



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

2022/0066(COD)

13.12.2022

*****I**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
Combating violence against women and domestic violence
(COM(2022)0105 – C9-0058/2022 – 2022/0066(COD))

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

(Joint committee procedure – Rule 58 of the Rules of Procedure)

Rapporteurs: Frances Fitzgerald, Evin Incir

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council
Combating violence against women and domestic violence
(COM(2022)0105 – C9-0058/2022 – 2022/0066(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0105),
 - having regard to Article 294(2) and Articles 82(2) and 83(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0058/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Chamber of Deputies, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality under Rule 58 of the Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality of the (A9-0000/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

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.**

Or. en

Amendment 2

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/EU³⁶ 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

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, **negligent rape**, female genital mutilation, **forced sterilisation, sexual exploitation through the prostitution of others, the purchase of sexual acts**, 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/EU³⁶ and 2011/93/EU³⁷ of the European Parliament and of the

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.

³⁶ 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.

³⁷ 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.

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 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 ***or partners***.

³⁶ 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.

³⁷ 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.

Or. en

Amendment 3

Proposal for a directive Recital 5

Text proposed by the Commission

(5) The measures under this Directive have been designed to address the specific

Amendment

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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.

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. *For example, 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*^{1a}. 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.

^{1a} *Eurostat, Violent sexual crimes recorded in the EU. 23rd November 2017.*

Or. en

Amendment 4

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* 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’.

Or. en

Amendment 5

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 Council³⁸ 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.

³⁸ 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).

Amendment

(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 Council³⁸ 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. ***The persisting gravity of the problem of violence against women and domestic violence in the Union, clearly shown by the fact that the existing provisions 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.***

³⁸ 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).

Amendment 6

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

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Amendment 7

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 dignity and physical integrity of such victims, ***while ensuring justice through the accountability of offenders.***

Or. en

Amendment 8

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, 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. .

Amendment

(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, 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 ***in particular.***

Or. en

Amendment 9

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. ***In addition, any other non-consensual act of a sexual nature that, in view of the gravity of the act, is comparable to penetration should be equated with rape because the harm caused to the victim is comparable.*** 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.

Or. en

Amendment 10

Proposal for a directive Recital 14 a (new)

Text proposed by the Commission

(14a) Consent should always be given freely and voluntarily. 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. There are a number of situations in which a victim is unable to form a free will and offences committed under those circumstances should therefore be deemed to be 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

Amendment

limited to the threat of a criminal act. The lack of consent due to intoxication should also cover incapacitation caused by drugs, alcohol or other intoxicating substances. Particularly vulnerable situations refer to situations in which victims have clearly limited opportunities to defend their sexual integrity and avoid an assault. A particularly vulnerable situation could also include situations of particularly serious power imbalance or of serious economic dependence. Non-consensual sexual penetration or any other non-consensual act of a sexual nature that, in view of the gravity of the act, is comparable to penetration should constitute rape also when committed against a spouse or intimate partner.

Or. en

Amendment 11

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) With regard to offences amounting to rape, offenders who have been convicted of offences should be obliged to participate in intervention programmes to mitigate the risk of recidivism. ***The competent authorities should inform the judicial authorities of the availability of such programmes.***

Or. en

Amendment 12

Proposal for a directive Recital 15 a (new)

(15a) The offence of negligent rape is linked to the notion of rape based on the absence of consent. Negligent rape refers to situations in which the offender or suspect suspected that the victim did not participate voluntarily. It also refers to situations in which it has not been proven that the offender or suspect did not suspect that the victim did not participate voluntarily but should have understood that the victim did not participate voluntarily having regard to the act in question and the surrounding circumstances. Such situations include situations in which the offender or suspect had not acquired the necessary knowledge regarding whether the other person participated voluntarily in the act and in which the offender or suspect did not sufficiently ensure that the other person participated voluntarily in the act. The negligence element relates to the consent and not to the act itself. It is necessary that the offender's conduct be grossly negligent. Therefore, the less serious forms of negligent conduct are not enough to constitute the offence of negligent rape.

Or. en

Amendment 13

Proposal for a directive Recital 16

(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

(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

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

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

Or. en

Amendment 14

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Forced sterilisation is a harmful and exploitative practice that removes the ability of victims to sexually reproduce and that is performed for the purpose of exerting social control over victims. It is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over women's and girls' sexuality. Roma women and girls, women and girls with disabilities, including, in particular, intellectual and psychosocial disabilities, and women and girls living in institutions have been particularly at risk of forced

sterilisation. The provision on forced sterilisation set out in this Directive does not cover medical interventions or surgical procedures which are carried out, for example, with the purpose of assisting a woman by saving her life.

Or. en

Amendment 15

Proposal for a directive Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) Sexual exploitation through the prostitution of others is a form of sexual exploitation which has already been recognised as an offence in legal acts of the Union, namely Directives 2011/36/EU and 2011/93/EU. Sexual exploitation through the prostitution of others is a gross violation of a person's right to bodily integrity and implies that both a person and their consent to sexual activity can be purchased for a given sum. Considering the prevalence of prostitution in our societies, fuelled by the trafficking trade, and the difference in law between the Member States, the offence of sexual exploitation through the prostitution of others has a clear cross border dimension, resulting in a need to combat that widespread violence against women on a common basis, which will ensure equal protection throughout the Union.

Or. en

Amendment 16

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

(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 **other** end-users. The term ‘**other**’ 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 amplification.

Or. en

Amendment 17

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

Amendment

(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 **or of an intimate nature, to other** end-users, by means of information and communication technologies, can be very harmful for the

provided for in this Directive should cover 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.

victims. The offence provided for in this Directive should cover 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 **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, of material that makes it appear as though another person is engaged in sexual activities, insofar as the material is subsequently made accessible to **other** 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.

Or. en

Amendment 18

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

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

attack directed at another person, by 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.

another person, by making threatening or 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 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.

