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COMPROMISE AMENDMENTS (12/06/2023)

COMPROMISE 1 - ARTICLE 1

AMs covered: AM 669 (Ramos et al), AM 673 (Ramos et al), AM 674 (Riba i Giner, Spurek), AM, 675 (Picierno et al), AM 676 (Bjork), AM 677 (Rodriguez Palop), AM 678 (Mandl), EMPL 67, EMPL 68

AMs falling: AM 661 (Rodriguez Palop), AM 662 (Keller, Tolleret), AM 663 (Pietikäinen) AM 664 (Riba i Giner, Spurek), EMP 65, AM 665 (Melchior, Zullo), AM 666 (Keller, Tolleret), AM 667 (Colin-Oesterlé), AM 668 (Rodriguez Palop), AM 670 (Riba i Giner, Spurek), AM 671 (Riba i Giner, Spurek), AM 672 (Morano), AM 679 (Rodriguez Ramos et al), AM 680 (Rodriguez Palop), BUDG 16, EMPL 66, BUDG 17,

Article 1

Subject matter

This Directive lays down rules to prevent and combat violence against women and domestic violence. It establishes minimum rules concerning:

- (a) the definition of criminal offences and penalties in the areas of sexual exploitation of women and children and computer crime;
- (b) the rights of victims of all forms of violence against women or domestic violence before, during or after criminal proceedings;
- (c) **the rights of victims' to protection and victims' support (AM 669, EMPL 67);**
- (d) **prevention measures and early intervention. (AM 673, AM 674, AM 675, AM 676, AM 677, AM 678, EMPL 68)**

COMPROMISE 2 - ARTICLE 2

AMs covered (in whole or in part): AM 54 (Co-rapporteurs), AM 55 (Co-rapporteurs), AM 681 (Riba i Giner, Spurek), AM 682 (Riba i Giner, Spurek), AM 683 (Björk), AM 684 (Kokalari, Vozemberg-Vrionidi), AM 685 (Angel et al), AM 686 (Ramos et al), AM 687 (Rodriguez Palop), AM 688 (Riba i Giner, Spurek), AM 689 (Rodriguez Palop), JURI 34, JURI 35, JURI 36, EMPL 69

AMs falling: AM 690 (Björk)

Article 2
Victims at an increased risk of violence and specific risks

1. When implementing the measures under this Directive, Member States shall take into consideration the increased risk of violence faced by victims experiencing **intersectional** discrimination based on a combination of sex **or gender** and other grounds so as to cater to their enhanced protection and support needs, as set out in Article 18(4), Article 27(5), **Article 35(1) (AM 54, AM 682, AM 685, AM 687, JURI 34, JURI 35, EMPL 69)** and Article 37(7).
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~~ **rights** of victims, **including their physical and psychological integrity, privacy and safety.** (AM 55, AM 689, JURI 36)

COMPROMISE 3 - ARTICLE 3

AMs covered: none

AMs falling: AM 691 (Riba i Giner, Spurek), AM 692 (Riba i Giner, Spurek), EMPL 71, JURI 37,

Article 3
Scope

This Directive shall apply to the following criminal offences:

- (a) criminal offences referred to in Chapter 2;
- (b) acts of violence against women or domestic violence as criminalised under other instruments of Union law;
- (c) any other acts of violence against women or domestic violence as criminalised under national law.

COMPROMISE 4 - ARTICLE 4

AMs covered: AM 56 (Co-Rapporteurs), AM 57 (Co-rapporteurs), AM 58 (Co-Rapporteurs), AM 695 (Gálvez Muñoz), AM 696 (Riba i Giner, Spurek), AM 710 (Munoz), AM 711 (Riba i Giner, Spurek), AM 713 (Rodriguez Palop), AM 714(Rodriguez Ramos), AM 715 (Picierno et al), AM 716 (Kanko), AM 734 (Ramos et al), AM 737 (Bjork), AM 738 (Pietikäinen), AM 739 (Riba i Giner, Spurek), JURI 41, EMPL 74, EMPL 75

AMs falling: AM 693, AM 694, AM 697, AM 698, AM 699 (Rodriguez Palop), AM 700, AM 701, AM 702, AM 703, AM 704, AM 705, AM 706, AM 707, AM 708, AM 709, AM 712, AM 717, AM 718, AM 719, AM 720, AM 721, AM 722, AM 723, AM 724, AM 725, AM 726, AM 727, AM 728, AM 729, AM 730, AM 731, AM 732, AM 733, AM 735, AM 736 (Riba i Giner, Spurek), AM 740 (Kanko), AM 741, AM 742, AM 743, AM 744, AM 745, AM 746, AM 747, AM

