



**2022/0066(COD)**

28.11.2022

# **DRAFT OPINION**

of the Committee on Legal Affairs

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

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))

Rapporteur for opinion: Aubry Manon

PA\_Legam

## SHORT JUSTIFICATION

Violence against women and domestic violence are human rights violations and severe forms of discrimination. Violence against women and domestic violence are pervasive throughout the EU where an estimated 1 in 3 women has suffered from physical or sexual harm. Combating them is necessary to protect the core values of the European Union and fundamental rights as embedded in the EU Charter on Fundamental Rights.

The protection of victims' rights prior and during judicial proceedings is essential to combat violence against women and domestic violence.

Against this background, the proposal of the European Commission, the first ever-proposed EU Directive to combat violence against women and domestic violence, provides a wide range of crucial measures to combat violence at all stages, from prevention to prosecution.

Nevertheless, some improvements to the Commission's proposal could be implemented in order to strengthen the scope of the Directive.

Some of these include:

- Adding gender-based violence to the list of areas of crime under Article 83 (1) TFEU.
- The need for sufficient funding by Member States to set-up the necessary amounts of shelters in states and including women-only shelters for the protection and well-being of victims and children.
- Initial and continuing training of police and law enforcement officers on preventing and responding to violence in a gender-sensitive manner to prevent secondary victimization.
- Specialized and publicly funded support services for the victims, such as health, social services, police and justice and economic.
- Online and telephone helplines for victims to be accessible and available round-the-clock [24/7].

## AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Women's Rights and Gender Equality, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a directive

#### Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) In order to strengthen the European stance on combatting violence against women and gender violence, it is necessary that the Union adds gender-based violence to the list of EU areas of***

## Amendment 2

### Proposal for a directive Recital 10

#### *Text proposed by the Commission*

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

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<sup>5</sup> [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW), UNGA, 1979

<sup>6</sup> [Convention on preventing and combating violence against women and domestic violence](#) (Istanbul Convention), Council of Europe, 2011.

#### *Amendment*

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<sup>5</sup> [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW), UNGA, 1979

<sup>6</sup> [Convention on preventing and combating violence against women and domestic violence](#) (Istanbul Convention), Council of Europe, 2011.

### Amendment 3

#### 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.

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Or. en

##### *Justification*

*The Directive must protect women and girls in all their diversity, and include people with diverse sexual orientations, gender identities and expressions and sex characteristics, who are particularly at risk of violence. See for instance, the [FRA survey](#).*

### Amendment 4

#### Proposal for a directive Recital 24

##### *Text proposed by the Commission*

(24) Victims should be able to report

##### *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.

crimes of violence against women or domestic violence easily without being subject to secondary or repeat victimisation. To this end, Member States should ***in addition to in-person reporting*** 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.

Or. en

## Amendment 5

### Proposal for a directive Recital 25

#### *Text proposed by the Commission*

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

#### *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 serious physical harm. Similarly, instances of domestic violence or violence against women affecting children are often only intercepted by third parties noticing irregular behaviour or physical harm to the child. Children need to be effectively protected from such forms of violence and adequate measures promptly taken. Therefore, relevant professionals coming in contact with child victims or potential child

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

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 ***domestic violence or violence against women affecting children, victims should be duly informed; a gender-sensitive and child-competent risk assessment and risk management conducted, and tailored safety, protection and support measures adopted immediately regardless of the level of risk.*** Member States should ensure that they are not held liable for breach of confidentiality.

Or. en

## Amendment 6

### Proposal for a directive Recital 28

#### *Text proposed by the Commission*

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*

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*cooperation with other agencies and support services (health, social services, etc.). Under no circumstances women should be forced to engage in any intervention with an authority or agency against their will nor rushed into any process. When the victim of domestic violence is a child, protection and support should also extend to empowering the non-violent parent(s) or guardian(s) to protect the child from violence.*

Or. en

## Amendment 7

### 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 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, ***such as health, police and justice, housing and social 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.

Or. en

## Amendment 8

### 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 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 ***that are reachable round-the-clock 24/7***. 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.

