approach.*** Prevention should also take place in formal ***and informal*** education, in particular, through strengthening ***comprehensive and age-appropriate*** sexuality ***and relationship*** education and socio-emotional competencies, empathy and developing healthy ***consensual*** and respectful relationships. ***Particular attention should be paid to targeting such campaigns to locations where men frequent. Such campaigns should involve relevant local stakeholders. Preventive measures should be designed in cooperation with relevant affected communities to ensure full coverage of their needs and to ensure that there is sensitive, appropriate and non-stigmatising communication.***

Amendment 78

Proposal for a directive Recital 58 a (new)

Text proposed by the Commission

Amendment

(58a) Gender equality, the empowerment of women, and investing in a gender-equal society where women are financially and socially autonomous are the best prevention strategies against the various forms of violence against women and domestic violence. Member States should ensure that women have the means and possibilities necessary to leave an abusive relationship by providing access to social support, where required.

Amendment 79

Proposal for a directive Recital 59

Text proposed by the Commission

(59) Member States should take measures to prevent the cultivation of harmful gender stereotypes to eradicate the idea of the inferiority of women or stereotyped roles of women and men. This could also include measures aimed at ensuring that culture, custom, religion, tradition or honour is not perceived as a justification for, or a more lenient treatment of, offences of violence against women or domestic violence. Considering that from a very young age onwards, children are exposed to gender roles that shape their self-perception and influence their academic and professional choices as well as expectations of their roles as women and men throughout their life, it is crucial to address gender stereotypes as of early-childhood education and care.

Amendment

(59) Member States should take measures to prevent the cultivation of harmful gender stereotypes to eradicate the idea of the inferiority of women or stereotyped roles of women and men. This could also include measures aimed at ensuring that culture, custom, religion, tradition or honour is not perceived as a justification for, or a more lenient treatment of, offences of violence against women or domestic violence, ***but rather as an aggravating circumstance. As so-called “honour crimes” are highly underreported in the Union, it is important that relevant authorities receive adequate training to be able to identify those crimes and to handle them in a correct manner.*** Considering that from a very young age onwards, children are exposed to gender roles that shape their self-perception and influence their academic and professional choices as well as expectations of their roles as women and men throughout their life, it is crucial to address gender stereotypes as of early-childhood education and care. ***Overexposure to pornography, where it contributes to gender stereotypes and is often young people’s only reference point for sexual relations, especially in the absence of access to comprehensive sexuality and relationship education, leads to a distorted and violent picture of sexuality. Member States should therefore take into account the impact of pornography on young people and the risk that they might reproduce violent behaviour.***

Amendment 80

Proposal for a directive
Recital 60

Text proposed by the Commission

(60) In order to ensure victims of violence against women and domestic violence are identified and receive appropriate support, Member States should ensure that professionals likely to come into contact with victims receive training and targeted information. **Trainings** should cover the risk and prevention of intimidation, repeat and secondary victimisation and the availability of protection and support measures for victims. **To prevent and appropriately address instances of sexual harassment at work, persons with supervisory functions should also receive training. These trainings should also cover assessments regarding sexual harassment at work and associated psychosocial safety and health risks as referred to under Directive 89/391/EEC of the European Parliament and of the Council⁴⁵. Training activities should also cover the risk of third party violence. Third party violence refers to violence which staff may suffer at the workplace, not at the hands of a co-worker, and includes cases, such as nurses sexually harassed by a patient.**

Amendment

(60) In order to ensure victims of violence against women and domestic violence are identified, **are able to lodge complaints** and receive appropriate support, Member States should ensure that professionals likely to come into contact with victims receive **adequate and tailored** training and targeted information **in order to advance their access to justice. Such training, including the supporting material, should be free and should take place during working hours. Training** should cover the risk and prevention of intimidation, repeat and secondary victimisation and the availability of protection, **medical** and support measures for victims. **Such training should, in particular, be available for professionals who work with women in institutions, such as residential care homes, asylum centres and prisons, and professionals who work or volunteer at shelters. Specific attention should be paid to the specialised training of competent authorities entering in contact with victims, including, in particular, training on how to avoid victim-blaming attitudes and behaviours, timely victim referral to specialised services, including women's specialised services, and data treatment, with the aim of facilitating the reporting of violence against women and domestic violence. Such training should also cover gender equality and discrimination, including intersectional discrimination, the prevention of secondary victimisation, communication skills, and the prevention and identification of sexual harassment of the most marginalised groups. Such training should be provided by qualified trainers adhering to stringent quality standards in terms of training duration, frequency, methods and outcomes in accordance with the objectives of this Directive.**

⁴⁵ *Council Directive 89/391/EEC of the European Parliament and of the Council of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).*

Amendment 81

Proposal for a directive Recital 60 a (new)

Text proposed by the Commission

Amendment

(60a) To prevent and appropriately address instances of sexual harassment in the world of work, and to identify and address instances of domestic violence and its consequences, persons with supervisory functions and labour inspectors, should receive training. Such training should cover assessments regarding sexual harassment at the workplace and associated psychosocial safety and health risks as referred to in, and meeting the conditions under, Directive 89/391/EEC of the European Parliament and of the Council^{1a}. Such training should also cover the risk of third-party violence and the fact that support should be in place for victims of such violence as part of occupational health and safety. Third-party violence refers to the violence which staff might suffer at the workplace from someone other than a co-worker. Member States should ensure that employers put in place, in consultation with workers representatives in accordance with Directive 89/391/EEC, inclusive, integrated and specialised strategies to mitigate and prevent sexual harassment in the world of work.

^{1a} *Council Directive 89/391/EEC of the European Parliament and of the Council*

of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

Amendment 82

Proposal for a directive Recital 61

Text proposed by the Commission

(61) In order to counteract underreporting, Member States should also liaise with law enforcement authorities in the development of trainings in particular regarding harmful gender stereotypes, but also in the prevention of offences, given their typical close contact with groups at risk of violence *and* victims.

Amendment

(61) In order to counteract underreporting *and prevent secondary victimisation*, Member States should also liaise with law enforcement authorities, *judicial authorities, civil society, community-based organisations, the European Institute for Gender Equality and other relevant specialised actors* in the development of trainings in particular regarding harmful gender stereotypes *and misconceptions about sexual and domestic violence*, but also in the prevention of offences, given their typical close contact with groups at risk of violence, victims *and offenders*. *Training of law enforcement authorities on how to receive a victim of gender-based violence, domestic violence or cyber violence is essential to properly assist the victim in filing a complaint and to properly assess her situation.*

Amendment 83

Proposal for a directive Recital 61 a (new)

Text proposed by the Commission

Amendment

(61a) Member States should recognise women's civil society organisations, including organisations working with women at a heightened risk of experiencing gender-based violence, as partners in policy development and implementation and should, where

relevant, include them in the work of government bodies and committees working to combat violence against women and domestic violence. In addition, other relevant stakeholders should be consulted on relevant issues, such as the social partners in relation to sexual harassment in the world of work.

Amendment 84

Proposal for a directive Recital 62

Text proposed by the Commission

(62) Intervention programmes should be set up to prevent and minimise the risk of (repeated) offences of violence against women or domestic violence. The programmes should specifically aim at teaching offenders or those at risk of offending how to adopt non-violent behaviour in interpersonal relationships and how to counter violent behavioural patterns. Programmes should encourage offenders to take responsibility for their actions and examine their attitudes and beliefs towards women.

Amendment

(62) Intervention programmes should be set up to prevent and minimise the risk of (repeated) offences of violence against women or domestic violence. ***They should be carried out by trained and skilled professionals and in close cooperation with specialist support services for victims.*** The programmes should specifically aim at teaching offenders or those at risk of offending how to adopt non-violent behaviour in interpersonal relationships and how to counter violent behavioural patterns. ***Where the victim consents to interact with the offender or where the victim is in close physical proximity to the offender with their consent, particular attention should be paid to the victim's safety during such intervention programmes.*** Programmes should encourage offenders to take responsibility for their actions and examine their attitudes and beliefs towards women. ***Programmes should seek to help offenders understand and recognise that they are responsible, change their harmful attitudes and behaviours and adopt non-violent behaviour in interpersonal relationships.***

Amendment 85

**Proposal for a directive
Recital 62 a (new)**

Text proposed by the Commission

Amendment

(62a) Member States should ensure that intervention programmes comply with minimum standards and are in accordance with best practices. Intervention programmes should be provided by trained staff, have a gender-based approach, be victim-orientated, include a full risk assessment of the perpetrator, be part of multiagency networks, strive to establish strong collaboration with specialist support services, including women's specialist support services, provide guidelines for evaluating the outcome. Member States should cooperate with the European Institute for Gender Equality on the establishment of common standards and guidelines

Amendment 86

**Proposal for a directive
Recital 62 b (new)**

Text proposed by the Commission

Amendment

(62b) All measures provided for in this Directive need to be accompanied by sufficient, predictable and sustainable funding. That is especially important in order to ensure that national authorities and specialised support service providers, including non-governmental women's specialist services, have sufficient funding and human, technical and technological resources for the effective and comprehensive implementation of this Directive. Member States should include women's specialist support services as an integral part of the implementation of the national support system for victims of gender-based violence.

Amendment 87

Proposal for a directive Recital 63

Text proposed by the Commission

(63) In order to ensure that victims of the offences of cyber violence contained in this Directive can effectively realise their rights to have illegal material relating to such offences removed, Member States should encourage the cooperation between providers of intermediary services. To ensure that such material is detected early on and tackled effectively and that victims of those offences are adequately assisted and supported, Member States should also facilitate the establishment or use of existing self-regulatory measures of a voluntary nature, such as codes of conduct, including on the detection of systematic risks in relation to such cyber violence and the training of the providers' employees concerned by preventing such violence and assisting victims.

Amendment

(63) In order to ensure that victims of the offences of cyber violence contained in this Directive can effectively realise their rights to have illegal material relating to such offences removed, Member States should encourage the cooperation between providers of intermediary services, ***authorities and civil society organisations, for example by establishing trusted flaggers pursuant to Regulation (EU) 2022/2065***. To ensure that such material is detected early on and tackled effectively and that victims of those offences are adequately assisted and supported, Member States should also facilitate the establishment or use of existing self-regulatory measures of a voluntary nature, such as codes of conduct, including on the detection of systematic risks in relation to such cyber violence and the training of the providers' employees concerned by preventing such violence and assisting victims.

Amendment 88

Proposal for a directive Recital 63 a (new)

Text proposed by the Commission

Amendment

(63a) Member States should show their commitment to preventing and combating violence against women and domestic violence by developing national action plans in that regard.

Amendment 89

Proposal for a directive
Recital 63 b (new)

Text proposed by the Commission

Amendment

(63b) With a view to developing a consolidated Union strategy to address violence against women and domestic violence aimed at further strengthening the commitment of, and efforts made, by the Union and the Member States to prevent and combat it, Member States should facilitate the establishment of and the tasks of a coordinator on gender-based violence (the ‘Union coordinator’) The tasks of the Union coordinator should include, for example, improving coordination and coherence, avoiding duplication of efforts between Union institutions and agencies and between Member States and international actors, contributing to the development of existing or new Union policies and strategies relevant to the fight against violence against women and domestic violence and reporting to the Union institutions.

Amendment 90

Proposal for a directive
Recital 64

Text proposed by the Commission

Amendment

(64) Policies to adequately tackle violence against women and domestic violence can only be formulated on the basis of comprehensive and comparable disaggregated data. In order to effectively monitor developments in the Member States and fill the gaps of comparable data, Member States should regularly conduct surveys using the harmonised methodology of the Commission (Eurostat) to gather data and transmit these data to the Commission (Eurostat).

(64) Policies to adequately tackle violence against women and domestic violence can only be formulated on the basis of comprehensive and comparable disaggregated data. In order to effectively monitor developments in the Member States and fill the gaps of comparable data, Member States should regularly conduct surveys using the harmonised methodology of the Commission (Eurostat) to gather data and transmit these data to the Commission (Eurostat). ***In addition, qualitative data should be used because***

they can provide unique insight into the current realities in tackling violence against women and domestic violence and into the progress made in implementing this Directive. Data should be collected at the same point in the process to ensure comparable and reliable results. Non-governmental organisations working on preventing and tackling violence against women or domestic violence, including women's organisations, women's specialist support services and other specialist support services, should be involved in the development of data collection methodologies.

Amendment 91

Proposal for a directive Recital 65

Text proposed by the Commission

(65) Member States should ensure that the data collected are limited to what is strictly necessary in relation to supporting the monitoring of the prevalence and trends of violence against women and domestic violence and design new policy strategies in this field. ***When sharing the*** data collected, no personal data should be included.

Amendment

(65) Member States should ensure that the data collected are limited to what is strictly necessary in relation to supporting the monitoring of the prevalence and trends of violence against women and domestic violence and design new policy strategies in this field. ***Member States should provide relevant data and information to relevant institutions such as European Institute of Gender Equality and Eurofound in order to allow for the comparability, assessment and analysis of those data at Union level. Data collected should include the context in which the offence took place, such as the fact that it was committed at home, at the workplace or online, as well as information about whether a victim is at a heightened risk of experiencing gender-based violence, as this will inform future targeted policy actions. Those data should also include whether violence was committed against victims affected by intersectional discrimination. In order to protect anonymity and confidentiality, to respect***

the key principles of data protection and to respect fundamental rights, no personal data should be included when the data collected are shared.