Article 4
Definitions

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

- a) “violence against women” means **all acts of** 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 **in all their diversity (AM 696)** 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;
- b) “domestic violence” means all acts, **or threats of acts**, (AM 56; AM 710; AM 711; AM 713; AM 716) **of physical, sexual, psychological or economic** (AM 56; AM 710; AM 711, AM 714) **of** violence that result in, or are likely to result in, ~~physical, sexual, psychological or economic~~ (AM 56) 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 household** (AM 711) with the victim;
- c) “victim” means any person, regardless of sex or gender, unless specified otherwise, who has suffered harm, which was directly caused by acts of violence covered under this Directive, including child witnesses of such violence;
- d) “cyber violence” means any act of violence covered by this Directive that is committed, assisted or aggravated in part or fully by the use of information and communication technologies;
- e) “information and communication technologies” means all technological tools and resources used to digitally store, create, share or exchange information, including smart phones, computers, social networking and other media applications and services;
- f) “providers of intermediary services” means ~~providers~~ **a provider of the an intermediary (AM 734) (AM 57)** services as defined in Article 23, point (f), of Regulation (EU) ~~YYYY/XXX-2022/2065~~ of the European Parliament and of the Council¹ ~~[Regulation on a Single Market for Digital Services]; (AM 57; AM 734)~~
- g) “sexual harassment **in the world of 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 **(AM 58)** in matters of employment, occupation and self-employment, **informal and undocumented work**, (AM 58; AM 737, AM 738, AM 739) **job seeking and training**

¹ Regulation (EU) ~~YYYY/XXX-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). (OJL...)** (AM 57)

(EMPL 75), including in public and private work spaces, ~~where they are a place of work~~, places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities, during work-related trips, travel, training, events or social activities, through work-related communications, including those enabled by information and communication technologies, in employer-provided accommodation, when commuting to and from work (AM 739, EMPL 74) with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, including where a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for job-related decisions (EMPL 75);

- h) “child” means any person below the age of 18 years;
- i) “age of sexual consent” means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child;
- j) “dependant” means a child of the victim or any person, other than the offender or suspect, living in the same household as the victim (*JURI 41*), for whom the victim is providing care and support.

COMPROMISE 5 - ARTICLE 5 and ARTICLE 5 a (new)

AMs covered: AM 61 (Co-Rapporteurs), AM 62 (Co-Rapporteurs), AM 767, AM 768 (Pietikäinen), AM 769 (Riba i Giner, Spurek), AM 773 (Colin-Oesterlé), AM 776 (Björk), AM 777 (Ramos et al), AM 779 (Riba i Giner, Spurek), AM 781 (Kanko), AM 784 (Keller, Tolleret), AM 785 (Colin-Oesterlé), AM 786 (Toom), AM 788 (Kanko), *JURI 45*, EMPL 76, EMPL 77

AMs falling: AM 59 (Co-Rapporteurs), AM 60 (Co-Rapporteurs), AM 63 (Co-Rapporteurs), AM 754, AM 755, AM 756, AM 757, AM 758, AM 759 (Ramos et al), AM 760 (Munoz), AM 761, AM 762, AM 763 (Ramos et al), AM 764, AM 765, AM 766, AM 770 (Rodriguez Palop), AM 771, AM 772 (Ramos et al), AM 774 (Kanko), AM 775, AM 778, AM 782 (Pietikäinen), AM 783, AM 789, AM 790, AM 794 (Munoz), *JURI 46*,

CHAPTER 2 OFFENCES CONCERNING SEXUAL EXPLOITATION OF WOMEN AND CHILDREN AND COMPUTER CRIME

Article 5 Rape

1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:
 - (a) engaging with a woman in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;
 - (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.