Or. en

## Amendment 9

### 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 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 (***24/7***). 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 10

### 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. ***Women-only 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 and well-being, financial situation, legal status, legal advice, and the well-being of their children, ultimately preparing victims for an autonomous life. Member States should increase the number of shelters, especially in rural and vulnerable areas, to ensure that appropriate, easily accessible shelters in sufficient numbers are set-up. Shelters need to be easily and immediately accessible when victims need them so that victims can turn directly to the shelter. Member States should ensure enough funding to set up the necessary amount of shelters in their territories.***

## Amendment 11

### 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 ***long-term*** awareness-raising campaigns, ***promoting pro-social behaviours***, 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. ***All preventive measures need to be grounded in human rights and gender equality and based on the ecological model of violence and empirical evidence of their effectiveness and should be carried out by qualified prevention workers. Programmes that scientific evaluation has identified as effective or promising in preventing violence against women and domestic violence include school-based programmes to prevent child sexual abuse or dating violence, bystander intervention programmes and community-based programmes to transform gender norms.***

Or. en

## Amendment 12

### 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

#### *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 ***frontline*** professionals ***dealing***

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 Council<sup>11</sup>. Training activities should also cover the risk of third party violence. Third party violence refers to violence which staff may suffer at the workplace, not at the hands of a co-worker, and includes cases, such as nurses sexually harassed by a patient.

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<sup>11</sup> 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).

*with victims and perpetrators of all acts of violence against women and other 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. ***A clear gender perspective should be incorporated in all protocols, guidelines and procedures system-wide for all frontline services.*** 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 Council<sup>11</sup>. Training activities should also cover the risk of third party violence. Third party violence refers to violence which staff may suffer at the workplace, not at the hands of a co-worker, and includes cases, such as nurses sexually harassed by a patient.

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<sup>11</sup> 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 13

### Proposal for a directive Recital 60 a (new)

*Text proposed by the Commission*

*Amendment*

***(60a) In order to prevent secondary victimisation, Member States should develop initial and continuing training for judicial and law enforcement officers on preventing and responding to violence against women and domestic violence. In particular, training for authorities should focus on harmful gender stereotypes, gender-based violence and its mechanisms, including manipulation, hold, psychological violence and coercive control, assault, recidivism of perpetrators and the relevance of violence against women to children's rights. Adequate skills should be provided to the officers to enable them to assess the situation using reliable risk assessment tools. There should also be a trained law enforcement officer on sexual violence present to take complaints by women. Social and psychological workers in police stations can facilitate concrete human support for violence against women and domestic violence. Victims should also be able to file a complaint in hospitals and shelters to ease the burden of victims.***

Or. en

## Amendment 14

### Proposal for a directive Recital 61

*Text proposed by the Commission*

*Amendment*

(61) In order to counteract underreporting, Member States should ***also*** liaise with law enforcement authorities in the development of trainings in particular

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regarding harmful gender stereotypes, but also in the prevention of offences, given their typical close contact with groups at risk of violence and victims.

regarding harmful gender stereotypes, but also in the prevention of offences, given their typical close contact with groups at risk of violence and victims. ***Member States should ensure that such training programs are adequately funded.***

Or. en

## Amendment 15

### Proposal for a directive

#### Article 4 – paragraph 1 – point a

##### *Text proposed by the Commission*

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

##### *Amendment*

(a) “violence against women” ***based on the definition in Article 3 of the Istanbul Convention***, means gender-based violence, that is directed against a woman or a girl because she is a woman or a girl or that affects women or girls disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

Or. en

## Amendment 16

### 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

##### *Amendment*

(b) “domestic violence” ***based on the definition in Article 3 of the Istanbul Convention***, 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

ties, or between former or current spouses or partners, whether or not the offender shares or has shared a residence with the victim;

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

Or. en

## Amendment 17

### Proposal for a directive Article 4 – paragraph 1 – point h

#### *Text proposed by the Commission*

(h) “child” means any person below the age of 18 years;

#### *Amendment*

(h) “child” means any person below the age of 18 years. ***When the age of the victim is not certain, but there are reasonable grounds to believe that the victim is under 18 years of age, the victim is presumed to be a child and benefits from special protection measures pending age verification;***

Or. en

## Amendment 18

### 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 ***explicit*** 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.