Amendment 92

Proposal for a directive Recital 65 a (new)

Text proposed by the Commission

Amendment

(65a) Data for statistical purposes should be collected on an ongoing basis to monitor trends and to identify good practices and areas for improvement. Eurostat and the European Institute for Gender Equality should prepare reports regularly on the statistics linked to the implementation of this Directive and transmit them to the Union coordinator, to the European Parliament and to the Council. The Commission should ensure that sufficient funding is allocated to carry out such reporting.

Amendment 93

Proposal for a directive Recital 71

Text proposed by the Commission

Amendment

(71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered ***an opinion on [XX XX 2022]***,

(71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered ***its comments on 4 April 2022,***

Amendment 94

Proposal for a directive Article 1 – paragraph 1 – point c

Text proposed by the Commission

(c) victims' protection and *victims'* support.

Amendment

(c) ***the rights of*** victims' ***to*** protection and support

Amendment 95

Proposal for a directive

Article 1 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) prevention and early intervention.

Amendment 96

Proposal for a directive

Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. When implementing the measures under this Directive, Member States shall take into consideration the increased risk of violence faced by victims experiencing discrimination based on a combination of sex and other grounds so as to cater to their enhanced protection and support needs, as set out in Article 18(4), Article 27(5) and Article 37(7).

1. When implementing the measures under this Directive, Member States shall take into consideration the increased risk of violence faced by victims experiencing ***intersectional*** discrimination based on a combination of sex ***or gender*** and other grounds so as to cater to their enhanced protection and support needs, as set out in Article 18(4), Article 27(5), ***Article 35(1)*** and Article 37(7).

Amendment 97

Proposal for a directive

Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that, in the application of this Directive, particular attention is paid to the risk of intimidation, retaliation, secondary and repeat victimisation and to the need to protect the

2. Member States shall ensure that, in the application of this Directive, particular attention is paid to the risk of intimidation, retaliation, secondary and repeat victimisation and to the need to protect the

dignity and *physical integrity* of victims.

dignity and *rights* of victims, *including their physical and psychological integrity, privacy and safety*.

Amendment 98

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

For the purposes of this Directive, the following definitions *shall* apply:

Amendment

For the purposes of this Directive, the following definitions apply:

Amendment 99

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) “violence against women” means gender-based violence, *that is* directed against a woman or a girl because she is a woman or a girl or that *affects* women or girls disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

Amendment

(a) “violence against women” means *all acts of* gender-based violence *that are* directed against a woman or a girl because she is a woman or a girl or that *affect* women or girls *in all their diversity* disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

Amendment 100

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) “domestic violence” means all acts *of* violence that result in, or are likely to result in, *physical, sexual, psychological or economic* harm or suffering, that occur within the family or domestic unit,

Amendment

(b) “domestic violence” means all acts, *or threats of acts, of physical, sexual, psychological or economic* violence that result in, or are likely to result in, harm or suffering, that occur within the family or

irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a *residence* with the victim;

domestic unit, irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a *household* with the victim;

Amendment 101

Proposal for a directive Article 4 – paragraph 1 – point f

Text proposed by the Commission

(f) “*providers* of intermediary services” means *providers of the* services as defined in Article 2 point (f) of Regulation (EU) *YYYY/XXX* of the European Parliament and of the Council¹⁷ [*Regulation on a Single Market for Digital Services*];

¹⁷ Regulation (EU) *YYYY/XXX* of the European Parliament and of the Council on a Single Market for Digital Services (OJ L ...).

Amendment

(f) “*provider* of intermediary services” means *a provider of an intermediary* services as defined in Article 3, point (f), of Regulation (EU) *2022/2065* of the European Parliament and of the Council¹⁷;

¹⁷ Regulation (EU) *2022/2065* of the European Parliament and of the Council of *19 October 2022* on a Single Market for Digital Services *and amending Directive 2000/31/EC (Digital Services Act)* (OJ L 277, 27.10.2022, p.1).

Amendment 102

Proposal for a directive Article 4 – paragraph 1 – point g

Text proposed by the Commission

(g) “sexual harassment *at* work” means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, where it occurs in the course of, linked with, or arising in matters of employment, occupation *and* self-employment, with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment;

Amendment

(g) “sexual harassment *in the world of* work” means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, where it occurs in the course of, linked with, or arising in matters of employment, occupation, self-employment, *informal and undocumented work, job seeking or training, including in public and private work spaces, places where the worker is paid, takes a rest, break or a meal, or uses sanitary, washing or changing facilities, during work-related*

trips, travel, training, events or social activities, through work-related communications, including those enabled by information and communication technologies, in employer-provided accommodation, or when commuting to and from work, with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, including where a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for job-related decisions;

Amendment 103

Proposal for a directive Article 5 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form a free will due to her physical or mental condition, thereby exploiting her incapacity to form a free will, such as in a state of unconsciousness, intoxication, sleep, illness, bodily injury or disability.

Amendment

2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form a free will due to her physical or mental condition, thereby exploiting her incapacity to form a free will, such as in a state of **fear, intimidation**, unconsciousness, intoxication, sleep, illness, bodily injury or disability **or in an otherwise particularly vulnerable situation**.

Amendment 104

Proposal for a directive Article 5 – paragraph 3

Text proposed by the Commission

3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted **exclusively** by the woman's silence, verbal or physical

Amendment

3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted by the woman's silence, verbal or physical non-resistance or past sexual conduct **or existing or past**

non-resistance or past sexual conduct.

relationship with the offender including marital or any other partnership status. Consent shall be given voluntarily as the result of free will and it shall be assessed in the context of the surrounding circumstances;

Amendment 105

Proposal for a directive Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Sexual assault

1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:

(a) engaging with a woman in any non-consensual act of a sexual nature, other than acts as referred to in Article 5(1), point (a);

(b) causing a woman to engage with another person in any non-consensual act of a sexual nature, other than acts as referred to in Article 5(1), point (b);

2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form free will due to her physical or mental condition, and her incapacity to form free will is exploited, such as being in a state of fear, intimidation, unconsciousness, intoxication, sleep, illness, bodily injury or disability or being in an otherwise particularly vulnerable situation;

3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted by the woman's silence, verbal or physical non-resistance or past sexual conduct or existing or past relationship with the offender, including

marital or any other partnership status. Consent shall be given voluntarily as the result of free will and it shall be assessed in the context of the surrounding circumstances.

Amendment 106

Proposal for a directive Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Intersex genital mutilation

1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:

(a) performing any medically unnecessary surgical or medical procedure or hormonal treatment on the sex characteristics of a healthy woman or child born with variations of sex characteristics, without obtaining prior and informed consent and without the woman or child understanding the procedure or treatment, with the purpose or effect of altering those sex characteristics to align them with sex characteristics considered typically female or male;

(b) coercing a healthy woman or child to undergo a procedure or treatment as referred to in point (a).

2. Member States shall ensure that the prior and informed consent of a woman or child to undergo a procedure or treatment as referred to in paragraph 1 cannot be substituted by the consent of the woman or child's legal guardian.

Amendment 107

Proposal for a directive Article 6 b (new)

Text proposed by the Commission

Amendment

Article 6b

Forced sterilisation

1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:

(a) performing surgery which has the purpose or effect of terminating a woman or child's ability to naturally reproduce without obtaining prior and informed consent and without the woman or child understanding the procedure, including as a prerequisite for other medical procedures;

(b) coercing or procuring a woman or a child to undergo the surgery referred to in point (a).

2. Member States shall ensure that the prior and informed consent of a woman or child to undergo the procedure referred to in paragraph 1, point (a), cannot be substituted by the consent of the woman or child's legal guardian.

Amendment 108

**Proposal for a directive
Article 6 c (new)**

Text proposed by the Commission

Amendment

Article 6c

Forced marriage

Member States shall ensure that the following intentional conduct is punishable as a criminal offence:

(a) forcing a woman or a child to enter into a marriage;

(b) luring a woman or child to the territory of a country other than the one in which the woman or child resides in order to force that person to enter into a

marriage.

Amendment 109

Proposal for a directive Article 6 d (new)

Text proposed by the Commission

Amendment

Article 6d

Sexual harassment in the world of work

Member States shall ensure that intentionally committing sexual harassment in the world of work is punishable as a criminal offence.

Amendment 110

Proposal for a directive Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) making intimate *images, or videos or other* material *depicting sexual activities*, of another person without that person's consent accessible to *a multitude of* end-users by means of information and communication technologies;

(a) making intimate material of another person without that person's consent accessible to *other* end-users by means of information and communication technologies;

Amendment 111

Proposal for a directive Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) producing or manipulating and subsequently making accessible to *a multitude of* end-users, by means of information and communication technologies, *images, videos* or other material, *making* it appear as though another person is engaged in sexual

(b) producing or manipulating and subsequently making accessible to *other* end-users, by means of information and communication technologies, *intimate material* or other material *to make* it appear as though another person is engaged in sexual activities, without that person's

activities, without that person's consent;

consent;

Amendment 112

Proposal for a directive

Article 7 – paragraph 1 – point c

Text proposed by the Commission

(c) threatening to engage in the conduct referred to in points (a) **and (b) in order to coerce another person to do, acquiesce or refrain from a certain act.**

Amendment

(c) threatening to engage in the conduct referred to in points (a) **or (b);**

Amendment 113

Proposal for a directive

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

For the purposes of this Article, the term 'intimate material' shall be understood as including images, photographs and video recordings of a private or personal nature and of a sexual or nude nature.

Amendment 114

Proposal for a directive

Article 8 – paragraph 1 – point c

Text proposed by the Commission

(c) making material containing the personal data of another person, without that person's consent, accessible to **a multitude of** end-users, by means of information and communication technologies, for the purpose of inciting **those end-users** to cause physical **or significant** psychological harm to **the** person.

Amendment

(c) making material containing **or revealing** the personal data of another person, without that person's consent, accessible to **other** end-users, by means of information and communication technologies, for the purpose of inciting **others** to cause physical, psychological **or economic** harm to **that** person.

Amendment 115

Proposal for a directive Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) initiating an attack **with third parties** directed at another person, by making threatening or **insulting** material accessible to **a multitude of** end-users, by means of information and communication technologies, with the effect of causing **significant** psychological harm to the attacked person;

Amendment

(a) initiating an attack directed at another person, by making threatening or **abusive** material accessible to **other** end-users, by means of information and communication technologies, with the effect of causing psychological **or economic** harm to the attacked person.

Amendment 116

Proposal for a directive Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) participating **with third parties** in attacks referred to in point (a).

Amendment

(b) participating in attacks **as** referred to in point (a).

Amendment 117

Proposal for a directive Article 9 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the unsolicited sending, by means of information and communication technologies, of an image, video or other material depicting genitals to a person with the effect of causing psychological harm to that person.

Amendment 118

Proposal for a directive Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that the intentional conduct of inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to **sex or** gender, by disseminating to the public material containing such incitement by means of information and communication technologies is punishable as a criminal offence.

Amendment

Member States shall ensure that the intentional conduct of inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to **sexual orientation, gender expression, gender identity or, sex characteristics**, by disseminating to the public material containing such incitement by means of information and communication technologies, is punishable as a criminal offence.

Amendment 119

**Proposal for a directive
Article 11 – paragraph 2**

Text proposed by the Commission

2. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles 5 **and 6 is** punishable as a criminal offence.

Amendment

2. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles 5, **5a, 6, 6a, 6b and 6c are** punishable as a criminal offence.

Amendment 120

**Proposal for a directive
Article 12 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Member States shall ensure that the criminal offence referred to in Article 5a is punishable by a maximum penalty of at least three years of imprisonment and at least five years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13;

Amendment 121

Proposal for a directive
Article 12 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall ensure that the criminal offences referred to in Article 6d is punishable by a maximum penalty of at least one year of imprisonment.

Amendment 122

Proposal for a directive
Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that an offender of the criminal offence referred to in Article 5, **who has previously been convicted of offences of the same nature**, mandatorily participates in an intervention programme referred to in Article 38.

3. Member States shall ensure that an offender of the criminal offence referred to in Article 5 mandatorily participates in an intervention programme referred to in Article 38 **without delay after conviction;**

Amendment 123

Proposal for a directive
Article 12 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that the criminal **offence** referred to in Article 6 **is** punishable by a maximum penalty of at least 5 years of imprisonment and at least 7 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.

4. Member States shall ensure that the criminal **offences** referred to in Article 6, **6a, 6b and 6c are** punishable by a maximum penalty of at least 5 years of imprisonment and at least 7 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.