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, (AM 61; AM 769; AM 773) unconsciousness, intoxication, sleep, illness, bodily injury or disability or in an otherwise particularly vulnerable situation (AM 62; AM 768; AM 770; JURI 45).*

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 *or existing or past relationship with the offender (AM 62; AM 776; AM 777; AM 779; AM 781; AM 785, EMPL 77), including marital or any other partnership status (AM 777). Consent shall be given voluntarily as the result of free will and it shall be assessed in the context of the surrounding circumstances (AM 62; AM 769, AM 776, EMPL 76).*

Article 5a

Sexual assault

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

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

2. *Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form 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, (AM 61; AM 769; AM 773) unconsciousness, intoxication, sleep, illness, bodily injury or disability or in an otherwise particularly vulnerable situation (AM 62; AM 768; AM 770; JURI 45).*

3. *Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted by the woman's silence, verbal or physical non-resistance or past sexual conduct or existing or past relationship with the offender (AM 62; AM 776; AM 777; AM 779; AM 781; AM 785), including marital or any other partnership status (AM 777). Consent shall be given voluntarily as the result of free will and it shall be assessed in the context of the surrounding circumstances. (AM 767, AM 786, AM 788)*

COMPROMISE 6 - Article 6, Article 6 a (new), Article 6 b (new), Article 6 c (new), Article 6 d (new)

AMs covered: AM 64 (Co-rapporteurs), AM 183 (Co-rapporteurs), AM 780 (Munoz), AM 787 (Colin-Oesterlé), AM 791 (Colin-Oesterlé), AM 812 (Rodriguez Palop), AM 800 (The Left), AM 802 (Renew), AM 803 (Co-rapporteurs), AM 804 (The Left), AM 805 (ECR), AM 808 (Greens/EFA), AM 890 (Mandl), EMPL 78, JURI 38

AMs falling: AM 65 (Co-rapporteurs) AM 66 (Co-rapporteurs), AM 792 (EPP), AM 793 (Greens/EFA), AM 795 (EPP), AM 796 (Colin-Oesterlé), AM 797 (EPP), AM 798 (S&D), AM 799 (S&D), AM 800 (Angel et al.) AM 801 (Greens), AM 806 (Rafaela), AM 807 (The Left), 809 (The Left), AM 810 (ECR) AM 811 (Rodriguez Ramos et al.), AM 812 (Renew), AM 813 (Renew), AM 814 (The Left), AM 815 (The Left).

Article 6 *Female genital mutilation*

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

- (a) excising, infibulating or performing any other mutilation to the whole or any part of the labia majora, labia minora or clitoris;
- (b) coercing or procuring a woman or a girl to undergo any of the acts referred to in point (a).

Article 6a – Intersex genital mutilation

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

- (a) performing any medically unnecessary surgical or medical procedure or hormonal treatment on the sex characteristics of a healthy woman or child with variations of sex characteristics with the purpose or effect of altering those sex characteristics to align them with sex characteristics considered typically female or male without their prior and informed consent and understanding of the procedure;**
- (b) coercing a healthy woman or child to undergo a procedure or treatment as referred to in point (a).**

2. Member States shall ensure that the prior and informed consent of a woman or child to undergo a procedure referred to in paragraph 1 cannot be substituted by the consent of the woman or child's legal guardian. (AM 800, AM 808)

Article 6b - Forced sterilisation

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

- (a) performing surgery which has the purpose or effect of terminating a woman or child's ability to naturally reproduce without their prior and informed consent and**

understanding of the procedure, including as a prerequisite for other medical procedures;

(b) coercing or procuring a woman or a child to undergo the surgery referred to in point (a). (AM 64, AM 802, AM 804, AM 805, EMPL 78)

2. Member States shall ensure that the prior and informed consent of a woman or child to undergo the procedure referred to in paragraph 1, point (a), cannot be substituted by the consent of the woman or child's legal guardian. (AM 802, EMPL 78)

Article 6c - Forced marriage

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

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

(b) luring a woman or child to the territory of a State other than the one in which the woman or child resides in order to force that person to enter into a marriage. (AM 791, AM 812, AM 890)

Article 6 d - Offences concerning sexual harassment in the world of work

Member States shall ensure that intentionally engaging at work or in the context of access to employment, self-employment, vocational training or promotion, in serious unwanted conduct of a sexual nature, with the purpose or effect of violating the dignity of another person, is punishable as a criminal offence (AM 803, JURI 38).