Or. en

Amendment 19

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, prostitution of another person for profit 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.

Or. en

Amendment 20

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. This aim may be the restoration of family “honour”, the desire to be seen as respecting tradition or complying with the perceived religious, cultural or customary requirements of a particular community. These crimes put severe pressure on the victim, it can lead to violations of the victim’s human rights and tend to affect the whole person’s life thereby making these victims particularly vulnerable.

Or. en

Amendment 21

Proposal for a directive Recital 24

Text proposed by the Commission

Amendment

(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.

(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. **Reporting should facilitate victims in all their diversity, including, inter alia, ensuring easy and accessible routes for those who live in remote areas and providing support services to assist those who cannot read and persons in institutions.** Victims should be able to upload materials relating to their report,

such as screenshots of the alleged violent behaviour. ***Online complaint systems should meet the highest possible security standards and should not endanger the safety of the victim. 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 through enabling video recording of the first interview with the victim.***

Or. en

Amendment 22

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

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

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 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.

Or. en

Amendment 23

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

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. ***Member States should ensure that the offences provided for in this Directive are thoroughly investigated 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.***

Or. en

Amendment 24

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 or specific support, for example in the case of intimate partner **violence or sexual** 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.

Or. en

Amendment 25

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's safety, **rights and needs**, and providing tailored **protection and** support, taking into account, among other matters, the individual circumstances of the victim. Such circumstances requiring special attention could include the victim's pregnancy, **substance abuse issues, the victim's disability or disabilities, the presence of children**, or the victim's dependence on or relationship to the offender, **including economic dependence**

or dependence for migration status.

Or. en

Amendment 26

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 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. ***The assessment 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.***

Or. en

Amendment 27

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

Amendment

(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 Council⁴¹. 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 the circumstances of the case, so that victims receive appropriate support and protection.

⁴¹ 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

specific support **and medical care**. To ensure they effectively receive offers of support, the competent authorities should **immediately** refer victims to appropriate support **and 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 to the victim's safety. 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.** 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 Council⁴¹ **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.

⁴¹ 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).

95/46/EC (General Data Protection Regulation) (Text with EEA relevance), (OJ L 119, 4.5.2016, p. 1–88).

Or. en

Amendment 28

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 allows for the possibility to reinforce and ensure compliance with emergency barring, restraining and protection orders, to record evidence of breaches of such orders, to enhance supervision of offenders and to improve victim safety. Victims should always be informed about the capacities and limitations of electronic monitoring.

Or. en

Amendment 29

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, without prejudice to the rights of defence, questions, enquiries and evidence

(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, 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.

concerning past sexual conduct of the victim should not be permitted in criminal investigations and court proceedings.

Furthermore, notes taken by counsellors or therapists in the course of their work should not be admissible as evidence in court proceedings, unless their inclusion is specifically requested by the victim, as it might lead to victims not using counselling and other similar services due to the fear of it being disclosed in future proceedings.

Or. en

Amendment 30

Proposal for a directive Recital 38

Text proposed by the Commission

(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 bodies. Given their expertise in matters of discrimination on grounds of sex, national equality bodies, set up in accordance with Directives 2004/113/EC⁴², 2006/54/EC⁴³ and 2010/41/EU⁴⁴ 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

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 ***specialist services and*** designated bodies. Given their expertise in matters of discrimination on grounds of sex, national equality bodies, set up in accordance with Directives 2004/113/EC⁴², 2006/54/EC⁴³ and 2010/41/EU⁴⁴ of the European Parliament and of the Council, are well placed to fulfil these tasks. ***In accordance with the individual legal traditions and cultures of the Member States***, such bodies ***and other relevant actors*** 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

with sufficient human and financial resources.

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.

⁴² 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).

⁴² 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).

⁴³ 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 L204, 26.7.2006, p. 23).

⁴³ 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 L204, 26.7.2006, p. 23).

⁴⁴ 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).

⁴⁴ 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).

Or. en

Amendment 31

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

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 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.

other things therapy costs, **medical 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 employment or finding new schools for children or even creating a new identity. **Compensation should be made available to victims as soon as possible.**

Or. en

Amendment 32

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

Amendment

(45) Assistance and support to victims of violence against women and domestic violence should be provided **without delay after the individual assessment has taken place and** 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 violence, or if the victim's safety is at risk in particular due to the statements made by the victim in those proceedings.

Or. en

Amendment 33

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 to victims of all forms of violence against women and domestic violence, including sexual violence, ***sexual exploitation through the prostitution of others, the purchase of sexual acts***, female genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence.

Or. en

Amendment 34

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, 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.

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. 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.

Or. en

Amendment 35

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 disabilities.

Amendment

(48) Victims of domestic violence and violence against women typically have multiple protection, **medical** 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, **while ensuring that services are geographically dispersed**. 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, **inter alia**, 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 disabilities.

Or. en

Amendment 36

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, helplines, 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.

Or. en

Amendment 37

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

Amendment

(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, ***comprehensive and long-lasting*** medical care, ***including sexual and reproductive healthcare as part of the clinical management of rape, emergency contraception, post-exposure prophylaxis and safe and legal abortion***, 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 are often girls, typically are in need of targeted support. Therefore, Member States should ensure they provide dedicated support tailored to these victims.

Or. en

Amendment 38

Proposal for a directive Recital 51

Text proposed by the Commission

(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 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.

Amendment

(51) Harassment **in the workplace** 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 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.

Workplace harassment and violence should be tackled as part of social dialogue, through legal acts such as this Directive or through both means, 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.

Or. en

Amendment 39

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 both victims seeking support and offenders asking for support are accessible and** 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, **be carried out by specialised support services**, and be able to refer to face-to-

face services, such as shelters, counselling centres or the police.

Or. en

Amendment 40

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 preparing victims for an autonomous life.