Amendment 124

Proposal for a directive
Article 13 – paragraph 1 – point b

Text proposed by the Commission

(b) the offence was committed against a person made vulnerable by particular circumstances, such as a situation of dependence or a state of physical, mental, intellectual or sensory disability, or living in institutions;

Amendment

(b) the offence was committed against a person made vulnerable by particular circumstances, such as ***residence status, pregnancy***, a situation of dependence or a state of physical, mental, intellectual or sensory disability ***or distress, being a victim of trafficking*** or living in institutions, ***including retirement homes, children's homes, reception centres, detention facilities or accommodation centres for asylum seekers***;

Amendment 125

**Proposal for a directive
Article 13 – paragraph 1 – point f**

Text proposed by the Commission

(f) the offence was preceded or accompanied by extreme levels of violence;

Amendment

(f) the offence was preceded or accompanied by extreme levels of violence ***or particularly inhuman, degrading or humiliating acts***;

Amendment 126

**Proposal for a directive
Article 13 – paragraph 1 – point i**

Text proposed by the Commission

(i) the offence resulted in the death or suicide of the victim or severe physical or psychological harm for the victim;

Amendment

(i) the offence resulted in the death or suicide of the victim or severe physical or psychological harm for the victim ***or dependants***;

Amendment 127

**Proposal for a directive
Article 13 – paragraph 1 – point j**

Text proposed by the Commission

(j) the offender has previously been convicted of offences of ***the same*** nature;

Amendment

(j) the offender has previously been convicted of offences of ***a similar*** nature;

Amendment 128

Proposal for a directive

Article 13 – paragraph 1 – point o a (new)

Text proposed by the Commission

Amendment

(oa) the offence was committed against a public representative, a journalist or a human rights defender;

Amendment 129

Proposal for a directive

Article 13 – paragraph 1 – point o b (new)

Text proposed by the Commission

Amendment

(ob) the offence brought profit or gain or had the intention of bringing profit or gain;

Amendment 130

Proposal for a directive

Article 13 – paragraph 1 – point o c (new)

Text proposed by the Commission

Amendment

(oc) the intention of the crime was to preserve or restore the so-called “honour” of a person, a family, a community or another similar group;

Amendment 131

Proposal for a directive

Article 13 – paragraph 1 – point o d (new)

Text proposed by the Commission

Amendment

(od) the intention of the crime was to punish victims for their sexual orientation, gender expression, gender identity, sex characteristics, skin colour, religion, social origin or political beliefs.

Amendment 132

Proposal for a directive

Article 14 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. A Member ***State*** shall ***inform the Commission where it decides to extend its jurisdiction to*** criminal offences referred to in Articles 5 ***to 11*** which have been committed outside its territory in any of the following situations:

2. Member ***States*** shall ***take the necessary measures to establish their jurisdiction over*** criminal offences referred to in Articles 5 ***and 6*** which have been committed outside its territory in any of the following situations:

Amendment 133

Proposal for a directive

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall inform the Commission where they decide to establish their jurisdiction over criminal offences as referred to in Article 5a and Articles 6a to 11 which have been committed outside its territory and which have been committed either:

(a) against their nationals or habitual residents in their territory; or

(b) by offenders who are habitual residents in their territory.

Amendment 134

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in **Article 5** of at least 20 years from the time when the offence was committed.

Amendment

2. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in **Articles 5 and 6** of at least 20 years from the time when the offence was committed;

Amendment 135

Proposal for a directive
Article 15 – paragraph 3

Text proposed by the Commission

3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in **Article 6** of at least 10 years from the time when the offence was committed.

Amendment

3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in **Articles 5a, 6a, 6b and 6c** of at least 10 years from the time when the offence was committed;

Amendment 136

Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Articles 7 and 9 of at least 5 years after the criminal offence has ceased or the victim has become aware of it.

Amendment

4. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Articles **6d**, 7 and 9 of at least 5 years after the criminal offence has ceased or the victim has become aware of it.

Amendment 137

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, Member States shall ensure that victims can report criminal offences of violence against women or domestic violence to the competent authorities in an easy and accessible manner. This shall include the possibility of reporting criminal offences online or through other information and communication technologies, including the possibility to submit evidence, in particular concerning reporting of criminal offences of cyber violence.

Amendment

1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, Member States shall ensure that victims can report criminal offences of violence against women or domestic violence to the competent authorities in an easy, **safe** and accessible manner, **with due regard for their privacy**. This shall include the possibility of reporting criminal offences online or through other **accessible and secure** information and communication technologies, including the possibility to submit evidence, in particular concerning reporting of criminal offences of cyber violence;

Amendment 138

**Proposal for a directive
Article 16 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. Member States shall ensure that victims have access to legal aid and assistance, free of charge and in a language they can understand, when reporting criminal offences and during judicial proceedings;

Amendment 139

**Proposal for a directive
Article 16 – paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. Member States shall ensure that the competent authorities take all the necessary measures to ensure that all evidence is secured from the earliest possible moment, including by appropriate technical means.

Amendment 140

Proposal for a directive

Article 16 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Member States shall ensure that victims are referred to a specialised contact person within the competent authority irrespective of whether a criminal complaint is filed.

Amendment 141

Proposal for a directive

Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that offences of violence against women or domestic violence have occurred, or that further acts of violence are to be expected, to report this to the competent authorities.

2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that offences of violence against women or domestic violence have occurred, or that further acts of violence are to be expected, to report this to the competent authorities ***without fearing negative consequences.***

Amendment 142

Proposal for a directive

Article 16 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that the confidentiality rules imposed by national law on relevant professionals, such as healthcare professionals, do not constitute an obstacle to their reporting to the competent authorities if they have reasonable grounds to believe that there is ***an imminent*** risk that ***serious*** physical

3. Member States shall ensure that the confidentiality rules imposed by national law on relevant professionals, such as healthcare ***and education*** professionals, do not constitute an obstacle to their reporting to the competent authorities if they have reasonable grounds to believe that there is ***a serious*** risk that physical ***or***

harm will be inflicted on a person due to their being subject to any of the offences covered under this Directive. If the victim is a child, the relevant professionals shall be able to report to the competent authorities if they have reasonable grounds to believe that **a serious** act of violence covered under this Directive has been committed or further **serious** acts of violence are to be expected.

psychological harm will be inflicted on a person due to their being subject to any of the offences covered under this Directive. If the victim is a child, the relevant professionals shall be able to report to the competent authorities if they have reasonable grounds to believe that **an** act of violence covered under this Directive has been committed or further acts of violence are to be expected.

Amendment 143

Proposal for a directive Article 16 – paragraph 4

Text proposed by the Commission

4. Where children report criminal offences of violence against women or domestic violence, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and language, in accordance with their age and maturity. **If the offence involves the holder of parental responsibility**, Member States **should** ensure reporting is not conditional upon **this person's** consent.

Amendment

4. Where children report criminal offences of violence against women or domestic violence, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and language, in accordance with their age and maturity. **Member States shall ensure that professionals trained to work with children assist in reporting procedures to ensure that they are in the best interests of the child.** Member States **shall** ensure that reporting is not conditional upon **parental** consent **and that there is no obligation on the competent authorities to immediately inform a holder of parental responsibility of the reporting.**

Amendment 144

Proposal for a directive Article 16 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that the competent authorities coming in contact with a victim reporting offences of violence against women or domestic

Amendment

5. Member States shall ensure that the competent authorities **and other services** coming in contact with a victim reporting offences of violence against women or

violence are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, *at least until completion of the first individual assessment referred to in Article 18.*

domestic violence are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities ;

Amendment 145

Proposal for a directive Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that persons, units or services investigating and prosecuting violence against women or domestic violence have sufficient expertise and effective investigative tools to effectively investigate and prosecute such crimes, especially to gather, analyse and secure electronic evidence in cases of cyber violence.

Amendment

1. Member States shall ensure that persons, units or services investigating and prosecuting violence against women or domestic violence have sufficient, **and specialised** expertise and effective investigative tools to effectively investigate and prosecute such crimes, especially to gather, analyse and secure electronic evidence in cases of cyber violence.

Amendment 146

Proposal for a directive Article 17 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that reported offences of violence against women or domestic violence are processed and transferred without delay to the competent authorities for **prosecution and** investigation.

Amendment

2. Member States shall ensure that reported offences of violence against women or domestic violence are processed and transferred without delay to the competent authorities for **the purpose of adopting protection measures and for the purposes of** investigation **and prosecution.**

Amendment 147

Proposal for a directive Article 17 – paragraph 3

Text proposed by the Commission

3. The competent authorities shall promptly and effectively record and investigate allegations of violence against women or domestic violence and ensure that an ***official complaint is filed*** in all cases.

Amendment

3. The competent authorities shall promptly and effectively record and investigate allegations of violence against women or domestic violence and ensure that an ***administrative record is kept*** in all cases ***and that evidence is preserved, whether or not the investigation proceeds.***

Amendment 148

**Proposal for a directive
Article 17 – paragraph 4**

Text proposed by the Commission

4. The competent authorities shall promptly refer victims to relevant health care professionals or support services referred to in Articles 27, 28 ***and 29*** to assist in securing evidence, in particular in cases of sexual violence, ***where the victim wishes to bring charges and make use of such services.***

Amendment

4. The competent authorities shall promptly refer victims to relevant health care professionals or ***specialist*** support services referred to in Articles 27, 28, ***29 and 29a*** to assist in securing evidence, in particular in cases of sexual violence. ***The competent authorities shall ensure that victims are informed of the importance of collecting evidence at the earliest possible time;***

Amendment 149

**Proposal for a directive
Article 17 – paragraph 5**

Text proposed by the Commission

5. Investigations into or prosecution of offences referred to in ***Article 5*** shall not be dependent on reporting or accusation by a victim or by their representative, and criminal proceedings shall continue even if the report or accusation has been withdrawn.

Amendment

5. Investigations into or prosecution of offences referred to in ***Articles 5, 6, and 6c*** shall not be dependent on reporting or accusation by a victim or by their representative, and criminal proceedings shall continue even if the report or accusation has been withdrawn.

Amendment 150

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

1. In the framework of the individual assessment which is to be carried out under Article 22 of Directive 2012/29/EU, Member States shall ensure that, as regards victims covered by this Directive, the additional elements as set out in paragraphs 2 to 7 of this Article are assessed.

Amendment

1. In the framework of the individual assessment which is to be carried out under Article 22 of Directive 2012/29/EU, Member States shall ensure that, as regards victims covered by this Directive, the additional elements as set out in paragraphs 2 to 7 of this Article are assessed (***the ‘specialised individual assessment’***).

Amendment 151

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

2. ***This*** individual assessment shall be initiated upon the first contact of the victim with the competent authorities. The competent judicial authorities shall verify at the latest at the initiation of criminal proceedings whether an assessment has been conducted. If this has not been the case, they shall remedy the situation by undertaking ***an*** assessment ***as soon as possible***.

Amendment

2. ***The specialised*** individual assessment shall be initiated ***without delay*** upon the first contact of the victim with the competent authorities ***and shall be carried out by professionals with expertise in this area***. The competent judicial authorities shall verify ***in a timely manner and*** at the latest at the initiation of criminal proceedings whether ***such*** an assessment has been conducted. If this has not been the case, they shall remedy the situation by undertaking ***a specialised individual*** assessment.

Amendment 152

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. The individual assessment shall focus on the risk emanating from the offender or suspect, including the risk of repeated violence, the risk of bodily ***harm, the*** use of weapons, the offender or suspect living

Amendment

3. The ***specialised*** individual assessment shall focus on the risk emanating from the offender or suspect, including the risk of repeated violence, the ***degree of control exercised by the***

with the victim, an offender or suspect's drug or alcohol misuse, child abuse, mental health issues or behaviour of stalking.

offender or suspect over the victim and its potential effect on the preservation of evidence, the risk of bodily or psychological harm, the possible use of and access to weapons, the offender or suspect living with the victim, an offender or suspect's drug or alcohol misuse, child abuse, mental health issues, including the risk of suicide, or behaviour of stalking.

Amendment 153

Proposal for a directive Article 18 – paragraph 4

Text proposed by the Commission

4. The assessment shall take into account the victim's individual circumstances, including whether they experience discrimination based on a combination of sex and other grounds and therefore face a heightened risk of violence, *as well as* the victim's own account and assessment of the situation. It shall be conducted in the best interest of the victim, paying special attention to the need to avoid secondary or repeated victimisation.

Amendment

4. The *specialised individual* assessment shall take into account the victim's individual circumstances, including whether they experience discrimination based on a combination of sex, *gender* and other grounds *as referred to in Article 35(1)* and therefore face a heightened risk of violence. *Circumstances requiring special attention shall include the fact that the victim is pregnant, the victim's dependence on or relationship to the offender, the risk of the victim returning to the offender or suspect, recent separation from an offender or suspect, the possible risk that children and companion animals are used to exercise control over the victim and the risks for victims with disabilities. Special attention shall also be given to* the victim's own account and assessment of the situation. It shall be conducted in the best interest of the victim, paying special attention to the need to avoid secondary or repeated victimisation.

Amendment 154

Proposal for a directive Article 18 – paragraph 5 – introductory part

Text proposed by the Commission

5. Member States shall ensure that adequate protection measures are taken on the basis of the individual assessment, such as:

Amendment

5. Member States shall ensure that adequate protection measures are taken on the basis of the **specialised** individual assessment, such as:

Amendment 155

**Proposal for a directive
Article 18 – paragraph 5 – point b**

Text proposed by the Commission

(b) the granting of emergency barring and restraining or protection orders pursuant to Article 21 of this Directive;

Amendment

(b) the granting of emergency barring and restraining or protection orders **and the use of arrest and detention** pursuant to Article 21 of this Directive;

Amendment 156

**Proposal for a directive
Article 18 – paragraph 6**

Text proposed by the Commission

6. The individual assessment shall be undertaken in collaboration with all relevant competent authorities depending on the stage of the proceedings, and relevant support services, such as victim protection centres **and** women's shelters, social services **and** healthcare professionals.