COMPROMISE 7 - Article 7 and Article 7 a (new)

AMs covered: AM 68 (Co-rapporteurs), AM 816 (S&D), AM 824 (Renew), AM 829 (S&D), AM 830 (Greens), AM 832 (Renew), AM 833 (EPP), AM 834 (ECR), AM 835 (ECR), AM 836 (Renew), AM 839 (Renew), AM 840 (S&D), AM 841 (S&D), AM 845 (EPP), EMPL 79, EMPL 80

AMs falling: AM 67 (Co-rapporteurs), AM 817 (S&D), AM 818 (The Left), AM 819 (EPP), AM 820 (Renew), AM 821 (S&D), AM 822 (EPP), AM 823 (Greens/EFA), AM 825 (ECR), AM 826 (ECR), AM 827 (S&D), AM 828 (S&D), AM 831 (EPP), AM 838 (Rodriguez Palop), AM 842 (Renew), AM 843 (ECR), AM 846 (EPP),

Non-consensual sharing (AM 816) of intimate or manipulated material

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

- (a) making *intimate* ~~images, or videos or other material depicting sexual activities,~~ of another person without that person's consent accessible to a ~~multitude of~~ *other* end-users by means of information and communication technologies; (*AM 824, EMPL 79*)
- (b) producing or manipulating and subsequently making accessible to a ~~multitude of~~ *other* end-users, by means of information and communication technologies, ~~images, videos or other material,~~ *without that person's consent, intimate material (AM 68, AM 830, AM 833, AM 834, AM 835, AM 836, EMPL 80) or other material,* making it appear as though another person is engaged in sexual activities, ~~without that person's consent;~~
- (c) threatening to engage in the conduct referred to in points (a) or (b) ~~in order to coerce another person to do, acquiesce or refrain from a certain act.~~ (*AM 839, AM 840, AM 841*)

1a. For the purposes of this Article, the term 'intimate material' shall be understood as including photographs and video recordings (AM 747), of a private, personal and, a sexual or nude nature.

COMPROMISE 8 - Article 8

AMs covered: AM 69 (Co-rapporteurs), AM 857 (EPP), AM 858 (Greens), AM 859 (EPP), AM 860 (ECR), AM 862 (Renew), AM 865 (EPP), EMPL 83

AMs falling: AM 847 (The Left), AM 848 (ECR), AM 849 (EPP), AM 850 (Greens/EFA), AM 851 (S&D), AM 852 (Greens), AM 853 (EPP) AM 854 (Renew), AM 855 (EPP), AM 856 (S&D), AM 861 (S&D), EMPL 82, EMPL 81

Article 8 Cyber stalking

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

- (a) persistently engaging in threatening or intimidating conduct directed at another person, by means of information and communication technologies, which causes that the person fears for own safety or that the person fears for safety of dependants; (*AM 865*)

- (b) placing another person under continuous surveillance, without that person's consent or legal authorisation to do so, by means of information and communication technologies, to track or monitor that person's movements and activities;
- (c) making material containing *or revealing (AM 857)* the personal data of another person, without that person's consent, accessible to ~~a multitude of~~ *other end-users (AM 69)*, by means of information and communication technologies, for the purpose of inciting ~~these end-users~~ *others* to cause physical or ~~significant~~ *psychological or economic* harm to ~~that~~ *that* person. (*AM 857, AM 858, AM 859, AM 860, AM 862, EMPL 83*)

COMPROMISE 9 - Article 9

AMs covered: AM 70 (Co-rapporteurs), AM 71 (Co-rapporteurs), AM 837 (Colin-Oesterlé), AM 844 (Renew) AM 868 partly (EPP), AM 871 (Renew), AM 872 (ECR), AM 873 (S&D), AM 874 (The Left), AM 875 (EPP), AM 876 (Renew), AM 877 (Renew), AM 878 (S&D), AM 879 (Melchior), AM 880 (Pietikäinen), EMPL 84,

AMs falling: AM 863 (The Left), AM 864 (ECR), AM 866 (S&D), AM 867 (Pietikäinen), AM 869 (Greens/EFA), AM 870 (S&D),

Article 9 Cyber harassment

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

- (a) initiating an attack (*AM 71, AM 868*) ~~with third parties~~ directed at another person, by making threatening or ~~insulting~~ *abusive* material accessible to ~~a multitude of~~ *other (AM 871, AM 872, AM 873, EMPL 84)* end-users, by means of information and communication technologies, with the effect of causing (*AM 871*) ~~significant~~ *psychological or economic* harm to the attacked person (*AM 868, EMPL 84*).
- (b) participating in attacks referred to in point (a). (*AM 71, AM 873, AM 871, AM 875, AM 876*)
- (ba) the unsolicited sending, by means of information and communication technologies, of an image or video, or other material, depicting genitals, to a person with the effect of causing psychological harm to that person; (AM 837, AM 844, AM 874, AM 878, AM 877, AM 879, AM 880)*

COMPROMISE 10 - Article 10

AMs covered: AM 881 (Riba i Giner, Spurek), AM 882 (Björk), AM 883 (Keller, Tolleret), EMPL 85

AMs falling: AM 884 (Hidvéghi), AM 885 (Możdżanowska), AM 886 (Rodríguez Palop), AM 889 (Rodríguez Palop).