Amendment

(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 preparing victims for an autonomous life. ***Member States should ensure the availability of sufficient dedicated domestic violence shelters, with an adequate geographical distribution. A variety of different models should be made available, including single-sex shelters, thereby ensuring maximum flexibility for victims. Shelters should always be available free of charge for the victim.***

Or. en

Amendment 41

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

Amendment

(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.

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, ***without requiring the consent of parents and in accordance with the principles laid down in the UN Convention on the Rights of the Child, in particular Articles 9 and 12 thereof.*** 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.***

Or. en

Amendment 42

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

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 ***where there is a reasonable doubt concerning safe contact with the child from both a physical and emotional perspective. Supervised neutral places for visits with an offender should ensure the safety of both the child and the non-abusive holder of parental responsibility where relevant.*** If needed, the visits should take place in the presence of child protection or welfare officials. Where it is

taken into account.

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. ***Appropriate referrals for offenders should be ensured both to address the violence towards their family members and to improve parenting as appropriate, while respecting the best interests of the child. Evaluation of change should be taken into account when considering visitation rights.***

Or. en

Amendment 43

Proposal for a directive Recital 56

Text proposed by the Commission

(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 and support.

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 ***in prostitution***, detainees, or older women, ***LBTIQ+ women*** should receive specific protection, ***medical care*** and support.

Or. en

Amendment 44

Proposal for a directive Recital 58

Text proposed by the Commission

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

Amendment

(58) Member States should ensure that preventive measures, such as awareness-raising **and education** campaigns, are taken to counter violence against women and domestic violence **through changes in the social and cultural behaviour of women and men**. Prevention should also take place in formal education, in particular, through strengthening **comprehensive and age-appropriate** sexuality 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 local actors.**

Or. en

Amendment 45

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

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**

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.

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.

Or. en

Amendment 46

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***

Amendment

(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, ***including those who work or volunteer at shelters,*** receive ***adequate*** training and targeted information. Trainings should cover the ***specific context of each*** risk and prevention of intimidation, repeat and secondary victimisation and the availability of protection, ***medical*** and support measures for victims.

workplace, not at the hands of a co-worker, and includes cases, such as nurses sexually harassed by a patient.

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).

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).

Or. en

Amendment 47

Proposal for a directive Recital 60 a (new)

Text proposed by the Commission

Amendment

(60a) To prevent and appropriately address instances of sexual harassment at the workplace, and to identify and address instances of domestic violence and its consequences, persons with supervisory functions should receive training. Such training should cover assessments regarding sexual harassment at the workplace and associated psychosocial safety and health risks as referred to 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 support should be in place for such victims of violence as part of occupational health and safety. Third-party violence refers to violence which staff might suffer at the workplace, not at the hands of a co-worker, and includes cases such as nurses being sexually harassed by a patient. Member States should ensure that employers put in place, in consultation with workers representatives in line with Directive 89/391/EEC of the European Parliament

and of the Council , inclusive, integrated and specialised strategies to mitigate and prevent sexual harassment at the workplace.

^{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).

Or. en

Amendment 48

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, Member States should also liaise with law enforcement authorities, ***civil society and community-based organisations, and consider consulting the European Institute for Gender Equality***, 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 ***and offenders***.

Or. en

Amendment 49

Proposal for a directive Recital 61 a (new)

Text proposed by the Commission

Amendment

(61a) Member States should recognise

women's civil society organisations 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 at the workplace.

Or. en

Amendment 50

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. 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. ***Offender programmes should be available for offenders that are referred or refer themselves outside of the criminal justice system and should ensure access to support at the earliest time possible, allowing for the prevention of future crimes. An admission of guilt should not be a prerequisite for involvement in an offender programme.***

Or. en

Amendment 51

Proposal for a directive Recital 64

Text proposed by the Commission

(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).

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). ***In addition, qualitative data should be used because they can provide unique insight as to the current realities in tackling violence against women and domestic violence, as well as the progress in the implementation of this Directive. Data should be collected at the same point in the process to ensure comparable and reliable results.***

Or. en

Amendment 52

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. ***Data collected should include the context in which the offence took place, such as at home, at the workplace or online, as this will inform future***

targeted policy actions. When sharing the data collected, no personal data should be included.

Or. en

Amendment 53

Proposal for a directive Recital 69

Text proposed by the Commission

(69) ***[In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.]***
OR [In accordance with Article 3 of Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of...], its wish to take part in the adoption and application of this Directive.]

Amendment

(69) In accordance with Article 3 of Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of...], its wish to take part in the adoption and application of this Directive.

Or. en

Amendment 54

Proposal for a directive Article 2 – paragraph 1

Text proposed by the Commission

1. When implementing the measures under this Directive, Member States shall

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).

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), **Article 35 (1)** and Article 37(7).

Or. en

Amendment 55

Proposal for a directive Article 2 – paragraph 2

Text proposed by the Commission

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.

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 **privacy, moral, psychological** and physical **dignity and** integrity of victims

Or. en

Amendment 56

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, 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;

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 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 residence with the victim;

Amendment 57**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 Council⁵¹ [*Regulation on a Single Market for Digital Services*];

⁵¹ Regulation (EU) *YYYY/XXX* of the European Parliament and of the Council on a Single Market for Digital Services (*OJ L ...*).

Amendment

(f) “providers of intermediary services” means providers of *intermediary society* services as defined in Article 3, point (g) of Regulation (EU) *2022/2065* of the European Parliament and of the Council⁵¹;

⁵¹ 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 58**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 at work” means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, where it occurs in the course of, *is* linked with, or *arises* in matters of employment, occupation and self-employment, *including informal and undocumented 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;

Or. en

Amendment 59

Proposal for a directive

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) engaging with a woman in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;

Amendment

(a) engaging with a woman in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object, ***or engaging in any other non-consensual act of a sexual nature that is, in view of the gravity of the act, comparable to penetration;***

Or. en

Amendment 60

Proposal for a directive

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) causing a woman to engage with another person in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.