Amendment

6. The **specialised** individual assessment shall be undertaken in collaboration with all relevant competent authorities depending on the stage of the proceedings and relevant support services, such as victim protection centres, women's **and children's specialised services**, shelters, social services, **child protection or welfare services**, healthcare professionals, **specialist support services for LGBTIQ victims and other relevant stakeholders**.

Amendment 157

**Proposal for a directive
Article 18 – paragraph 7**

Text proposed by the Commission

7. Competent authorities shall update the individual assessment at regular intervals to ensure the protection measures relate to the victim's current situation. **This** shall include an **assessment** of whether protection measures, in particular under Article 21, need to be adapted or taken.

Amendment

7. Competent authorities shall update the **specialised** individual assessment at regular intervals, **including during important junctures in the case and where custody or rights of access are altered**, to ensure the protection measures relate to the victim's current situation. **The specialised individual assessment** shall include an **evaluation** of whether protection measures, in particular under Article 21, need to be adapted or taken.

Amendment 158

**Proposal for a directive
Article 18 – paragraph 8**

Text proposed by the Commission

8. Victims' dependants shall be presumed to have specific protection needs without undergoing **the** assessment **referred to in paragraphs 1 to 6**.

Amendment

8. Victims' dependants shall be presumed to have specific protection needs without undergoing **a specialised individual** assessment.

Amendment 159

**Proposal for a directive
Article 19 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that, taking into account the individual assessment **referred to in Article 18**, the competent authorities assess the victim's and their dependant's individual needs for support as provided for under Chapter 4.

Amendment

1. Member States shall ensure that, taking into account the **specialised** individual assessment, the competent authorities **regularly** assess the victim's and their dependant's individual needs for support as provided for under Chapter 4 **(the 'individual assessment of victims' support needs')**.

Amendment 160

Proposal for a directive
Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The individual assessment of victims' support needs and the provision of support services shall not depend on a victim reporting the criminal offence.

Amendment 161

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

Amendment

2. Article 18(4) and (7) shall apply to the individual assessment of support needs **under paragraph 1 of this Article.**

2. Article 18(4), **(6)** and (7) shall apply **mutatis mutandis** to the individual assessment of **victims'** support needs.

Amendment 162

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission

Amendment

1. If the **assessments referred to in Articles 18 and 19** have identified specific **support or** protection needs or if the victim requests support, Member States shall ensure that support services contact victims to offer support.

1. If the **specialised individual assessment and individual assessment of victims' support needs** have identified specific protection **or support** needs or if the victim requests support, Member States shall ensure that support services, **including women's specialist support services**, contact victims to offer support, **with due regard for their safety.**

Amendment 163

Proposal for a directive
Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. The competent authorities shall

2. The competent authorities shall

respond to requests for protection and support in a **timely and** coordinated manner.

respond to requests for protection and support, **including medical care, without delay and** in a coordinated manner.

Amendment 164

Proposal for a directive Article 20 – paragraph 3

Text proposed by the Commission

3. Where needed, **they** shall **be able to** refer child victims, including witnesses, to support services without the prior consent of **the** holder of parental responsibility.

Amendment

3. Where needed, **Member States** shall **ensure that the competent authorities can** refer child victims, including witnesses, to **specialist** support services without the prior consent of **a** holder of parental responsibility.

Amendment 165

Proposal for a directive Article 21 – title

Text proposed by the Commission

Emergency barring, restraining and protection orders

Amendment

Emergency barring, restraining and protection orders, **arrest and detention**

Amendment 166

Proposal for a directive Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that, in situations of **immediate** danger for the victim's or their dependant's health or safety, the competent authorities issue orders addressed at an offender or suspect of violence covered by this Directive to vacate the residence of the victim or their dependants for a sufficient period of time and to prohibit the offender or suspect from entering **the** residence or **to enter** the victim's workplace or contacting the victim

Amendment

1. Member States shall ensure that, in situations of danger for the victim's or their dependant's health or safety, the competent authorities issue orders **without delay** addressed at an offender or suspect of violence covered by this Directive to vacate the residence of the victim or their dependants for a sufficient period of time and to prohibit the offender or suspect from entering, **or coming closer than a prescribed distance from, that** residence or

or their dependants in any way. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence.

the victim's workplace or **from** contacting the victim, their dependants **or their workplace** in any way. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence. ***Such orders may be complementary to orders as set out in paragraphs 2 and 2a.***

Amendment 167

Proposal for a directive Article 21 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure the use of electronic monitoring or other supervision measures to ensure the enforcement of the orders referred to in paragraphs 1 and 2 and to increase the victim's protection.

Amendment 168

Proposal for a directive Article 21 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall ensure that the competent authorities consider ordering, without delay, the arrest and detention of a suspect in situations where there is immediate danger for the victim or the dependants or for the purposes of preserving evidence.

Amendment 169

Proposal for a directive Article 21 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Member States shall ensure that emergency barring, restraining or protection orders are not used as a substitute for arrest and detention where there is a risk of repeated and severe violence against a victim or dependents.

Amendment 170

**Proposal for a directive
Article 21 – paragraph 2 d (new)**

Text proposed by the Commission

Amendment

2d. Where an offender is subject to detention, the competent authorities shall ensure that the victim is informed when the offender is released.

Amendment 171

**Proposal for a directive
Article 21 – paragraph 4**

Text proposed by the Commission

Amendment

4. Any breaches of emergency barring or restraining and protection orders shall be subject to effective, proportionate and dissuasive criminal or other legal penalties.

4. Any breaches of emergency barring or restraining and protection orders shall be subject to effective, proportionate and dissuasive criminal or other legal penalties. ***Member States shall ensure that victims are informed of any breach of such orders. Member States shall ensure that, where such an order has been breached, the competent authorities immediately assesses the possible risk of imminent harm and takes the necessary protection measures.***

Amendment 172

**Proposal for a directive
Article 21 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. Member States shall ensure that in situations in which barring, restraining or protection orders are issued, perpetrators are informed of specialised programmes addressing gender-based violence.

Amendment 173

Proposal for a directive

Article 23 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall issue guidelines for the competent authorities acting in criminal proceedings, including prosecutorial and judicial guidelines, concerning cases of violence against women or domestic violence. Those guidelines shall include guidance on:

Member States shall issue **specialised** guidelines for the competent authorities acting in criminal **and, where relevant, civil proceedings, such as custody** proceedings, including prosecutorial and judicial guidelines, concerning cases of violence against women or domestic violence. Those guidelines shall **be gender sensitive and shall** include guidance on:

Amendment 174

Proposal for a directive

Article 23 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) how to ensure the proper identification of all forms of such violence;

(a) how to ensure the proper identification of all forms of such violence **and the gathering and preservation of relevant evidence, including online evidence;**

Amendment 175

Proposal for a directive

Article 23 – paragraph 1 – point b

Text proposed by the Commission

(b) how to conduct the individual assessment ***under Articles 18 and 19***;

Amendment

(b) how to conduct the ***specialised individual assessment and individual assessment of victims' support needs, including how frequently such assessments are to be updated***;

Amendment 176

Proposal for a directive

Article 23 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) how to obtain, without delay, emergency barring, restraining or protection orders, including those with immediate effect;

Amendment 177

Proposal for a directive

Article 23 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) how to treat victims in a trauma-, gender- and child-sensitive manner;

(c) how to treat victims in a trauma-, gender-, ***disability*** and child-sensitive manner ***and how to ensure the child's right to be heard and the best interests of the child***;

Amendment 178

Proposal for a directive

Article 23 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) how to ensure the proceedings are conducted in a manner as to prevent secondary or repeat victimisation;

(d) how to ensure ***that victims are treated in a respectful way and that*** the proceedings are conducted in ***such*** a manner as to prevent secondary or repeat

victimisation;

Amendment 179

Proposal for a directive

Article 23 – paragraph 1 – point e

Text proposed by the Commission

(e) how to cater to the enhanced protection and support needs of victims experiencing discrimination based on a combination of sex and other grounds;

Amendment

(e) how to cater to the enhanced protection, **medical** and support needs of victims experiencing **intersectional** discrimination based on a combination of sex, **gender** and other grounds **as referred to in Article 35 (1)**;

Amendment 180

Proposal for a directive

Article 23 – paragraph 1 – point f

Text proposed by the Commission

(f) how to avoid gender stereotypes;

Amendment

(f) how to **identify and** avoid gender stereotypes;

Amendment 181

Proposal for a directive

Article 23 – paragraph 1 – point g

Text proposed by the Commission

(g) how to refer victims to support services, to ensure the appropriate treatment of victims and handling of cases of violence against women or domestic violence.

Amendment

(g) how to refer victims to **specialist** support **services, including medical** services, to ensure the appropriate treatment of victims and handling, of cases of violence against women or domestic violence **without delay**;

Amendment 182

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The guidelines referred to in the first paragraph shall be reviewed and updated at regular intervals, having regard to the way that they apply in practice, in consultation and cooperation with specialist services, including women's specialist support services.

Amendment 183

Proposal for a directive Article 24 – title

Text proposed by the Commission

Amendment

Role of national bodies and equality bodies

Role of national bodies and equality bodies
and other specialised relevant actors

Amendment 184

Proposal for a directive Article 24 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall designate and make the necessary arrangement for a body or bodies to carry out the following tasks:

Member States shall designate and make the necessary arrangement for a body or bodies ***or other specialised relevant actors*** to carry out the following tasks:

Amendment 185

Proposal for a directive Article 24 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) publish independent reports and make recommendations on any issue relating to such forms of violence;

(b) publish independent reports and make recommendations on any issue relating to such forms of violence,
including gathering existing best practice;

Amendment 186

Proposal for a directive

Article 24 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) exchange available information with corresponding European bodies such as the European Institute for Gender Equality.

Amendment

(c) **support data collection and** exchange available information with corresponding European bodies such as the European Institute for Gender Equality;

Amendment 187

Proposal for a directive

Article 24 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the bodies referred to in paragraph 1 can act on behalf or in support of one or several victims of violence against women or domestic violence in judicial proceedings, including for the application for compensation referred to in Article 26 and removal of online content referred to in Article 25, with the victims' approval.

Amendment

2. Member States shall ensure that the bodies **or other specialised relevant actors** referred to in paragraph 1 can act on behalf or in support of one or several victims of violence against women or domestic violence in judicial proceedings, including for the application for compensation referred to in Article 26 and removal of online content referred to in Article 25, with the victims' approval.

Amendment 188

Proposal for a directive

Article 25 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure the prompt removal of material referred to in Article 7, points (a) and (b), Article 8, **point (c), and** Articles 9 and 10. Those measures shall include the possibility for their competent judicial authorities to issue, upon application by the victim, binding legal orders to remove or disable access to such material addressed to relevant providers of

Amendment

1. Member States shall take the necessary measures to ensure the prompt removal of **or the disabling of access to,** material referred to in Article 7, points (a) and (b), Article 8, **points (a) and (c),** Articles 9 and 10 **which is publicly accessible online.** Those measures shall include the possibility for their competent judicial authorities to issue, upon application by the victim, binding legal

intermediary services.

orders to remove or disable access to such material addressed to relevant providers of intermediary services.

Amendment 189

Proposal for a directive Article 25 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall ensure that orders referred to in *paragraph 1* can be issued in interim proceedings, even prior to the termination of any criminal proceedings regarding the offences referred to in Article 7, points (a) and (b), Article 8, *point (c)*, Article 9 or Article 10 where the judicial authority seized considers that:

Amendment

2. Member States shall ensure that orders *to disable access to material* referred to in *Article 7, point (a) or (b), Article 8, point (a) or (c), or Article 9 or 10* can be issued in interim proceedings, even prior to the termination of any criminal proceedings regarding the offences referred to in Article 7, points (a) and (b), Article 8, *points (a) and (c)*, Article 9 or Article 10 where the judicial authority seized considers that:

Amendment 190

Proposal for a directive Article 25 – paragraph 2 – point a

Text proposed by the Commission

(a) it has been presented with sufficient evidence to justify the conclusion that the conduct referred to in Article 7, points (a) and (b), Article 8, *point (c)*, Article 9 or Article 10 likely took place in respect of the applicant and that the material that is the object of the application constitutes material as referred to in those articles;

Amendment

(a) it has been presented with sufficient evidence to justify the conclusion that the conduct referred to in Article 7, points (a) and (b), Article 8, *points (a) and (c)*, Article 9 or Article 10 likely took place in respect of the applicant and that the material that is the object of the application constitutes material as referred to in those articles;

Amendment 191

Proposal for a directive Article 25 – paragraph 2 – point b

Text proposed by the Commission

(b) the removal **of** that material is necessary to prevent or limit significant harm to the victim;

Amendment

(b) the removal **or disabling of access to** that material is necessary to prevent or limit significant harm to the victim;

Amendment 192

**Proposal for a directive
Article 25 – paragraph 3**

Text proposed by the Commission

3. Member States shall ensure that orders referred to in paragraph 1 and 2 are valid for an appropriate time period not exceeding one year, subject to renewal for an additional appropriate time period, upon application by the victim, where the judicial authority seized considers that the conditions of paragraph 2 continue to be met. However, Member States shall ensure that, where criminal proceedings regarding the offences referred to in Article 7, **point** (a) and (b), Article 8, point (c), Article 9 or Article 10 are terminated without leading to the finding of such an offence having been committed, the orders are invalidated and the provider of intermediary services concerned is informed thereof.