Article 10

Cyber incitement to violence or hatred

Member States shall ensure that the intentional conduct of inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to **sexual orientation, gender expression, gender identity or (AM 881), sex characteristics (AM 882, AM 883, EMPL 85) or gender**, by disseminating to the public material containing such incitement by means of information and communication technologies is punishable as a criminal offence.

COMPROMISE 11 - Article 11 and Article 12

AMs covered: AM 72 (Co-rapporteurs), AM 73 (Co-rapporteurs), AM 74 (Co-rapporteurs), AM 75 (Co-rapporteurs), AM 76 (Co-rapporteurs), AM 77 (Co-rapporteurs), AM 891 (Rodríguez Palop), , AM 896 (Rodríguez Ramos et al), AM 904 (Kanko), AM 906 (Morano) EMPL 86

AMs falling: AM 892 (Rodríguez Palop), AM 893 (Rodríguez Ramos et al) AM 894 (Riba i Giner, Spurek), AM 895 (Rodríguez Palop), AM 897 (Rodríguez Palop), AM 898 (Możdżanowska), AM 899 (Kanko), AM 900 (Morano), AM 901 (Rodríguez Ramos et al), AM 902 (Toom), AM 903 (Rodríguez Ramos), AM 905 (Rodríguez Palop), AM 907 (Colin-Oesterle), AM 908 (Możdżanowska), AM 909 (Colin-Oesterle), AM 910 (Riba i Giner, Spurek), AM 911 (Kanko), AM 912 (Angel et al), AM 913 (Rodríguez Ramos), AM 914 (Morano), AM 915 (Rodríguez Ramos et al), AM 916 (Rodríguez Ramos et al), AM 917 (Możdżanowska), AM 918 (Rodríguez Ramos et al), AM 919 (Kanko).AM 920 (Rodríguez Ramos et al), AM 921 (Możdżanowska), AM 922 (Morano),

Article 11

Incitement, aiding and abetting, and attempt

1. Member States shall ensure that inciting and aiding and abetting the commission of any of the criminal offences referred to in Articles 5 to 9 (**AM 891**) are punishable as criminal offences.

2. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles 5, **5a, and 6, 6a, 6b and 6c (AM 72; AM 896)** ~~is~~ **are** punishable as a criminal offence.

Article 12

Penalties

1. Member States shall ensure that the criminal offences referred to in Articles 5 to 11 are punishable by effective, proportionate and dissuasive criminal penalties.

2. Member States shall ensure that the criminal offences referred to in Article 5 is **(AM 73)** 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.

2 a. Member States shall ensure that the criminal offence referred to in Article 5a is punishable by a maximum penalty of at least three years of imprisonment and at least five years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13. (AM 902)

2 b. Member States shall ensure that the criminal offences referred to in Article 6d is punishable by a maximum penalty of at least one year of imprisonment. (AM 75)

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 **without delay after conviction. (AM 76; AM 904; AM 906)**

4. Member States shall ensure that the criminal offences referred to in Article 6, **6a, 6b and 6c (EMPL 86) are** 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.

5. Member States shall ensure that the criminal offences referred to in Articles 8 and 10 are punishable by a maximum penalty of at least 2 years of imprisonment.

6. Member States shall ensure that the criminal offences referred to in Articles 7 and 9 are punishable by a maximum penalty of at least 1 year of imprisonment.