Amendment

(b) causing a woman to engage with another person in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object, ***or engaging in any other non-consensual act of a sexual nature that is, in view of the gravity of the act, comparable to penetration.***

Or. en

Amendment 61

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, disability ***or in an otherwise particularly vulnerable situation***.

Or. en

Amendment 62

**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 non-resistance *or* past sexual conduct.

Amendment

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 non-resistance, past sexual conduct ***or existing or past relationship with the offender. Consent shall be assessed in the context of the surrounding circumstances.***

Or. en

Amendment 63

**Proposal for a directive
Article 5 a (new)**

Text proposed by the Commission

Amendment

Article 5a

Negligent rape

Member States shall ensure that the conduct referred to in Article 5(1) is punishable as a criminal offence where the person responsible for the conduct was grossly negligent regarding the fact that the woman did not consent voluntarily or regarding the fact that the woman was unable to form free will.

Or. en

Amendment 64

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

Text proposed by the Commission

Amendment

Article 6a

Forced sterilisation

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 girl's ability to naturally reproduce without her prior and informed consent or understanding of the procedure;

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

Or. en

Amendment 65

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

Text proposed by the Commission

Amendment

Article 6b

Sexual exploitation through the prostitution of others

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

- (a) procuring, hiring, or enticing another person for the purposes of prostitution;*
- (b) obtaining any profit from the prostitution of another person.*

Or. en

Amendment 66

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

Text proposed by the Commission

Amendment

Article 6c

Purchase of sexual acts

Member States shall ensure that it is punishable as a criminal offence to intentionally solicit, accept or obtain a sexual act from a person, in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such a benefit.

Or. en

Amendment 67

**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*

(a) making intimate images, videos or *material of another person, or making images, videos or* material depicting sexual activities *involving* another person, without

of end-users by means of information and communication technologies;

that person's consent accessible to *other* end-users by means of information and communication technologies;

Or. en

Amendment 68

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

Text proposed by the Commission

(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 activities, without that person's consent;

Amendment

(b) producing or manipulating and subsequently making accessible to *other* 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 activities, without that person's consent;

Or. en

Amendment 69

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 the person.

Or. en

Amendment 70

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 insulting material accessible to **other** end-users, by means of information and communication technologies, with the effect of causing psychological harm to the attacked person;

Or. en

Amendment 71

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 referred to in point (a).

Or. en

Amendment 72

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 **to 10** is punishable as a criminal offence.

Or. en

Amendment 73

Proposal for a directive Article 12 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the criminal **offence** referred to in **Article 5** is punishable by a maximum penalty of at least 8 years of imprisonment and at least 10 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.

Amendment

2. Member States shall ensure that the criminal **offences** referred to in **Articles 5 and 6b** are punishable by a maximum penalty of at least 8 years of imprisonment and at least 10 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.

Or. en

Amendment 74

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 4 years of imprisonment.

Or. en

Amendment 75

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

Text proposed by the Commission

Amendment

2b. Member States shall ensure that the criminal offence referred to in Article 6c is punishable by a maximum penalty of at least 1 year of imprisonment.

Or. en

Amendment 76

Proposal for a directive Article 12 – paragraph 3

Text proposed by the Commission

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.

Amendment

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***.

Or. en

Amendment 77

Proposal for a directive Article 12 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. Member States shall ensure that the criminal ***offences*** referred to in ***Articles 6 and 6a 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.

Or. en

Amendment 78

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,

Amendment

(b) the offence was committed against a person made vulnerable by particular circumstances, such as ***residence status***, a situation of dependence or a state of

intellectual or sensory disability, or living in institutions;

physical, mental, intellectual or sensory disability, or living in institutions, ***including reception centers, detention facilities or accommodation centres for asylum seekers;***

Or. en

Amendment 79

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 the victim's family members;***

Or. en

Amendment 80

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;

Or. en

Amendment 81

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;

Or. en

Amendment 82

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;

Or. en

Amendment 83

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.

Or. en

Amendment 84

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

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

following situations:

of the following situations:

Or. en

Amendment 85

Proposal for a directive Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. A Member State shall inform the Commission where it decides to establish its jurisdiction over criminal offences as referred to in Articles 5a and 6a and Articles 6b to 11 which have been committed outside its territory in any of the following situations:

(a) the offence is committed against one of its nationals or habitual residents in its territory;

(b) the offender is a habitual resident in its territory.

Or. en

Amendment 86

Proposal for a directive Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. In cases referred to in paragraph 1, point (b), each Member State shall ensure that its jurisdiction is not subject to the condition that the acts are punishable as criminal offences in the country where they were performed.

4. In cases referred to in paragraph 1, point (b), each Member State shall ensure that its jurisdiction is not subject to the condition that the acts are punishable as criminal offences in the country where they were performed.

Or. en

Amendment 87

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 Article 5 *and 6b* of at least 20 years from the time when the offence was committed.

Or. en

Amendment 88

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, 6, 6a and 6c* of at least 10 years from the time when the offence was committed.

Or. en

Amendment 89

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

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 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.

competent authorities in an easy and accessible manner. This shall include the possibility of reporting criminal offences online, 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.

Or. en

Amendment 90

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

Text proposed by the Commission

Amendment

1a. 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 through appropriate technical means.

Or. en

Amendment 91

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 92**Proposal for a directive
Article 16 – paragraph 3***Text proposed by the Commission*

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 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.

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 physical 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 93**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

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. If the offence involves the holder of parental

responsibility, Member States *should* ensure reporting is not conditional upon this person's consent.

responsibility, Member States *shall* ensure *that* reporting is not conditional upon this person's consent *and that there is no obligation on the competent authorities to immediately inform that holder of parental responsibility.*

Or. en

Amendment 94

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 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.*

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

Or. en

Amendment 95

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 96

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 investigation ***and prosecution.***

Amendment 97

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 support services referred to in Articles 27, 28 and 29 to assist in securing evidence, in particular in cases of sexual violence.