Amendment

3. Member States shall ensure that orders referred to in paragraph 1 and 2 are valid for an appropriate time period not exceeding one year, subject to renewal for an additional appropriate time period, upon application by the victim, where the judicial authority seized considers that the conditions of paragraph 2 continue to be met. However, Member States shall ensure that, where criminal proceedings regarding the offences referred to in Article 7, **points** (a) and (b), Article 8, **point (a), and, where it concerns publicly available material,** point (c), Article 9 or Article 10 are terminated without leading to the finding of such an offence having been committed, the orders are invalidated and the provider of intermediary services concerned is informed thereof. **Member States shall ensure that, where criminal proceedings regarding the offences referred to in Article 7, point (a) or (b), Article 8, point (a) or (c), Article 9 or Article 10 conclude with a finding that such an offence has been committed, the orders referred to in paragraphs 1 and 2 of this Article become permanent.**

Amendment 193

**Proposal for a directive
Article 25 – paragraph 4**

Text proposed by the Commission

4. Member States shall ensure that the orders and other measures referred to in paragraphs 1 and 2 are taken following transparent procedures and are subject to adequate safeguards, in particular to ensure that those orders and other measures are limited to what is necessary and proportionate and that due account is taken of the rights and interests of all parties involved.

Amendment

4. Member States shall ensure that the orders and other measures referred to in paragraphs 1 and 2 are taken following transparent procedures and are subject to adequate safeguards, in particular to ensure that those orders and other measures are limited to what is necessary and proportionate and that due account is taken of the rights and interests of all parties involved, ***including their fundamental rights in accordance with the Charter.***

Amendment 194

**Proposal for a directive
Article 25 – paragraph 5**

Text proposed by the Commission

5. Member States shall ensure that the ***end-users*** of the relevant services ***are*** informed, where appropriate by the intermediary service providers concerned, of the reasons for the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 and that those end-users have access to judicial redress.

Amendment

5. Member States shall ensure that the ***end-user*** of the relevant services ***who made the material subject to a judicial order available online is*** informed, where appropriate by the intermediary service providers concerned, of the reasons for the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 and that those end-users have access to judicial redress.

Amendment 195

**Proposal for a directive
Article 25 – paragraph 6**

Text proposed by the Commission

6. Member States shall ensure that the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 does not prevent the competent authorities from obtaining or securing the evidence

Amendment

6. Member States shall ***ensure that evidence is obtained and secured without undue delay after the offence is reported. Member States shall take the necessary measures to*** ensure that the removal of or disabling access to the material pursuant to

necessary for the investigation and prosecution of the offences referred to in **Article 7**, points (a) and (b), Article 8, point (c), Article 9 or Article 10.

the orders or other measures referred to in paragraphs 1 and 2 does not prevent the competent authorities from obtaining or securing the evidence necessary for the investigation and prosecution of the offences referred to in **Article 7**, points (a) and (b), Article 8, point (a), **and, where it concerns publicly available material, point (c)**, Article 9 or Article 10.

Amendment 196

Proposal for a directive Article 26 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that victims have the right to claim full compensation from offenders for damages resulting from all forms of violence against women or domestic violence.

Amendment

1. Member States shall ensure that victims have the right to claim full compensation from offenders for damages resulting from all forms of violence against women or domestic violence. **Member States shall ensure that where offenders do not abide by the decision to pay compensation to the victim within the agreed timeframe, the victims have access to existing schemes of compensation.**

Amendment 197

Proposal for a directive Article 26 – paragraph 4

Text proposed by the Commission

4. The damage shall include costs for healthcare services, support services, rehabilitation, loss of income and other reasonable costs that have arisen as a result of the offence or to manage its consequences. The amount of the damages awarded shall also compensate for physical **and** psychological harm and moral prejudice.

Amendment

4. The damage shall include costs for **sexual and reproductive and psychological** healthcare services, support services, rehabilitation, loss of income and other reasonable costs that have arisen as a result of the offence or to manage its consequences. The amount of the damages awarded shall also compensate for physical **or** psychological harm, **such as secondary victimisation**, and moral prejudice.

Amendment 198

Proposal for a directive Article 26 – paragraph 5 – subparagraph 1

Text proposed by the Commission

5. The limitation *period* for bringing a claim for compensation shall be no less than 5 years from the time the offence has taken place.

Amendment

5. The limitation *periods* for bringing a claim for compensation ***for the offences referred to in Articles 5 to 11 shall be no less than the corresponding limitation periods for those offences set out in Article 15. The limitation periods for bringing a claim for compensation for acts of violence against women or domestic violence as criminalised under other instruments of Union law and for any other acts of violence against women or domestic violence as criminalised under national law*** shall be no less than 5 years from the time the offence has taken place.

Amendment 199

Proposal for a directive Article 26 – paragraph 5 – subparagraph 3

Text proposed by the Commission

The limitation period for bringing a claim for compensation of criminal offences referred to in *Article 7* shall commence with the victim's knowledge of the offence.

Amendment

The limitation period for bringing a claim for compensation of criminal offences referred to in *Articles 7 to 10* shall commence with the victim's knowledge of the offence.

Amendment 200

Proposal for a directive Article 26 – paragraph 5 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The limitation period for bringing a claim for compensation for criminal offences as referred to in Articles 5 to 6d shall commence from the time the offence has

taken place.

Amendment 201

Proposal for a directive

Article 27 – title

Text proposed by the Commission

Specialist support to victims

Amendment

General and specialist support to victims

Amendment 202

Proposal for a directive

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that specialist support services referred to in **Article 9(3)** of Directive 2012/29/EU are available for victims of acts of violence covered by this Directive. **The specialist** support services shall provide:

Amendment

1. Member States shall ensure that **general victim support services and** specialist support services referred to in **Articles 8 and 9** of Directive 2012/29/EU are available for victims of acts of violence covered by this Directive **and that the providers of those services cooperate with one another to ensure that the provision of those services is coordinated. General victim** support services shall provide, **at the earliest possible stage**:

Amendment 203

Proposal for a directive

Article 27 – paragraph 1 – point a

Text proposed by the Commission

(a) advice and information on any relevant legal or practical matters arising as a result of the crime, including on access to housing, education, training and assistance to remain in or find employment;

Amendment

(a) advice and information on any relevant legal, **social** or practical matters arising as a result of the crime, including on access to **healthcare** housing, education, training and assistance to remain in or find employment, **childcare, financial assistance and benefits and on referrals to relevant specialist support**

services, including relevant exit services;

Amendment 204

Proposal for a directive Article 27 – paragraph 1 – point b

Text proposed by the Commission

(b) referrals to medical forensic examinations;

Amendment

(b) referrals to medical forensic examinations, ***including comprehensive healthcare services, psychological counselling, rape crisis centres, women’s support centres, women’s shelters, sexual violence referral centres and primary prevention services;***

Amendment 205

Proposal for a directive Article 27 – paragraph 1 – point c

Text proposed by the Commission

(c) support to victims of cyber violence, including advice on judicial remedies and remedies to remove online content related to the crime.

Amendment

(c) support to victims of cyber violence, including ***on how to secure evidence and*** advice on judicial remedies and remedies to remove online content related to the crime;

Amendment 206

Proposal for a directive Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Specialist support services shall provide, at the earliest possible stage:

(a) advice and information on any relevant legal, social or practical matters arising as a result of violence against women and domestic violence, in particular on access to women’s specialist services, including to women’s support

centres, women's shelters, helplines, rape crisis or sexual violence referral centres, primary prevention services, exit services, and on access to the other specialist support services referred to in Article 29;

(b) short-term and long-term psychological counselling, trauma care, legal counselling, advocacy and outreach services, and specific services for children as victims or witnesses;

(c) advice on the collection of forensic medical evidence in cases of rape and sexual assault;

(d) support to victims of violence against women and domestic violence with an intersectional approach, implementing empowering methodologies provided in a safe space and tailored to the needs of victims, respecting the victims' agency over decisions and steps in their recovery process.

Amendment 207

Proposal for a directive Article 27 – paragraph 2

Text proposed by the Commission

2. Specialist support referred to in paragraph **1** shall be offered in-person and shall be easily accessible, including online or through other adequate means, such as information and communication technologies, tailored to the needs of victims of violence against women and domestic violence.

Amendment

2. Specialist support referred to in paragraph **1a** shall be offered in-person and shall be easily accessible, including online or through other adequate means, such as information and communication technologies, ***be sufficiently geographically distributed, avoid technological barriers, and be*** tailored to the needs of victims of violence against women and domestic violence. ***The aim of such specialised support is to ensure the complex task of empowering victims through optimal support and assistance tailored to their specific needs. Such specialised support shall be provided in a language that the victim can understand and in a manner that is age-appropriate***

for the victim;

Amendment 208

Proposal for a directive Article 27 – paragraph 3

Text proposed by the Commission

3. *Member States shall ensure sufficient human and financial resources to provide the services referred to in paragraph 1, especially those referred to in point (c) of that paragraph, including where such services are provided by non-governmental organisations.*

Amendment

deleted

Amendment 209

Proposal for a directive Article 27 – paragraph 4

Text proposed by the Commission

4. Member States shall provide the protection and specialist support services necessary to comprehensively address the multiple needs of victims at the same premises, or have such services coordinated through a central contact point, or through one-stop online access to such services. *Such* combined offering of services shall include at least first hand medical care *and* social services, psychosocial support, legal, and police services.

Amendment

4. Member States shall provide the protection, *medical* and specialist support services necessary to comprehensively address the multiple needs of victims *of violence against women and domestic violence* at the same premises, or have such services coordinated *through a multiagency approach, as well as* through a central contact point, or through one-stop online access to such services, *including those provided by non-governmental organisations. Such services shall have clear referral protocols. Such a* combined offering of services shall include at least first hand medical care, *referral to further medical care*, social services, *and* psychosocial support, legal *services*, and police services. *Where necessary, rehabilitation and socio-economic integration after sexual exploitation shall be facilitated through specialist support services;*

Amendment 210

Proposal for a directive Article 27 – paragraph 5

Text proposed by the Commission

5. Member States shall issue guidelines and protocols for healthcare **and** social service professionals on identifying and providing appropriate support to victims of all forms of violence against women and domestic violence, including on referring victims to the relevant support services. Such guidelines and protocols shall also indicate how to address the specific needs of victims who are at an increased risk of such violence as a result of their experiencing discrimination based on a combination of sex and other grounds of discrimination.

Amendment

5. Member States shall issue guidelines and protocols for **general victim support services such as** healthcare, social **service and child protection** service professionals on identifying and providing appropriate support to victims of all forms of violence against women and domestic violence, including on referring victims to the relevant **medical and specialist** support services **and avoiding secondary victimisation**. Such guidelines and protocols shall also indicate how to address the specific needs of victims who are at an increased risk of such violence as a result of their experiencing discrimination based on a combination of sex **or gender** and other grounds of discrimination. **Such guidelines shall be created in a gender-, trauma- and child-sensitive manner in cooperation with the general victim support service providers and specialist support service providers and shall be reviewed on a regular basis;**

Amendment 211

Proposal for a directive Article 27 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that specialist support services remain fully operational for victims of violence against women and domestic violence in times of crisis, such as health crises or other states of emergency.

Amendment

6. Member States shall ensure that specialist support services, **including medical support services**, remain fully operational for victims of violence against women and domestic violence in times of crisis, such as health crises or other states of emergency;

Amendment 212

Proposal for a directive Article 27 – paragraph 7

Text proposed by the Commission

7. Member States shall ensure that specialist support services are available to victims before, during and for an appropriate time after criminal proceedings.

Amendment

7. Member States shall ensure that ***all general victim support services and specialist support services, including medical support services, are available to victims without delay and free of charge. Access to such services shall not be conditional on the victim's willingness to file a complaint against the offender to a competent authority. Access to such services shall be available*** before, during and for an appropriate time after criminal proceedings;

Amendment 213

Proposal for a directive Article 28 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for appropriately equipped, easily accessible rape crisis or sexual violence referral centres to ensure effective support to victims of sexual violence, including assisting in the preservation and documentation of evidence. These centres shall provide for medical and forensic examinations, trauma support and psychological counselling, after the offence has been perpetrated and for as long as necessary thereafter. Where the victim is a child, such services shall be provided in a child-friendly manner.

Amendment

1. Member States shall provide for appropriately equipped, easily accessible rape crisis or sexual violence referral centres to ensure effective support to victims of sexual violence, including assisting in the preservation and documentation of evidence. These centres shall provide for medical ***care*** and forensic examinations, ***timely referral to other medical care services, including sexual reproductive healthcare as part of the clinical management of rape***, trauma support and psychological counselling, after the offence has been perpetrated and for as long as necessary thereafter. Where the victim is a child, such services shall be provided in a child-friendly manner. ***Interviews of children who have experienced sexual violence shall be limited. Only specialists who have been trained to interview children shall***

interview children who have experienced sexual violence;

Amendment 214

Proposal for a directive Article 28 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall guarantee that victims of sexual violence have timely access to comprehensive healthcare services, including sexual and reproductive healthcare services, emergency contraception, screening and post-exposure prophylaxis for sexually transmitted infections and access to safe and legal abortion;

Amendment 215

Proposal for a directive Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. The services referred to in ***paragraph 1*** shall be available free of charge and accessible every day of the week. They may be part of the services referred to in Article 27.