COMPROMISE 12 - Article 13

AMs covered: AM 78 (Co-rapporteurs), AM 79 (Co-rapporteurs), AM 80 (Co-rapporteurs), AM 81 (Co-rapporteurs), AM 82 (Co-rapporteurs), AM 83 (Co-rapporteurs), AM 924 (Rodríguez Palop), AM 927 (Pietikäinen), AM 928 (Rodríguez Ramos), AM 929 (Riba i Giner, Spurek), AM 930 (Rodríguez Palop), AM 931 (Chinnici), AM 932 (Rodríguez Palop), AM 933 (Rodríguez Palop), AM 935 (Rodríguez Palop), AM 936 (Rodríguez Ramos et al), AM 938 (Rodríguez Ramos et al), AM 941 (Kanko), AM 943 (Colin-Oesterle), AM 949 (Bjork), AM 950 (Galvez Munoz), AM 951 (Rodríguez Palop), AM 952 (Colin-Oesterle), AM 955 (Kanko), AM 956 (Colin-Oesterle), AM 957 (Riba i Giner, Spurek), AM 958 (Rodríguez Palop), AM 960 (Rodríguez Palop), AM 961 (Kanko), EMPL 88, JURI 47, JURI 48

AMs falling: AM 923 (Kountoura), AM 925 (Rodríguez Palop), AM 926 (Riba i Giner, Spurek), AM 934 (Rodríguez Palop), AM 937 (Rodríguez Palop), AM 939 (Rodríguez Palop), AM 940 (Rodríguez Palop), AM 942 (Picierno et al), AM 944 (Rodríguez Palop), AM 945 (Rodríguez Ramos et al), AM 946 (Rodríguez Palop), AM 947 (Colin-Oesterle), AM 948 (Rodríguez

*Article 13
Aggravating circumstances*

In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles 5 to 10, **(AM 924)** Member States shall ensure that they may be regarded as aggravating circumstances in relation to those offences:

- a) the offence, or another criminal offence of violence against women or domestic violence, was committed repeatedly;
- b) the offence was committed against a person made vulnerable by particular circumstances, such as ***residence status (AM 78; AM 927, AM 928, EMPL 88), pregnancy (AM 931, JURI 47)***, a situation of dependence or a state of physical, mental, intellectual, or sensory disability ***or distress (AM 929, EMPL 88)***, ***being a victim of trafficking (AM 927; AM 930)*** or living in institutions, ***including retirement homes and children's homes (AM 928), as well as reception centres, detention facilities or accommodation centres for asylum seekers (AM 78; AM 927; AM 929, AM 932, JURI 48); .***
- c) the offence was committed against a child; **(AM 933)**
- d) the offence was committed in the presence of a child;
- e) the offence was committed by two or more persons acting together;
- f) the offence was preceded or accompanied by extreme levels of violence ***or particularly inhuman, degrading or humiliating acts; (AM 935)***
- g) the offence was committed with the use or threat of using a weapon; **(AM936)**
- h) the offence was committed with the use of force or threats to use force, or coercion **(AM 938);**
- i) the offence resulted in the death or suicide of the victim or severe physical or psychological harm for the victim ***or dependants; (AM 941)***
- j) the offender has previously been convicted of offences of ~~the same~~ ***a similar (AM 80; AM 943)*** nature;
- k) the offence was committed against a former or current spouse or partner;
- l) the offence was committed by a member of the family or person cohabiting with the victim;
- m) the offence was committed by abusing a recognised position of trust, authority or influence;

- n) the offence was filmed, photographed or recorded in another form and made accessible by the offender;
- o) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances;

(o a) the offence was committed against a public representative, a journalist or a human rights defender; (AM 81; AM 950; AM 957, EMPL 88)

(o b) the offence brought profit or gain or had the intention of bringing profit or gain; (AM 82; AM 961; AM 952, AM 958)

(o c) 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; (AM 83; AM 955; AM 960)

(od) the intention of the crime was to punish victims for their sexual orientation, gender expression, gender identity or sex characteristics, (AM 949; AM 951; AM 956) or their skin colour, religion, social origin or political beliefs (AM 956).

COMPROMISE 13 - Article 14

AMs covered: AM 84 (Co-rapporteurs), AM 85 (Co-rapporteurs), AM 86 (Co-rapporteurs), AM 87 (Co-rapporteurs).

AMs falling: AM 962 (Rodriguez Palop).

Article 14 Jurisdiction

1. Member States shall take the necessary measures to establish their jurisdiction over the criminal offences referred to in Articles 5 to 11 where:

- (a) the offence is committed in whole or in part within their territory;
- (b) the offence is committed by one of their nationals.

2. A Member States shall **take the necessary measures to establish their** ~~inform the Commission where it decides to extend its jurisdiction to~~ **over** criminal offences referred to in Articles 5 **and 6 to 11** which have been committed outside its territory in any of the following situations: *(AM 85)*

- (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.