Amendment 98

Proposal for a directive Article 17 – paragraph 5

Text proposed by the Commission

5. Investigations into or prosecution

Amendment

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.

of offences referred to in *Articles 5 to 10* 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.

Or. en

Amendment 99

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. This individual assessment shall be initiated ***without delay*** 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.

Or. en

Amendment 100

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

Amendment

3. The individual assessment shall focus on the risk emanating from the offender or suspect, including the risk of repeated violence, ***the likelihood of the victim returning to the offender or suspect, the degree of control exercised by the offender or suspect on the victim and its potential effect on the evidence***, the risk of bodily harm, the use of weapons, the

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

Or. en

Amendment 101

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 assessment shall take into account the victim's individual circumstances, including whether they experience discrimination based on a combination of sex and other grounds ***such as those referred to in Article 35(1)*** 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.

Or. en

Amendment 102

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;

Or. en

Amendment 103

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 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 **and children’s specialised services**, shelters, social services and healthcare professionals.

Or. en

Amendment 104

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 individual assessment at regular intervals, **including during important junctures in the case and where custody access is altered**, 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.

Or. en

Amendment 105

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 individual assessment referred to in Article 18, the competent authorities **regularly** assess the victim's and their dependant's individual needs for support as provided for under Chapter 4.

Or. en

Amendment 106

**Proposal for a directive
Article 20 – paragraph 1**

Text proposed by the Commission

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.

Amendment

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

Or. en

Amendment 107

**Proposal for a directive
Article 20 – paragraph 2**

Text proposed by the Commission

2. The competent authorities shall respond to requests for protection and support **in a timely and** coordinated manner.

Amendment

2. The competent authorities shall respond to requests for protection and support **without delay and in a** coordinated manner.

Or. en

Amendment 108

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 support services without the prior consent of the **holders** of parental responsibility. **The need for support services for non-abusive holders of parental responsibility shall be assessed in parallel.**

Or. en

Amendment 109

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, **and arrest and detention**

Or. en

Amendment 110

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

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 the residence or **to enter** the victim's workplace or contacting the victim **or** their dependants in any way. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence.

dependants for a sufficient period of time and to prohibit the offender or suspect from entering, **or coming closer than a prescribed distance from**, the residence or the victim's workplace, or contacting the victim, their dependants **or immediate family** in any way. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence. **Member States shall consider the use of electronic monitoring to ensure the enforcement of such orders.**

Or. en

Amendment 111

Proposal for a directive Article 21 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the competent authorities can issue restraining or protection orders to provide long-term protection for victims **or** their dependants against any acts of violence covered by this Directive, including by prohibiting or restraining certain dangerous behaviour of the offender or suspect.

Amendment

2. Member States shall ensure that the competent authorities can issue restraining or protection orders to provide long-term protection for victims, their dependants **or witnesses** against any acts of violence covered by this Directive, including by prohibiting or restraining certain dangerous behaviour of the offender or suspect.

Or. en

Amendment 112

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

Text proposed by the Commission

Amendment

2a. Member States shall ensure that the competent authorities consider arrest and detention without delay in situations of immediate danger for the victim or the dependants and for the purposes of

preserving evidence.

Or. en

Amendment 113

Proposal for a directive

Article 21 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 114

Proposal for a directive

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

Without prejudice to the rights of defence, Member States shall ensure that, in criminal investigations and court proceedings, questions, enquiries and evidence concerning past sexual conduct of the victim or other aspects of the victim's private life related thereto are not permitted.

Without prejudice to the rights of defence, Member States shall ensure that, in criminal investigations and court proceedings, questions, enquiries and evidence concerning past sexual **history and** conduct of the victim or other aspects of the victim's private life related thereto, **including, where relevant, notes from counselling or therapy sessions**, are not permitted.

Or. en

Amendment 115

Proposal for a directive Article 23 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 116

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 individual assessment under Articles 18 and 19, ***including how frequently it is to be updated;***

Or. en

Amendment 117

Proposal for a directive Article 23 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 118

Proposal for a directive Article 23 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) how to treat victims in a trauma-, gender- and child-sensitive manner, **including with an intersectional approach**;

Or. en

Amendment 119

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 discrimination based on a combination of sex and other grounds;

Or. en

Amendment 120

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 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**.

Or. en

Amendment 121

Proposal for a directive Article 24 – title

Text proposed by the Commission

Role of national bodies **and** equality bodies

Amendment

Role of national bodies, equality bodies
and other relevant actors

Or. en

Amendment 122

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 123

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 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.

Or. en

Amendment 124

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 intermediary services.

Amendment

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 **or following ex-officio proceedings**, binding legal orders to remove or disable access to such material addressed to relevant providers of intermediary services.

Or. en

Amendment 125

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

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, point (a) **or** (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.

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 (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 become permanent.**

Or. en

Amendment 126

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 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, **at the earliest possible stage**:

Or. en

Amendment 127

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, information **and support** on any relevant **immediate and longer-term** legal or practical matters arising as a result of the crime, including on access to **physical and psychological medical care, shelter**, housing, education, **childcare**, training and assistance to remain in or find employment;

Amendment 128

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 *care, rape crisis centres, sexual violence referral centres and* forensic examinations;

Or. en

Amendment 129

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

Text proposed by the Commission

Amendment

(ca) support to victims of sexual exploitation through the provision of social and exit services.

Or. en

Amendment 130

Proposal for a directive Article 27 – paragraph 2

Text proposed by the Commission

Amendment

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.

2. Specialist support referred to in paragraph 1 shall be offered in-person and shall be easily accessible *via a sufficient geographical distribution*, 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.

Or. en

Amendment 131

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

3. Member States shall ensure sufficient human and financial resources to provide the services referred to in paragraph 1, including where such services are provided by non-governmental organisations.