2. The services referred to in ***paragraphs 1 and 1a*** shall be available free of charge and accessible every day of the week. They may be part of the services referred to in Article 27.

Amendment 216

Proposal for a directive Article 28 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure a sufficient geographical distribution and capacity of these services across the Member State.

3. Member States shall ensure a sufficient geographical distribution and capacity of these services across the Member State ***and shall ensure the safety of, and confidentiality for, victims. Member States shall ensure a minimum***

*of one rape crisis or sexual violence
referral centre per 200 000 inhabitants;*

Amendment 217

Proposal for a directive Article 28 – paragraph 4

Text proposed by the Commission

4. Article 27(3) **and (6)** shall apply to the provision of support for victims of sexual violence.

Amendment

4. Article 27 shall apply to the provision of support for victims of sexual violence;

Amendment 218

Proposal for a directive Article 29 – title

Text proposed by the Commission

Specialist support for victims of female genital mutilation

Amendment

Specialist support for victims of female **and intersex** genital mutilation

Amendment 219

Proposal for a directive Article 29 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure effective, age-appropriate support to victims of female genital mutilation, including by providing, gynaecological, sexological, psychological and trauma care and counselling tailored to the specific needs of such victims, after the offence has been perpetrated and for as long as necessary thereafter. This shall also include the provision of information on units in public hospitals that perform clitoral reconstructive surgery. Such support may be provided by the referral centres referred to in Article 28 or any dedicated health

Amendment

1. Member States shall ensure effective, age-appropriate, **accessible** support to victims of female **and intersex** genital mutilation, including by providing gynaecological, sexological, psychological and trauma care and counselling tailored to the specific needs of such victims, after the offence has been perpetrated and for as long as necessary thereafter. This shall also include the provision of information on units in public hospitals that perform **genital and** clitoral reconstructive surgery **in the case of female genital mutilation, and access to treatment and medications needed as a consequence of intersex**

centre.

genital mutilation. Such support may be provided by the referral centres referred to in Article 28 or any dedicated health centre;

Amendment 220

Proposal for a directive Article 29 – paragraph 2

Text proposed by the Commission

2. Article 27(3) **and (6)** and Article 28(2) shall **be applicable** to the provision of support for victims of female genital mutilation.

Amendment

2. Article 27 and Article 28(2) shall **apply** to the provision of support for victims of female **and intersex** genital mutilation **as referred to in Articles 6 and 6a, respectively;**

Amendment 221

Proposal for a directive Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29a

Specialist support for victims of forced sterilisation

1. Member States shall ensure that victims of forced sterilisation are provided with age-appropriate effective support, including gynaecological, psychological and trauma care tailored to the specific needs of such victims, after the offence has been committed and for as long as necessary thereafter;

2. Article 27 and Article 28(2) shall apply to the provision of support to victims of forced sterilisation as referred to in Article 6b.

Amendment 222

**Proposal for a directive
Article 29 b (new)**

Text proposed by the Commission

Amendment

Article 29b

Specialist support for victims of cyber violence

1. Member States shall provide for appropriately equipped and easily accessible services to ensure effective support to victims of cyber violence, including psychological support, legal counselling and assistance for obtaining judicial orders for the removal of, or disabling access to, certain online material as referred to in Article 25, assisting in the communication with relevant online intermediary service providers and, where relevant, assisting in the preservation and documentation of evidence;

2. Article 27 shall apply to the provision of support for victims of cyber violence.

Amendment 223

**Proposal for a directive
Article 30 – title**

Text proposed by the Commission

Amendment

Specialist support ***for victims of*** sexual harassment ***at work***

Specialist support ***to address*** sexual harassment ***in the world of work;***

Amendment 224

**Proposal for a directive
Article 30 – paragraph 1**

Text proposed by the Commission

Amendment

Member States shall ensure ***external counselling services are available for victims and employers in cases of*** sexual harassment at work. ***These services shall***

1. Member States shall, in consultation with the social partners, ensure guidelines on procedures for tackling violence at work and sexual harassment in the world

include advice on adequately addressing such instances at the workplace, on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of early conciliation, if the victim so wishes.

of work. Such guidelines shall include reporting procedures and appropriate and effective remedies. Member States shall ensure that undertakings, groups of undertakings or franchises establish, where applicable through collective bargaining with trade unions, training programmes and policies to prevent and tackle sexual harassment in the world of work and cyber violence and third-party violence at work and provide accessible and effective complaint mechanisms for victims of such harassment or violence.

Amendment 225

Proposal for a directive Article 30 – paragraph 2 (new)

Text proposed by the Commission

Amendment

2. Member States shall ensure that victims of sexual harassment in the world of work have access, free of charge, to specialist support services and safe, confidential and effective complaint mechanisms, including external counselling and advice on adequately preventing and addressing instances of violence at work and sexual harassment in world of work. Trade union representatives shall be able to support workers in relevant proceedings. Victims of sexual harassment in the world of work shall be protected from further victimisation pursuant to Council Directive 2000/78/EC^{1a}. Member States shall ensure that the identity of victims of sexual harassment in the world of work is treated confidentially or with due regard to their right to anonymity.

^{1a} Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

Amendment 226

Proposal for a directive Article 30 – paragraph 3 (new)

Text proposed by the Commission

Amendment

3. Member States shall ensure that external counselling services are available to employers in cases of sexual harassment in the world of work, including guidance on legal remedies to remove the offender from the workplace and on the potential to provide early conciliation, if the victim so wishes.

Amendment 227

Proposal for a directive Article 30 – paragraph 4 (new)

Text proposed by the Commission

Amendment

4. Member States shall take the necessary measures to ensure that workers experiencing gender-based violence or domestic violence have the right to request short-term flexible working arrangements. Member States shall determine the duration of and detailed rules for such working arrangements.

Amendment 228

Proposal for a directive Article 30 – paragraph 5 (new)

Text proposed by the Commission

Amendment

5. Member States shall ensure that the social partners are able to bargain collectively on workplace measures to prevent and address all forms of gender-based violence at work and to assist in identifying and supporting victims of such violence, in particular on the preventive measures referred to in Articles 36(8) and

training and information for professionals as referred to in Article 37. Member States shall take measures to promote such collective bargaining, including through awareness-raising campaigns and training of the social partners and workplace health and safety representatives.

Amendment 229

Proposal for a directive Article 31 – paragraph 1

Text proposed by the Commission

1. Member States shall set up state-wide round-the-clock (24/7) telephone helplines, free of charge, to provide advice for victims of violence against women and domestic violence. **Advice shall be provided** confidentially or with due regard for **their** anonymity. Member States shall ensure the provision of such service also through other information and communication technologies, including online applications.

Amendment

1. Member States shall set up state-wide round-the-clock (24/7) telephone helplines **with the support of women's specialist support services**, free of charge, to provide **information and** advice for victims of violence against women and domestic violence. **Specialist support services, including women's specialist support services**, shall **provide that advice** confidentially or with due regard for **victims'** anonymity. Member States shall ensure the provision of such service also through other **secure and accessible** information and communication technologies, including online applications;

Amendment 230

Proposal for a directive Article 31 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Telephone helplines as referred to in paragraph 1 shall not replace other existing helplines specialised in violence against women or domestic violence in Member States, including those run by non-governmental organisations;

Amendment 231

Proposal for a directive Article 31 – paragraph 2

Text proposed by the Commission

2. Member States shall take appropriate measures to ensure the accessibility of services referred to in paragraph 1 for end-users with disabilities, including providing support in easy to understand language. Those services shall be accessible in line with the accessibility requirements for electronic communications services set in Annex I to Directive 2019/882/EU of the European Parliament and of the Council¹⁸.

¹⁸ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ L 151, 7.6.2019, p. 70–115.

Amendment 232

Proposal for a directive Article 31 – paragraph 3

Text proposed by the Commission

3. Article 27(3) and (6) shall apply to the provision of helplines and support through information and communication technologies under this Article.

Amendment 233

Proposal for a directive Article 31 – paragraph 4

Amendment

2. Member States shall take appropriate measures to ensure the accessibility of services referred to in paragraph 1 for end-users with disabilities, including providing support in easy to understand language. Those services shall be accessible in line with the accessibility requirements for electronic communications services set in Annex I to Directive 2019/882/EU of the European Parliament and of the Council¹⁸. ***Member States shall also ensure the provision of those services in a language that victims can understand, including by means of telephone interpreting.***

¹⁸ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

Amendment

3. Article 27(6) shall apply to the provision of helplines and support through information and communication technologies under this Article.

Text proposed by the Commission

4. [Member States shall ensure that the service under paragraph 1 for victims of violence against women is operated under the harmonised number at EU level “116 016” **and that the end-users are adequately informed of the existence and use of such number.**]

Amendment

4. Member States shall ensure that the service under paragraph 1 for victims of violence against women **and domestic violence** is operated under the harmonised number at EU level “116 016”.

Amendment 234

Proposal for a directive Article 31 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that the end-users are adequately informed of the existence and number of helplines, including through regular awareness-raising campaigns;

Amendment 235

Proposal for a directive Article 31 a (new)

Text proposed by the Commission

Amendment

Article 31a

Support in employment for victims of violence against women and domestic violence

1. Member States shall, in consultation with the social partners, take measures to ensure that employers are prevented from discriminating or in any way disadvantaging workers who are victims of domestic violence or sexual violence, on the grounds of such violence;

2. Member States shall, in consultation with the social partners, ensure that victims of violence against women and domestic violence have the right to paid

leave of an appropriate duration in order to access support services and attend legal and judicial proceedings. Member States may determine the scope, duration and conditions of such leave in accordance with national law or practice.

Amendment 236

Proposal for a directive Article 32 – paragraph 1

Text proposed by the Commission

1. The shelters and other appropriate interim accommodations as provided for in Article 9(3), point (a), of Directive 2012/29/EU shall **address** the specific needs of women victims of domestic violence **and** sexual violence. They shall assist **them** in their recovery, providing adequate and appropriate living conditions with a view **on** a return to independent living.

Amendment

1. The shelters and other appropriate interim accommodations as provided for in Article 9(3), point (a), of Directive 2012/29/EU shall **be provided for the sole purpose of addressing** the specific needs of women **who are** victims of domestic violence, sexual violence **or sexual exploitation, including by providing women-only shelters**. They shall assist **victims** in their recovery **by** providing **safe, accessible**, adequate and appropriate living conditions with a view **to** a return to independent living **and by providing necessary support services such as referral for further medical care;**

Amendment 237

Proposal for a directive Article 32 – paragraph 2

Text proposed by the Commission

2. The shelters and other appropriate interim accommodations shall be equipped to accommodate the specific needs of children, including child victims.

Amendment

2. The shelters and other appropriate interim accommodations shall be equipped to accommodate the specific **rights and** needs of children, including child victims;

Amendment 238

Proposal for a directive Article 32 – paragraph 3

Text proposed by the Commission

3. The shelters and other appropriate interim **accommodations** shall be available to victims regardless of their nationality, citizenship, place of residence or residence status.

Amendment

3. The shelters and other appropriate interim **accommodation** shall be available to victims, **and their dependents**, regardless of their nationality, citizenship, place of residence or residence status. **Specialised women's shelters shall be available in every region, with one family place per 10 000 inhabitants;**

Amendment 239

**Proposal for a directive
Article 32 – paragraph 4**

Text proposed by the Commission

4. Article 27(3) **and (6)** shall apply to shelters and other appropriate interim accommodations.

Amendment

4. Article 27(6) **and Article 28(2) and (3)** shall apply to shelters and other appropriate interim accommodations;

Amendment 240

**Proposal for a directive
Article 33 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that children are provided specific adequate support as soon as the competent authorities have reasonable grounds to believe that the children might have been subject to, including having witnessed, violence against women or domestic violence. Support to children shall be specialised and age-appropriate, respecting the best interests of the child.

Amendment

1. Member States shall ensure that children are provided specific adequate support as soon as the competent authorities have reasonable grounds to believe that the children might have been subject to, including having witnessed, violence against women or domestic violence **and for as long as is necessary afterwards**. Support to children shall be specialised and age-appropriate, respecting the best interests of the child;

Amendment 241

**Proposal for a directive
Article 33 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Member States shall ensure that children of victims who have been killed due to violence against women or domestic violence and their relatives are provided with specific adequate support during relevant judicial proceedings;

Amendment 242

Proposal for a directive Article 33 – paragraph 3

Text proposed by the Commission

Amendment

3. Where it is necessary to provide for interim accommodation, children shall as a priority be placed together with other family members, in particular with a non-violent parent in permanent or temporary housing, equipped with support services. Placement in shelters shall be a last resort.

3. Where it is necessary to provide for interim accommodation, children, **after having been heard**, shall as a priority be placed together with other family members, in particular with a non-violent parent, **and not be separated from siblings**, in permanent or temporary housing, equipped with support services **and tailored to the specific needs of the child victims**. Placement in shelters shall be a last resort;

Amendment 243

Proposal for a directive Article 33 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Article 27 (6) and Article 28(2) and (3) shall apply to support for child victims;

Amendment 244

Proposal for a directive Article 34 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Member States shall ensure that incidents of violence are taken into account in judicial decisions concerning the child and that the best interests of the child are always the primary consideration in all decisions concerning children and take precedence over the parental rights of an offender or suspect of violence against women or domestic violence. Member States shall ensure that the views of the child are taken into consideration in accordance with their age and maturity. Member States shall ensure the safety of non-abusive holders of parental responsibility during the proceedings;

Amendment 245

Proposal for a directive Article 34 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall establish and maintain safe places which allow a safe contact between a child and a holder of parental ***responsibilities who is an offender or suspect of violence against women or domestic violence, to the extent that the latter has rights of access***. Member States shall ensure supervision by trained professionals, as appropriate, and in the best interests of the child.