Or. en

## Amendment 19

### Proposal for a directive Article 16 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 20

### Proposal for a directive Article 16 – paragraph 2

*Text proposed by the Commission*

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.

*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. ***Member States shall guarantee that the victim is informed about these third-party reports in advance and that an adequate risk assessment, risk management and safety planning are implemented before active***

*steps are taken against the perpetrator to ensure the safety of the woman and her children.*

Or. en

## **Amendment 21**

### **Proposal for a directive Article 16 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall ensure that initial and continuing training is provided to judicial and law enforcement officers on responding to complaints by victims of violence against women or domestic violence. The training of the law enforcement officer shall aim to improve knowledge and understanding of the existing protection measures for victims as well as of safety, impact of the crime, the needs of the victims, of how to address those needs and the soft skills required to best communicate with victims and support them. In order to support victims, at least one trained female law enforcement officer shall be present to receive complaints round-the-clock (24/7). Victims shall have an option to only testify once, in order to not revictimize the victims.***

Or. en

## **Amendment 22**

### **Proposal for a directive Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Member States shall ensure that the confidentiality rules imposed by national

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.

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. ***Where professionals report such instances of domestic violence or violence against women affecting children, victims shall be duly informed. After the reporting, the competent authority shall conduct a gender-sensitive and child-competent risk assessment, and risk management shall be conducted, and tailored safety, protection and support measures shall be adopted immediately regardless of the level of risk.***

Or. en

## Amendment 23

### 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 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. ***If a victim is a migrant or refugee women, the relevant professionals shall be able to report to the competent authorities in a safe and accessible***

*manner. The relevant professional authorities shall ensure that there are sufficient protection measures and an access to justice for migrants and refugee women.*

Or. en

## Amendment 24

### 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 **funding**, 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.

Or. en

## Amendment 25

### 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, **including appropriate psychological and mental healthcare**, 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.

Or. en

## Amendment 26

### 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, ***non-governmental organisations and associations*** and women’s shelters, social services and healthcare professionals.

Or. en

## Amendment 27

### Proposal for a directive Article 21 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that, in situations of immediate danger for the victim’s or their dependant’s health or safety, the competent authorities issue orders addressed at an offender or suspect of violence covered by this Directive to vacate the residence of the victim or their dependants for a sufficient period of time and to prohibit the offender or suspect from entering the residence or to enter the victim’s workplace or contacting the victim or their dependants in any way. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence.

#### *Amendment*

1. Member States shall ensure that, in situations of immediate danger for the victim’s or their dependant’s health or safety, the competent authorities issue orders addressed at an offender or suspect of violence covered by this Directive to vacate the residence of the victim or their dependants for a sufficient period of time and to prohibit the offender or suspect from entering the residence ***or coming nearby*** 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. ***The competent authorities shall also ensure that victims have an immediate contact and/or access to the police through telephone alerts, emergency call services***

*or any other such mechanisms that are free-of-charge and round-the-clock (24/7).*

Or. en

## **Amendment 28**

### **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, **while ensuring the best interests of the child;**

Or. en

## **Amendment 29**

### **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, to ensure the appropriate treatment of victims **and their children**, and handling of cases of violence against women or domestic violence.

Or. en

## **Amendment 30**

### **Proposal for a directive**

#### **Article 28 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall provide for appropriately equipped, easily accessible

*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 child-friendly manner.

rape crisis *and* 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, *intersectional* trauma support and psychological counselling, after the offence has been perpetrated and for as long as necessary thereafter. Where the victim is a child, such services shall be provided in a child-friendly manner *by professionals in the pediatric area. Children under the age of 16 who have experienced sexual violence shall not be interviewed several times and by many actors, thus revictimising children.*

Or. en

### Amendment 31

#### Proposal for a directive Article 29 – paragraph 2

*Text proposed by the Commission*

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.