Or. en

Amendment 132

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 at the same premises, or have such services coordinated through a central contact point, or through one-stop online access to such services. Such ***services shall have clear referral protocols. Such*** combined offering of services shall include at least first hand medical care, ***referral to further medical care***, social services, ***and*** psychosocial support, legal, and police services.

Or. en

Amendment 133

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 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 **medical and** 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.

Or. en

Amendment 134

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 **medical and** 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.

Or. en

Amendment 135

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 specialist **medical and** support services are available to victims **without delay** before, during and for an appropriate time after criminal proceedings.

Or. en

Amendment 136

**Proposal for a directive
Article 27 – paragraph 7 a (new)**

Text proposed by the Commission

Amendment

7a. Member States shall ensure that access to any victim support services is not dependent on a victim making a formal complaint.

Or. en

Amendment 137

**Proposal for a directive
Article 28 – paragraph 1**

Text proposed by the Commission

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 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

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**, trauma support and psychological counselling, after the offence has been perpetrated and for as long as necessary thereafter. Where the victim is a

child-friendly manner.

child, such services shall be provided in a child-friendly manner.

Or. en

Amendment 138

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, emergency contraception, and screening and post-exposure prophylaxis for sexually transmitted infections.

Or. en

Amendment 139

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.

Or. en

Amendment 140

Proposal for a directive Article 28 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 141

**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 centre.

Amendment

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 ***genital and*** clitoral reconstructive surgery. Such support may be provided by the referral centres referred to in Article 28 or any dedicated health centre.

Or. en

Amendment 142

**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 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(3) and (6) and Article 28(2) shall apply mutatis mutandis to the provision of support to victims of forced sterilisation referred to in paragraph 1 of this Article.

Or. en

Amendment 143

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

Text proposed by the Commission

Amendment

Article 29b

Specialist support for victims of sexual exploitation through prostitution and victims of purchase of sexual acts

1. Member States shall ensure that victims of prostitution are provided with effective and appropriate support, including rehabilitation, exit programmes, socio-economic integration and access to healthcare services such as sexual and reproductive healthcare, emergency contraception, and screening and post-exposure prophylaxis for sexually transmitted infections.

2. Article 27(3) and (6) and Article 28(2) shall apply mutatis mutandis to the provision of support to victims of sexual exploitation through prostitution and victims of purchase of sexual acts referred

to in paragraph 1 of this Article.

Or. en

Amendment 144

Proposal for a directive Article 30 – title

Text proposed by the Commission

Specialist support for victims of sexual harassment at *work*

Amendment

Specialist support for victims of sexual harassment at *the workplace*

Or. en

Amendment 145

Proposal for a directive Article 30 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall, in consultation with the social partners, provide guidelines on procedures for tackling violence and sexual harassment at the workplace. Such guidance shall include reporting procedures and appropriate and effective remedies.

2. Member States shall ensure that victims have access to specialist support services, including external counselling and advice on adequately addressing instances of violence and sexual harassment at the workplace. Victims shall be protected from further victimisation pursuant to Directive 2000/78/EC. Member States shall ensure that the identity of victims is treated confidentially or with due regard to their

anonymity.

3. Member States shall provide guidance to employers on legal remedies to remove the offender from the workplace and **on the potential to provide** early conciliation if the victim so wishes. **Member States shall provide external counselling for the employer.**

Or. en

Amendment 146

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, free of charge, to provide **expert** advice for victims of violence against women and domestic violence, **while recognising existing and complementary services. Specialist services shall provide that advice** confidentially or with due regard for **the** anonymity **of the victims**. Member States shall ensure the provision of such service also through other **secure** information and communication technologies, including online applications.

Or. en

Amendment 147

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

Amendment

1. The shelters and other appropriate interim **accommodation** as provided for in Article 9(3), point (a), of Directive 2012/29/EU shall **be accessible to all**

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.

victims of violence against women and domestic violence. Such shelters and other appropriate interim accommodation shall, in particular, address the specific needs of women victims of domestic violence, ***sexual exploitation*** and sexual violence, ***including by ensuring that there is access to single-sex shelters***. They shall assist them in their recovery ***by*** providing ***safe,*** adequate and appropriate living conditions with a view on a return to independent living ***and by providing necessary support services such as referral for further medical care.***

Or. en

Amendment 148

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 ***accommodation*** shall be equipped to accommodate the specific ***rights and*** needs of children, including child victims.

Or. en

Amendment 149

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(3) and (6), ***and Article 28(2) and (3)*** shall apply to shelters and other appropriate interim ***accommodation***.

Or. en

Amendment 150

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. Support to children shall be specialised and age-appropriate, respecting the best interests of the child, ***and shall not require the prior consent of the holders of parental responsibility.***

Or. en

Amendment 151

Proposal for a directive Article 34 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Member States shall establish and maintain safe places which allow a safe contact between a child and a holder of parental ***responsibility*** 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. ***Member States shall ensure the safety of non-abusive holders of parental responsibility during the process.***

Or. en

Amendment 152

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

Text proposed by the Commission

Amendment

1a. Member States shall ensure that the best interests of the child take precedence over the rights of access of an offender or suspect of violence against women or domestic violence. Member States shall ensure that the views of the child are given due weight when it comes to such rights of access.

Or. en

Amendment 153

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

Text proposed by the Commission

Amendment

1b. Member States shall, within the context of Article 38, provide intervention programmes specific to holders of parental responsibility.

Or. en

Amendment 154

Proposal for a directive Article 35 – paragraph 1

Text proposed by the Commission

Amendment

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

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 characteristics***, such as women with disabilities, women living in

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.

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, ***LBTIQ+ women, women in prostitution, victims of so-called “honour crimes”***, women detainees, or older women.