To the extent that an offender or suspect of violence against women or domestic violence has rights of access, Member States shall establish and maintain safe places which allow a safe contact between a child and a holder of parental ***responsibility***. Member States shall ensure supervision by trained professionals, as appropriate, and in the best interests of the child.

Amendment 246

Proposal for a directive Article 35 – title

Text proposed by the Commission

Amendment

Targeted support for victims with ***specific*** needs and groups at risk

Targeted support for victims with ***intersectional*** needs and groups at risk;

Amendment 247

Proposal for a directive Article 35 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure the provision of specific support to victims at an increased risk of violence against women or domestic violence, such as women with disabilities, women living in rural areas, women with dependant residence status or permit, undocumented migrant women, women applying for international protection, women fleeing from armed conflict, women affected by homelessness, women with a minority racial or ethnic background, women *sex workers*, women detainees, or older women.

Amendment

1. Member States shall ensure the provision of specific support to victims at an increased risk of violence against women or domestic violence ***by virtue of intersectional discrimination***, such as women with disabilities, women living in rural areas, women with dependant residence status or ***a*** permit, undocumented migrant women, women applying for international protection, women fleeing from armed conflict, women affected by homelessness, women with a minority racial or ethnic background, ***LBTIQ+ women***, women ***in prostitution, victims of so-called “honour crimes”***, women detainees, ***women suffering from addiction, women who are pregnant*** or older women;

Amendment 248

Proposal for a directive Article 35 – paragraph 3

Text proposed by the Commission

3. The support services shall be available for third-country nationals who are victims of violence against women and domestic violence, including for applicants for international protection, for undocumented persons and for persons subject of return procedures in detention. Member States shall ensure that victims who request so may be kept ***separately from persons of the other sex in*** detention facilities for third-country nationals subject of return procedures, or accommodated separately in reception centres for

Amendment

3. The support services shall be available for third-country nationals who are victims of violence against women and domestic violence, including for applicants for international protection, for undocumented persons and for persons ***who are the*** subject of return procedures in detention. Member States shall ensure that victims who request so may be kept ***in women- and children-only sections of*** detention facilities for third-country nationals subject of return procedures, or accommodated separately in reception

applicants for international protection.

centres for applicants for international protection;

Amendment 249

Proposal for a directive Article 35 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that persons can report occurrences of violence against women or domestic violence in reception and detention centres to the relevant staff and that protocols are in place to adequately and swiftly address such reports in accordance with the requirements in Article 18, 19 and 20.

Amendment

4. Member States shall ensure that persons can report occurrences of violence against women or domestic violence in ***institutions and*** reception and detention centres to the relevant staff, and that protocols are in place to adequately and swiftly address such reports in accordance with the requirements in Article 18, 19 and 20;

Amendment 250

Proposal for a directive Chapter 5 – title

Text proposed by the Commission

PREVENTION

Amendment

**PREVENTION AND EARLY
INTERVENTION**

Amendment 251

Proposal for a directive Article 36 – paragraph 1

Text proposed by the Commission

1. Member States shall take appropriate actions to prevent violence against women and domestic violence.

Amendment

1. Member States shall take appropriate actions to prevent violence against women and domestic violence ***by adopting a comprehensive multi-layered approach;***

Amendment 252

Proposal for a directive
Article 36 – paragraph 2

Text proposed by the Commission

2. Preventive measures shall include awareness-raising campaigns, research and education programmes, where appropriate developed in cooperation with relevant civil society organisations, social partners, impacted communities and other stakeholders.

Amendment

2. Preventive measures shall include awareness-raising campaigns ***with the aim of increasing understanding among the general public of the different types of violence, through*** research and education programmes, ***including age-appropriate and comprehensive sexuality and relationship education and early intervention*** programmes, where appropriate developed in cooperation with relevant civil society organisations, ***specialist services***, social partners, impacted communities, ***local and regional governments or authorities*** and other stakeholders;

Amendment 253

Proposal for a directive
Article 36 – paragraph 3

Text proposed by the Commission

3. Member States shall make information on preventive measures, the rights of victims, access to justice and to a lawyer, and the available protection and support measures available to the general public.

Amendment

3. Member States shall make information on preventive measures, the rights of victims, access to justice and to a lawyer, and the available protection and support measures, ***including medical treatment, available and easily accessible*** to the general public ***via various information and communication technologies, in relevant languages and in different formats, including for persons with disabilities;***

Amendment 254

Proposal for a directive
Article 36 – paragraph 4

Text proposed by the Commission

4. Targeted action shall be addressed to groups at risk, **including** children, according to their age and maturity, and persons with disabilities, taking into consideration language barriers and different levels of literacy and abilities. Information for children shall be formulated in a child-friendly way.

Amendment

4. Targeted action shall be addressed to groups at **an increased risk of violence against women or domestic violence by virtue of intersectional discrimination such as those referred to in Article 35(1)**, children, according to their age and maturity, and persons with disabilities, taking into consideration language barriers and different levels of literacy and abilities. Information for children shall be formulated in a child-friendly way;

Amendment 255

**Proposal for a directive
Article 36 – paragraph 5**

Text proposed by the Commission

5. Preventive measures shall in particular aim at **challenging** harmful gender stereotypes, **promoting** equality **between women and men, encouraging** all, including men and boys, to act as positive role models to support corresponding behaviour changes across society as a whole in line with the objectives of this directive.

Amendment

5. Preventive measures shall in particular aim at **to empower women and girls by increasing awareness of the concept of consent, to challenge** harmful gender stereotypes, **particularly for men and boys, to promote gender equality, to promote mutual respect, to promote the right to personal integrity, to encourage** all, including men and boys, to act as positive role models to support corresponding behaviour changes across society as a whole in line with the objectives of this directive, **and to increase awareness of the specific escalatory pattern of violence against women and domestic violence.**

Amendment 256

**Proposal for a directive
Article 36 – paragraph 5 a (new)**

Text proposed by the Commission

Amendment

5a. Preventive measures shall aim to

target and reduce the demand for victims of sexual exploitation.

Amendment 257

Proposal for a directive Article 36 – paragraph 6

Text proposed by the Commission

6. Preventive measures shall develop **and/or** increase sensitivity about the harmful practice of female genital mutilation.

Amendment

6. Preventive measures shall develop **or** increase sensitivity about the harmful practice of female **and intersex** genital mutilation, **forced marriage and forced sterilisation**;

Amendment 258

Proposal for a directive Article 36 – paragraph 7

Text proposed by the Commission

7. Preventive measures shall also specifically address cyber violence. In particular, Member States shall ensure that education measures include the development of digital literacy skills, including critical engagement with the digital world, to enable users to identify and address cases of cyber violence, seek support and prevent its perpetration. Member States shall foster multidisciplinary and stakeholder cooperation, including intermediary services and competent authorities to develop and implement measures to tackle cyber violence.

Amendment

7. Preventive measures shall also specifically address cyber violence. In particular, Member States shall ensure that education measures include the development of digital literacy skills, including critical engagement with the digital world **and critical thinking** to enable users to identify and address cases of cyber violence, **to recognise its different forms, to** seek support and **to** prevent its perpetration. Member States shall foster multidisciplinary and stakeholder cooperation, including intermediary services and competent authorities to develop and implement measures to tackle cyber violence;

Amendment 259

Proposal for a directive Article 36 – paragraph 8

Text proposed by the Commission

8. Member States shall ensure that sexual harassment **at** work is addressed in relevant national policies. Those national policies shall identify and establish targeted actions referred to in paragraph 2 for sectors where workers are most exposed.

Amendment

8. Member States shall, ***in consultation with the social partners***, ensure that sexual harassment ***in the world of*** work is addressed in relevant national policies. Those national policies shall identify and establish targeted actions ***as*** referred to in paragraph 2 for sectors where workers are most exposed. ***Member States shall ensure that employers take into account the potential for violence at work and sexual harassment in the world of work in their health and safety policies, adopted pursuant to Directive 89/391/EEC. Workers shall have the right to receive support from a trade union and from the health and safety representative at the workplace.***

Amendment 260

**Proposal for a directive
Article 37 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that professionals likely to come into contact with victims, including law enforcement authorities, court staff, judges and prosecutors, lawyers, providers of victim support **and** restorative justice services, healthcare professionals, social services, educational and other relevant staff, receive both general and specialist training and targeted information to a level appropriate to their contacts with victims, to enable them to identify, prevent and address instances of violence against women or domestic violence and to treat victims in a trauma-, gender- and child-sensitive manner.

Amendment

1. Member States shall ensure that professionals likely to come into contact with victims ***and perpetrators or offenders***, including law enforcement authorities, ***forensic medical personnel***, court staff, judges and prosecutors, lawyers, providers of victim support ***services, including specialist services, professionals working in offender programmes, providers of*** restorative justice services, healthcare professionals, social services, educational and other relevant staff, receive both general and specialist training and targeted information to a level appropriate to their contacts with victims ***and offenders***, to enable them to identify, prevent and address instances of violence against women or domestic violence, ***to avoid revictimisation*** and to treat victims in a trauma, gender, ***disability***,

language and child-sensitive manner.

Amendment 261

Proposal for a directive Article 37 – paragraph 2

Text proposed by the Commission

2. Relevant health professionals, including paediatricians **and** midwives, shall receive targeted training to identify and address, in a **cultural-sensitive** manner, the physical, psychological and sexual consequences of female genital mutilation.

Amendment

2. Relevant health professionals, including paediatricians, ***gynaecologists, obstetricians,*** midwives ***and psychological support staff,*** shall receive targeted training to identify and address, in a ***culturally- sensitive*** manner, the physical, psychological and sexual consequences of female ***and intersex*** genital mutilation, ***forced sterilisation, so-called “honour crimes” and other harmful practices .***

Amendment 262

Proposal for a directive Article 37 – paragraph 3

Text proposed by the Commission

3. Persons with supervisory functions in the workplace, in both the public and private sectors, shall receive training on how to recognise, prevent and address sexual harassment **at** work, including on risk assessments concerning occupational safety and health risks, to provide support to victims affected thereby and respond in an adequate manner. Those persons and employers shall receive information about the effects of violence against women and domestic violence on work and the risk of third party violence.

Amendment

3. Persons with supervisory functions in the workplace, ***including health and safety representatives and labour inspectors,*** in both the public and private sectors, shall receive training on how to recognise, prevent and address sexual harassment ***in the world of*** work, including on risk assessments concerning occupational safety and health risks, to provide support to victims affected thereby and respond in an adequate manner, ***in accordance with training provided pursuant to Directive 89/391/EEC.*** Those persons and employers shall receive information, about the effects of violence against women and domestic violence on work and the risk of third party violence ***and how to support victims of domestic violence at work.***

Amendment 263

Proposal for a directive Article 37 – paragraph 4

Text proposed by the Commission

4. The training activities referred to in paragraphs 1 and 2 shall include training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence against women or domestic violence.

Amendment

4. The training activities referred to in paragraphs 1 and 2 shall include training on co-ordinated multi-agency **and multi-disciplinary** co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence against women or domestic violence.

Amendment 264

Proposal for a directive Article 37 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that the authorities competent for receiving reports of offences from victims are appropriately trained to facilitate and assist in the reporting of such crimes.

Amendment

6. Member States shall ensure that the authorities competent for receiving reports of offences from victims are appropriately trained to facilitate and assist in the reporting of such crimes **and to take into account the specific needs of victims;**

Amendment 265

Proposal for a directive Article 37 – paragraph 7

Text proposed by the Commission

7. Training activities referred to in paragraphs 1 **and 2** shall be regular and mandatory, including on cyber violence, and built on the specificities of violence against women and domestic violence. Such training activities shall include training on how to identify and address the specific protection and support needs of victims who face a heightened risk of violence due to their experiencing discrimination based on a combination of

Amendment

7. Training activities referred to in paragraphs 1, **2 and 3** shall be regular and mandatory, including on cyber violence, and built on the specificities of violence against women and domestic violence. Such training activities shall include training on how to identify and address the specific protection and support needs of victims who face a heightened risk of violence due to their experiencing discrimination based on a combination of

sex and other grounds.

gender or sex and other grounds as referred to in Article 35(1);

Amendment 266

Proposal for a directive Article 37 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Member States shall put in place procedures to ensure that the outcome and practical application of training under this Article are periodically and independently monitored and evaluated.

Amendment 267

Proposal for a directive Article 38 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that targeted and effective intervention programmes are established to prevent and minimise the risk of committing offences of violence against women or domestic violence, or reoffending.

1. Member States shall take the necessary measures to ensure that targeted and effective intervention programmes are established **in coordination with specialist support services** to prevent and minimise the risk of committing offences of violence against women or domestic violence, or reoffending.