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

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

(b) by offenders who are habitual residents in their territory. (AM 86)

3. Member States shall ensure that their jurisdiction established over the criminal offences referred to in Articles 7 to 10 includes situations where the offence is committed by means of information and communication technology accessed from their territory, whether or not the provider of intermediary services is based on their territory.

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.

5. In cases referred to in paragraph 1, point (b), Member States shall ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a report made by the victim in the place where the criminal offence was committed, or a denunciation from the State of the place where the criminal offence was committed.

COMPROMISE 14 - Article 15

AMs covered: AM 88 (Co-rapporteurs), AM 89 (Co-rapporteurs), AM 963 (Rodriguez Palop), AM 965 (Colin-Oesterlé), AM 966 (Kanko), AM 967 (Picierno et al.), AM 972 (ROdriguez Ramos et al.), AM 981 (Björk), EMPL 92

AMs falling: AM 964 (Możdżanowska), AM 968 (Kanko), AM 969 (Picierno et al.), AM 970 (Możdżanowska), AM 971 (Colin-Oesterlé), AM 973 (Angel et al.), AM 974 (Kanko), AM 975 (Możdżanowska), AM 976 (Renew), AM 977 (Rodriguez Ramos et al.), AM 978 (Możdżanowska), AM 979 (Rodriguez Palop), AM 980 (Rodriguez Palop).

Article 15

Limitation periods

1. Member States shall take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision concerning criminal offences referred to in Articles 5 to 11 for a sufficient period of time after the commission of those criminal offences.

2. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Articles 5, **and 6** of at least 20 years from the time when the offence was committed. *(AM 88, AM 965, AM 966, AM 967)*

3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Articles **5a, 6, 6a, 6b and 6c** of at least 10 years from the time when the offence was committed. *(AM 969, EMPL 92)*

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

5. Member States shall take the necessary measures to provide for a limitation period for the criminal offences referred to in Articles 8 and 10, of at least 7 years after the criminal offence has ceased or the victim has become aware of it.

6. If the victim is a child, the limitation period shall commence at the earliest once the victim has reached 18 years of age.

COMPROMISE 15 - Article 16

AMs covered (in whole or in part): AM 90 (co-rapporteurs), AM 91 (co-rapporteurs), AM 92 (co-rapporteurs), AM 93 (co-rapporteurs), AM 94 (co-rapporteurs), AM 986 partly (Riba i Giner) AM 987 (Renew), AM 988 (Chinnici), AM 989 (Colin-Oesterlé), AM 991 (Riba i Giner), AM 992 (Renew), AM 1003 (Kokalari), AM 1004 (Colin-Oesterlé), AM 1005 (Kanko), AM 1006 (Renew), AM 1011 (Rodríguez Palop), AM 1012 (Kokalari), AM 1013 (Kountoura), AM 1016 partly (Riba i Giner), AM 1017 (Björk), AM 1018 (Renew), AM 1022 (Pietikäinen), AM 1288 (Rodríguez Palop), AM 1315 (Rodríguez Palop), AM 1329 (Rodríguez Palop), AM 1398 (Colin-Oesterlé), AM 1470 (Rodríguez Palop), JURI 50, EMPL 94, EMPL 95, JURI 52,

AMs falling: AM 982 (Riba i Giner), AM 984 (Rodríguez Palop), AM 985 (Pietikäinen), AM 990 (Ciuhodaru), AM 993 (Rodríguez Palop), AM 994 (Kountoura); AM 995 (Rodríguez Palop), AM 1014 (Riba i Giner), AM 1015 (Morano), AM 1019 (Bruna), EMPL 94, EMPL 96, JURI 51; JURI 54, EMPL 97, JURI 55, EMPL 98,

Ams to be included in the recitals: AM 983 (Walsh), , AM 997 (Pietikäinen) AM 998 (Riba i Giner), AM 1000 (Riba i Giner), AM 1002 (Rodríguez Palop), AM 1007 (Walsh), AM 1008 (S&D), AM 1010 (Colin-Oesterlé), AM 1020 (Riba i Giner), AM 1021 (Pietikäinen)

Article 16

Reporting of violence against women or domestic violence

1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, Member States shall ensure that victims can report criminal offences of violence against women or domestic violence to the competent authorities in an easy, **safe (AM 987, AM 991, AM 1008, JURI 50)** and accessible manner, **with due regard for their privacy (AM 988, AM 989)**. This shall include the possibility of reporting criminal offences online or through other **accessible (AM 988, JURI 50, EMPL 94) and secure (AM 987, AM 986)** information and communication technologies, including the possibility to submit evidence, in particular concerning reporting of criminal offences of cyber violence.