*Amendment*

2. The services referred to in paragraph 1 shall be available free of charge and accessible *round-the-clock (24/7)* every day of the week. They may be part of the services referred to in Article 27.

Or. en

### Amendment 32

#### Proposal for a directive Article 29 – paragraph 3

*Text proposed by the Commission*

3. Member States shall ensure a sufficient geographical distribution and

*Amendment*

3. Member States shall ensure a sufficient geographical distribution and

capacity of these services across the Member State.

capacity of these services across the Member State, *with particular attention to making services accessible to women in rural and remote areas in a safe and confidential manner.*

Or. en

### Amendment 33

#### 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 *and with qualified and adequate number of counsellors*, 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.

Or. en

### Amendment 34

#### Proposal for a directive Article 32 – paragraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

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

with a view on a return to independent living.

conditions with a view on a return to independent living. ***Member States shall provide direct financial assistance to the competent authority to ensure that sufficient, accessible, safe and necessary amount of shelters are present for victims when they need them.***

Or. en

## Amendment 35

### Proposal for a directive Article 32 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that temporary solutions are available for both victims and children. Member States shall ensure that the victims are given a choice to be relocated or stay in their domestic environment. In the case that the victims choose to stay in their domestic environment, full protection should be provided for the victims as well as their children.***

Or. en

## Amendment 36

### Proposal for a directive Article 32 – paragraph 3

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## Amendment 37

### Proposal for a directive Article 33 – paragraph 2

*Text proposed by the Commission*

2. Child victims shall be provided with age-appropriate medical care, emotional, psychosocial, psychological and educational support, as well as any other appropriate support tailored in particular to situations of domestic violence.

*Amendment*

2. Child victims shall be provided with age-appropriate medical care, emotional, psychosocial, psychological and educational support, as well as any other appropriate support tailored in particular to situations of domestic violence, ***regardless of whether they are witnesses or victims of violence.***

Or. en

## Amendment 38

### Proposal for a directive Article 33 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

3. Where it is necessary to provide for interim accommodation, children shall as a priority be placed together with other family members, in particular with a non-violent parent, ***or in absence of such a parent, with a close relative,*** in permanent or temporary housing, equipped with support services. ***In such cases, siblings shall not be separated.*** Placement in shelters shall be a last resort. ***In the interest of the victims and the child, the solution to stay in the family home shall be taken into consideration and placement in shelters shall be a last resort.***

Or. en

## Amendment 39

### Proposal for a directive Article 34

#### *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*

Member States shall establish and maintain safe, *child-friendly* 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 *is able to exercise the* rights of access, *as decided by the court or other competent authority, also as a part of interim measures*. Member States shall ensure supervision by trained professionals, as appropriate, and in the best interests of the child. *Member States shall develop systems to allow third persons and associations to take care of the children and reduce the exposure of victims if their former partner has retained a right to visit, accomodation or shared custody rights.*

Or. en

## Amendment 40

### Proposal for a directive Article 36 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

1. Member States shall take appropriate actions to prevent *and eradicate all forms of* violence against women and domestic violence.

Or. en

## Amendment 41

### Proposal for a directive Article 36 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

4. Targeted action shall be addressed to groups at risk, including children, ***according to their gender and age, women with disabilities, women living in rural areas, homeless women, older women, women with no or low income, women detainees, sexual and gender-identity minorities, ethnic minorities, particularly vulnerable professional groups, and people with uncertain or without residence status***, taking into consideration language barriers and different levels of literacy and abilities. Information for children shall be formulated in a child-friendly way. ***Those actions shall include children.***

Or. en

## Amendment 42

### 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 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. ***Preventive measures shall also monitor and fight a culture of denigration of women voices.***

Or. en

## Amendment 43

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

*Text proposed by the Commission*

*Amendment*

***5a. Member States shall take measures to address the need for gender equality to have a central place in education and ensure that educational measures directed towards and implemented with young people, including comprehensive sexuality education and education on consent, and more general actions to combat gender inequality and discrimination.***

Or. en

## Amendment 44

### Proposal for a directive Article 36 – paragraph 8

*Text proposed by the Commission*

*Amendment*

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.

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

Or. en