Amendment 268

Proposal for a directive Article 39 – paragraph 3

Text proposed by the Commission

Amendment

3. That body shall coordinate the collection of data referred to in Article 44, **and** analyse and disseminate its results.

3. That body shall coordinate the collection of data referred to in Article 44, analyse and disseminate its results **and make recommendations and proposals to improve indicators and information and data collection systems.**

Amendment 269

Proposal for a directive Article 39 a (new)

Text proposed by the Commission

Amendment

Article 39a

National action plans for the elimination of violence against women and domestic violence

1. By ... [two years after the date of entry into force of this Directive], Member States shall develop national action plans, in consultation with and with the participation of specialist support services and the Union coordinator, for combating gender-based violence (the 'national action plans').

2. The national action plans shall set out the following:

(a) priorities and actions to combat violence against women and domestic violence;

(b) targets and monitoring mechanisms for the priorities and actions referred to in point (a);

(c) the resources necessary to achieve the priorities and actions referred to in point (a) and how they are to be allocated.

3. Member States shall ensure that the national action plans are reviewed and updated every five years.

Amendment 270

Proposal for a directive Article 40 – title

Text proposed by the Commission

Amendment

Multi-agency coordination and cooperation

Multi-agency *and multi-disciplinary* coordination and cooperation

Amendment 271

Proposal for a directive Article 40 – paragraph 1

Text proposed by the Commission

1. Member States shall put in place appropriate mechanisms to ensure effective coordination and cooperation, at the national level, *of* relevant authorities, agencies and bodies, including local and regional authorities, law enforcement agencies, the judiciary, public prosecutors, support service providers as well as non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities.

Amendment

1. Member States shall put in place appropriate mechanisms to ensure effective, ***structured and regular*** coordination and cooperation, at the national level, ***among*** relevant authorities, agencies and bodies, including local and regional authorities, ***labour inspectorates***, law enforcement agencies, the judiciary, public prosecutors, support service providers as well as non-governmental organisations, ***in particular specialist support services***, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities.

Amendment 272

Proposal for a directive Article 40 – paragraph 2

Text proposed by the Commission

2. Such mechanisms shall in particular ***pertain to*** the individual assessments under Articles 18 and 19, and the provision of protection and support measures under Article 21 and Chapter 4, the guidelines for law enforcement and judicial authorities under Article 23, and in the trainings for professionals as referred to in Article 37.

Amendment

2. Such mechanisms shall ***relate to all areas set out in this Directive***, in particular the individual assessments under Articles 18 and 19, and the provision of protection and support measures under Article 21 and Chapter 4, the guidelines for law enforcement and judicial authorities under Article 23, and in the trainings for professionals as referred to in Article 37.

Amendment 273

Proposal for a directive
Article 41 – paragraph 1

Text proposed by the Commission

Member States shall ***cooperate with and consult*** civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence, in particular ***in*** providing support to victims, ***concerning*** policymaking initiatives, information and awareness-raising campaigns, research and education programmes ***and in*** training, ***as well as in*** monitoring and evaluating the impact of measures to support and protect victims.

Amendment

Member States shall ***create sustainable structures for the consultation of and partnership with relevant*** civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence ***and women’s civil society organisations***, in particular ***for the purpose of*** providing ***adequate*** support to victims ***and to those who work to rehabilitate offenders, for the purpose of designing and implementing*** policymaking initiatives, information and awareness-raising campaigns, research and education programmes, ***for the purposes of*** training, ***and for the purpose of*** monitoring and evaluating the impact of measures to support and protect victims, ***including data collection***.

Amendment 274

Proposal for a directive
Article 42 – paragraph 1

Text proposed by the Commission

Member States shall facilitate the taking of self-regulatory measures by providers of intermediary services in connection ***to*** this Directive, in particular to reinforce internal mechanisms to tackle the online material referred to in Article 25(1) and to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein.

Amendment

Member States shall facilitate the taking of self-regulatory measures by providers of intermediary services in connection ***with*** this Directive, in particular to reinforce internal mechanisms to tackle the online material referred to in Article 25(1). ***Member States shall facilitate technological solutions to detect, report and remove the material referred to in Article 25*** and to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein.

Amendment 275

Proposal for a directive
Article 43 – title

Text proposed by the Commission

Union level cooperation

Amendment

Union level cooperation **and the Union coordinator**

Amendment 276

Proposal for a directive
Article 43 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall take appropriate action to facilitate cooperation between each other to improve the implementation of this Directive. Such cooperation shall aim at least at:

Amendment

1. Member States shall take appropriate action to facilitate cooperation between each other **and with the Union institutions, bodies, offices and agencies** to improve the implementation of this Directive. Such cooperation shall aim at least at:

Amendment 277

Proposal for a directive
Article 43 – paragraph 1 – point a

Text proposed by the Commission

(a) exchanging best practices and consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters;

Amendment

(a) exchanging best practices **in a regular and structured manner** and consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters;

Amendment 278

Proposal for a directive
Article 43 – paragraph 1 – point b

Text proposed by the Commission

(b) exchanging information and best

Amendment

(b) exchanging information and best practices with relevant Union **bodies**,

practices with relevant Union agencies;

offices and agencies, such as the Union coordinator and the European Institute for Gender Equality, and cooperating with them on the establishment of common standards and guidelines;

Amendment 279

Proposal for a directive Article 43 – paragraph 1 – point c

Text proposed by the Commission

(c) providing assistance to Union networks working on matters directly relevant to violence against women and domestic violence.

Amendment

(c) providing assistance to Union networks, ***umbrella organisations and Union-wide non-governmental organisations*** working on matters directly relevant to violence against women and domestic violence.

Amendment 280

Proposal for a directive Article 43 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2. In order to contribute to the achievement of the tasks set out in this Directive and to combat violence against women and domestic violence, Member States shall facilitate the tasks of a Union coordinator on combating gender-based violence (the ‘Union coordinator’). The Union coordinator shall be responsible for improving coordination among, and the coherence of the actions taken by, Union institutions, bodies, offices and agencies and Member States and international actors as regards combating violence against women and domestic violence and for developing and monitoring the implementation and transposition of Union policies to address gender-based violence. In particular, Member States shall transmit to the Union coordinator the information listed

in Article 39a(2) and the data provided for in Article 44. On the basis of that information and data, the Union coordinator shall contribute every two years to reporting carried out by the Commission under this Directive on the progress made in the fight against violence against women.

Amendment 281

Proposal for a directive Article 44 – paragraph 1

Text proposed by the Commission

1. Member States shall have a system in place for the collection, development, production and dissemination of statistics on violence against women or domestic violence, including the forms of violence referred to in Articles 5 to 10.

Amendment

1. Member States shall have a system in place for the **regular** collection, development, production and dissemination of statistics on violence against women or domestic violence, including the forms of violence referred to in Articles 5 to 10, **through qualitative and quantitative data.**

Amendment 282

Proposal for a directive Article 44 – paragraph 2 – introductory part

Text proposed by the Commission

2. The statistics shall include the following data disaggregated by sex, age of the victim and of the offender, relationship between the victim and the offender and type of offence:

Amendment

2. The statistics shall include the following **comparable** data disaggregated by sex **or gender**, age of the victim and of the offender, relationship between the victim and the offender and type of offence, **whether the victim had a disability, and the context in which the offence took place:**

Amendment 283

Proposal for a directive Article 44 – paragraph 2 – point b

Text proposed by the Commission

(b) the annual number of such victims, of reported **offences**, of persons prosecuted for and convicted of such forms of violence, obtained from national administrative sources.

Amendment

(b) the annual number of such victims, of **offences reported to law enforcement**, of persons prosecuted for and convicted of such forms of violence, **of sentences imposed by type of offence, of dismissal or withdrawal of complaints and the reason for terminating investigations**, obtained from national administrative sources;

Amendment 284

Proposal for a directive Article 44 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the motives, forms and impact of violence against women and domestic violence;

Amendment 285

Proposal for a directive Article 44 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the number of victims who have been killed due to violence against women or domestic violence, and whether they had previously filed a complaint;

Amendment 286

Proposal for a directive Article 44 – paragraph 2 – point b c (new)

Text proposed by the Commission

Amendment

(bc) the number of shelter and family places per Member State;

Amendment 287

Proposal for a directive Article 44 – paragraph 2 – point b d (new)

Text proposed by the Commission

Amendment

(bd) the availability of victim support services, and the number of victims accessing support services or awaiting such services;

Amendment 288

Proposal for a directive Article 44 – paragraph 2 – point b e (new)

Text proposed by the Commission

Amendment

(be) the number of calls to national helplines.

Amendment 289

Proposal for a directive Article 44 – paragraph 4

Text proposed by the Commission

Amendment

4. In order to ensure administrative data comparability across the Union, Member States shall collect administrative data on the basis of common disaggregations developed in cooperation with and according to the methodology developed by the European Institute for Gender Equality in accordance with paragraph 5. They shall transmit this data to the European Institute for Gender Equality on a yearly basis. The transmitted data shall not contain personal data.

4. In order to ensure administrative data comparability ***and standardisation*** across the Union, Member States shall collect administrative data ***referred to in paragraph 2*** on the basis of common disaggregations developed in cooperation with and according to the methodology developed by the European Institute for Gender Equality in accordance with paragraph 5 ***and shall ensure that such data are available in a machine-readable format***. They shall transmit this data to the European Institute for Gender Equality on a yearly basis. The ***European Institute for Gender Equality shall regularly publish a report based on the statistical data transmitted by the Member States. The*** transmitted data shall not contain personal

data.

Amendment 290

Proposal for a directive Article 44 – paragraph 6

Text proposed by the Commission

6. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data.

Amendment

6. The Member States shall make the collected statistics available to the public ***in an easily accessible manner***. The statistics shall not contain personal data.

Amendment 291

Proposal for a directive Article 44 – paragraph 7

Text proposed by the Commission

7. The Member States shall support research on root causes, effects, incidences and conviction rates of the forms of violence covered by this Directive.

Amendment

7. The Member States shall support research on root causes, effects, incidences and conviction rates, ***including intersectional discrimination***, of the forms of violence covered by this Directive, ***using the experiences of both victims and offenders in close cooperation with relevant competent authorities and specialist support service. Such research shall enable the identification of failures in protection and serve to improve and further develop preventive measures.***

Amendment 292

Proposal for a directive Article 44 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Member States shall ensure that the data referred to in paragraph 2 are collected independently from other data collection obligations under international

and Union law.

Amendment 293

Proposal for a directive Article 44 a (new)

Text proposed by the Commission

Amendment

Article 44a

Resources

Member States shall allocate sufficient, predictable and sustainable resources, including funding and human resources, to the implementation of all the actions laid down in this Directive. Funding shall be made available to state bodies and agencies and to other relevant actors such as non-governmental organisations, including women's specialist support services, who carry out actions as laid down in this Directive.

Amendment 294

Proposal for a directive Article 45

Directive 2011/93/EU
Article 3 – paragraph 9

Text proposed by the Commission

Amendment

9. For the purpose of paragraph 8, Member States shall ensure that a non-consensual act is understood as an act which is performed without the child's consent given voluntarily, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, including the child's physical or mental condition such as a state of unconsciousness, intoxication, sleep, illness or bodily injury.

Consent can be withdrawn at any moment

9. For the purpose of paragraph 8, Member States shall ensure that a non-consensual act is understood as an act which is performed without the child's consent given voluntarily, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, including the child's physical or mental condition such as a state of ***fear, intimidation***, unconsciousness, intoxication, sleep, illness or bodily injury, ***disability or being in an otherwise particularly vulnerable situation***.

Consent can be withdrawn at any moment

during the act. The absence of consent cannot be refuted *exclusively* by the child's silence, verbal or physical non-resistance or past sexual conduct.

during the act. The absence of consent cannot be refuted by the child's silence, verbal or physical non-resistance or past sexual conduct *or existing or past relationship with the offender. Consent shall be assessed in the context of the surrounding circumstances.*"

Amendment 295

Proposal for a directive Article 47 – paragraph 1

Text proposed by the Commission

1. By [**seven** years after the entry into force of this Directive] at the latest, Member States shall communicate to the Commission all relevant information concerning the application of this Directive necessary for the Commission to draw up a report on the application of this Directive.

Amendment

1. By [**five** years after the entry into force of this Directive] at the latest, **and every five years thereafter**, Member States shall communicate to the Commission all relevant information concerning the application of this Directive necessary for the Commission to draw up a report on the application of this Directive.

Amendment 296

Proposal for a directive Article 47 – paragraph 2

Text proposed by the Commission

2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive.

Amendment

2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall **regularly, and in accordance with the reporting obligations of Member States under this Directive**, submit to the European Parliament and the Council a report in which it reviews the application of this Directive.

Amendment 297

Proposal for a directive Article 49 – paragraph 1

Text proposed by the Commission

Nothing in this Directive shall be construed as lowering, limiting or derogating from any of the rights and procedural safeguards that are guaranteed under the law of any Member State which provides a higher level of protection. Member States shall not lower that higher level of protection guaranteed at the time of entry into force of this Directive.

Amendment

Nothing in this Directive shall be construed as lowering, limiting or derogating from any of the rights and procedural safeguards that are guaranteed ***under international instruments binding on Member States and*** under the law of any Member State which provides a higher level of protection. Member States shall not lower that higher level of protection guaranteed at the time of entry into force of this Directive.