Or. en

Amendment 155

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, research and education ***programmes, including age-appropriate and comprehensive sexuality education and early intervention*** programmes, where appropriate developed in cooperation with relevant civil society organisations, social partners, impacted communities, ***local and regional governments or authorities*** and other stakeholders.

Or. en

Amendment 156

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

Amendment

4. Targeted action shall be addressed to groups at risk, including children, according to their age and maturity, ***young people***, and persons with disabilities,

consideration language barriers and different levels of literacy and abilities. Information for children shall be formulated in a child-friendly way.

taking into consideration language barriers and different levels of literacy and abilities. Information for children shall be formulated in a child-friendly way.

Or. en

Amendment 157

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 **increasing sensitivity to the concept of consent**, challenging harmful gender stereotypes, promoting equality between women and men **in all their diversity**, 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.

Or. en

Amendment 158

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 and/or increase sensitivity about the harmful practice of female genital mutilation **and forced sterilisation**.

Or. en

Amendment 159

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, 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.

Or. en

Amendment 160

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 at **the workplace** 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. **Employers shall take into account the potential for violence and sexual harassment at the workplace in their health and safety policies, as laid down in Directive 89/391/EEC.**

Or. en

Amendment 161

Proposal for a directive Article 36 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Member States shall ensure that offender programmes are provided and open to those who are referred or who refer themselves outside of the criminal justice system. Member States shall ensure that such programmes are accessible at the earliest possible moment.

Or. en

Amendment 162

Proposal for a directive Article 37 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. Member States shall ensure that professionals likely to come into contact with victims **and offenders**, including law enforcement authorities, court staff, judges and prosecutors, lawyers, providers of victim support **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 and to treat victims in a trauma-, gender-, **disability-, language-** and child-sensitive manner.

Or. en

Amendment 163

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***, midwives ***and psychological support staff***, shall receive targeted training to identify and address, in a cultural-sensitive manner, the physical, psychological and sexual consequences of female genital mutilation, ***forced sterilisation, so-called “honour crimes” and other harmful practices***.

Or. en

Amendment 164

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***, 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, ***in accordance with similar training provided for in Directive 89/391/EEC***. Those persons and employers shall receive information, ***training and guidance*** about the effects of violence against women and domestic violence on work and the risk of ***third-party*** violence ***and on how to support victims of domestic violence at the workplace***.

Amendment 165

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 specialised needs of victims.***

Amendment 166

Proposal for a directive Article 38 – paragraph 1

Text proposed by the Commission

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.

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. ***Such intervention programmes shall commence immediately after conviction.***

Amendment 167

Proposal for a directive Article 38 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. An admission or conviction shall not be a prerequisite for inclusion in intervention programmes.

Or. en

Amendment 168

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 cooperate with and consult civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence, in particular **women's civil society organisations, in particular** in providing support to victims **and to those who work to rehabilitate offenders**, concerning **the design and implementation of** 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.

Or. en

Amendment 169

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

Amendment

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.

violence, including the forms of violence referred to in Articles 5 to 10, ***including qualitative and quantitative data, such as the motives, forms and impact of violence against women and domestic violence.***

Or. en

Amendment 170

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 data disaggregated by sex, age of the victim and of the offender, relationship between the victim and the offender, ***the context in which the offence took place*** and type of offence:

Or. en

Amendment 171

Proposal for a directive

Article 44 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(aa) the availability of victim support services and the number of victims accessing them;

Or. en

Amendment 172

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 reported offences, of persons prosecuted for and convicted of such forms of violence, ***sentences imposed***, obtained from national administrative sources.

Or. en

Amendment 173

Proposal for a directive

Article 45 – paragraph 1

Directive 2011/93/EU

Article 3 – paragraph 7 – point a

Text proposed by the Commission

(a) engaging with a child below the age of sexual consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;

Amendment

(a) engaging with a child below the age of sexual consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object ***or engaging in any other act of a sexual nature that, in view of the gravity of the act, is comparable to penetration***;

Or. en

Amendment 174

Proposal for a directive

Article 45 – paragraph 1

Directive 2011/93/EU

Article 3 – paragraph 7 – point b

Text proposed by the Commission

(b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.

Amendment

(b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object, ***or engaging in any other act of a sexual nature that, in view***

of the gravity of the act, is comparable to penetration.

Or. en

Amendment 175

Proposal for a directive

Article 45 – paragraph 1

Directive 2011/93/EU

Article 3 – paragraph 9 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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, bodily injury, ***disability or being in an otherwise particularly vulnerable situation***.

Or. en

Amendment 176

Proposal for a directive

Article 45 – paragraph 1

Directive 2011/93/EU

Article 3 – paragraph 9 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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 ***or existing or past relationship with the offender. Consent***

shall be assessed in the context of the surrounding circumstances.

Or. en

Amendment 177

Proposal for a directive

Article 45 – paragraph 1 a (new)

Directive 2011/93/EU

Article 3 – paragraph 9 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the conduct referred to in paragraph 7 is punishable by a maximum term of imprisonment of at least 6 years where the child is above the age of sexual consent and where the person responsible for the conduct was grossly negligent as to whether the consent was given voluntarily or as to whether the child was able to form a free will.

Or. en

Amendment 178

Proposal for a directive

Article 47 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. By [*five* 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.

Or. en

EXPLANATORY STATEMENT

On the 8th of March 2022, on International Women's Day 2022, the European Commission presented a long awaited proposal for a Directive on combating violence against women and domestic violence (2022/0066 (COD)). The proposal is based on Articles 82(2) and 83(1) TFEU and aims to effectively combat violence against women and domestic violence throughout the EU.

The directive was a very welcome response to a long-standing call from the European Parliament. The Parliament has adopted resolutions dating back to 2009 calling for a directive on preventing and combating all forms of violence against women and girls within the Union. As yet, the EU has no binding instrument designed specifically to protect women and girls from violence. Violence against women and girls is a widespread phenomenon in the EU, with one in three women having experienced physical or sexual violence. Around 50 women lose their lives to domestic violence every week, 75% of women within a professional setting have experienced sexual harassment¹ and it is estimated that 1 in 2 young women have experienced gender-based cyber violence². The Commission's assessment on the criminalisation of gender-based violence against women in European States, including ICT-facilitated violence, indeed concludes that gender-based violence against women needs to be urgently tackled at the European level. These hideous crimes can no longer continue in our Union.

Gender-based violence breaches human rights and is an extreme form of gender-based structural discrimination. It can take many forms, including psychological-, physical-, sexual-, economic-, digital violence, harassment and more. Recent years have seen the emergence of gender-based cyber violence, which potentially have been exacerbated by the coronavirus pandemic as even more of people's social lives have shifted online.³ However, all kinds of gender-based violence have exacerbated due to women and girls being forced to stay home with the perpetrators during the Covid-19 lockdown. Millions of women in the Union are living in a constant fear for when the next hit will come. We must stop this.

The co-Rapporteurs welcome the Commission's historical proposal to finally address violence against women and domestic violence in a comprehensive way at a common European level. However, the co-Rapporteurs believe that the proposal must be further strengthened to ensure that it can properly respond to women's and girls' needs and to make Europe a safer place. They have therefore presented a number of proposals.

Firstly, the co-Rapporteurs emphasize that crime prevention is crucial and key to eliminate the risk of these crimes occurring, although the EU treaties offer only limited possibilities to act in this area. The co-Rapporteurs nevertheless want to highlight the importance of awareness-raising from an early age as men's violence against women often starts with boy's violence against girls. The awareness-raising must also include conversations about harmful gender

¹ <https://www.europarl.europa.eu/news/en/press-room/20210910IPR11927/make-gender-based-violence-a-crime-under-eu-law-meps-say>

² European Parliamentary Research Service (EPRS), Combating gender-based violence: Cyberviolence, European added value assessment, 2021.

³ European Parliamentary Research Service (EPRS), Combating gender-based violence: Cyberviolence, European added value assessment, 2021.

stereotypes and comprehensive and age-appropriate sexual education. Furthermore, relevant professionals, for example in law enforcement, the judiciary, or health care professionals and educational staff, should receive training and information to understand the specific features of gender-based crimes, and also learn how to identify potential cases and how to act appropriately when cases occur. Moreover, coordination and cooperation between relevant actors must also increase at central, regional and local levels, especially when related to reporting crimes of violence against women and domestic violence.

Secondly, when the crimes occur, the legal processes must be based on women's needs and should not lead to an additional assault. Irrelevant private questions to the victim shall never be allowed in the courtroom, there must be a clear improvement of knowledge within the judicial system regarding the specific features of these crimes and the woman must always be taken seriously from the first time she reports a crime.

Thirdly, the Union can no longer accept that only a fraction of all crimes reported lead to final conviction. The long-lasting and widespread impunity for perpetrators of violence against women and domestic violence must end. The co-Rapporteurs therefore propose strengthened measures to ensure the victims' security during the process by stressing the need to use barring, restraining and protection orders as well as arrest and detention as a way to keep women safe and to secure the evidence, thereby preventing the perpetrator to pursue the woman to withdraw her story and guarantee the woman the protection she is legally entitled to. Member States' authorities must also direct more efforts to secure the evidence, online as well as offline, from the earliest possible moment and electronic monitoring, such as ankle bracelets, should be used to make sure that barring, restraining and protection orders are respected, and can be followed up upon.

Fourthly, regarding the material provisions on the crimes included in the proposal, the co-Rapporteurs suggest to expand the definition of rape to include not only penetration, but also any other non-consensual act of a sexual nature that in view of the gravity of the act is comparable to penetration, as these acts will be equally harmful for the victim. The co-Rapporteurs also wish to expand the definition of consent, highlighting that all surrounding circumstances must be taken into account when making the assessment and include situations where a woman cannot be regarded as having a free and genuine choice, or is unable to refuse or withdraw consent without detriment, due to a state fear, intimidation, unconsciousness, intoxication sleep, illness, bodily injury, disability or in an otherwise particularly vulnerable situation. A specific article dedicated to negligent rape linked to the absence of consent is also put forward by the co-Rapporteurs, thereby including situations where the perpetrator was grossly negligent regarding the absence of consent.

The co-Rapporteurs also add forced sterilisation as a new offence as this is a harmful and exploitative practice 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. The co-Rapporteurs also add the crimes sexual exploitation through prostitution of others and purchase of sexual acts, as these offences clearly exploit women in already vulnerable situations, they are a gross violation of a person's right to bodily integrity and implies that both a person and their consent to sexual activity can be purchased for a given sum. For the same reason, the term 'sex worker' in the proposal should be replaced with the internationally agreed term 'women in prostitution', as an activity exploiting a person cannot and must not be recognised as 'work' by the EU.

To stop the ongoing harassment against women online and to protect women from the surge of cyber violence and harassment against them, the co-Rapporteurs suggest to expand the proposal's scope of cybercrimes, in order to cover more situations. Furthermore, as cyber violence particularly targets and impacts public figures such as female politicians, journalists and human rights defenders, the list of aggravating circumstances should cover situations where the offence was committed against a public representative, a journalist or a human rights defender, as these attacks are a clear threat to democracy within the Union. Regarding the list of aggravating circumstances, violence against women where the intention of the crime was to preserve or restore the so called "honour" of a person, family or community should also be viewed as an aggravating circumstance and these crimes clearly need an increased attention within the Union to combat.

Lastly, the co-Rapporteurs want to highlight the importance of always recognizing children who have witnessed violence against women and domestic violence as victims and suggest specific improvements in order to ensure that the best interest of the child is given due weight. This includes ensuring children's rights at shelters and requiring Member States to ensure that the child's best interest takes precedence over rights of access of the offender.