1a. Member States shall ensure that victims have access to legal aid and assistance, free of charge and in a language they can understand, when reporting criminal offences and during judicial proceedings (AM 992, AM 1288, AM 1315, AM 1329, AM 1398, AM 1470).

1 b. 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. (AM 90, AM 1022)

1 c. Member States shall ensure that victims are referred to a specialised contact person within the competent authority irrespective of whether or not a criminal complaint is filed. (AM 991, AM 1008)

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. (AM 91, EMPL 95)**

3. Member States shall ensure that the confidentiality rules imposed by national law on relevant professionals, such as healthcare **and education (AM 1006)** 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~~ **a serious** risk that ~~serious~~ **physical or psychological** harm will be inflicted on a person due to their being subject to any of the offences covered under this Directive **(AM 92, AM 1003, AM 1004)**. 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~~ **an** act of violence covered under this Directive has been committed or further ~~serious~~ **(AM 92, AM 1005, AM 1006, JURI 52)** acts of violence are to be expected.

4. Where children report criminal offences of violence against women or domestic violence, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and language, in accordance with their age and maturity. **Member States shall ensure that professionals trained to work with children assist in reporting procedures to ensure that they are in the best interests of the child.** ~~If the offence involves the holder of parental responsibility, Member States should~~ **shall ensure that** reporting is not conditional upon **parental (AM 1012)** ~~this person's~~ consent **and that there is no obligation on the competent authorities to immediately inform a holder of parental responsibility of the reporting. (AM 93, AM 1011, AM 1013).**

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, ~~at least until completion of the first individual assessment referred to in Article 18.~~ **(AM 94, AM 1016, AM 1017, AM 1018)**

COMPROMISE 16 - Article 17

AMs covered (in whole or in part): AM 95 (co-rapporteurs), AM 96 (co-rapporteurs), AM 98 (co-rapporteurs), AM 1024 (Morano), AM 1025 (Kokalari), AM 1026 (Renew), AM 1027 (Björk), AM 1028 partly (Riba i Giner), AM 1029 (Renew), AM 1030 partly (Riba i Giner), AM 1031 (Renew), AM 1033 (Rodriguez Palop), AM 1035 partly (Riba i Giner), AM 1039 (Renew), AM 1040 (Colin-Oesterlé), AM 1042 (Intergroup), AM 1046 (Renew).

AMs falling: AM 1023 (Rodriguez Palop), AM 1032 (Riba i Giner), AM 1034 (Riba i Giner), AM 1045 (Riba i Giner), AM 1047 (Colin-Oesterlé), AM 1048 (Renew), AM 1049 (Riba i Giner), AM 1052 (Renew), EMPL 99, JURI 56, EMPL 100, EMPL 101, JURI 57,

Ams to be included in the recitals: AM 1036 (Björk), AM 1037 (Kountoura), AM 1038 (Maxová), AM 1043 (Rodriguez Palop), AM 1050 (Renew), AM 1051 (Renew).

Article 17

Investigation and prosecution

1. Member States shall ensure that persons, units or services investigating and prosecuting violence against women or domestic violence have sufficient, **and specialised (AM 95, AM 1025, AM 1028)** expertise (AM 1027) and effective investigative tools to effectively investigate and prosecute such crimes, especially to gather, analyse and secure electronic evidence in cases of cyber violence.
2. Member States shall ensure that reported offences of violence against women or domestic violence are processed and transferred without delay to the competent authorities for **the purpose of adopting protection measures**, ~~for prosecution~~ and **for the purposes of investigation and prosecution.** (AM 96, AM 1029)
3. The competent authorities shall promptly and effectively record and investigate allegations of violence against women or domestic violence and ensure that **an administrative record is kept** ~~an official complaint is filed~~ in all cases **and that evidence is preserved, whether or not the investigation continues.** (AM 1031, AM 1033, AM 1039).
4. The competent authorities shall promptly refer victims to relevant health care professionals or **specialist (AM 1035, AM 1042)** support services referred to in Articles 27, 28 ~~and 29~~ **and 29a** 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.~~ (AM 97, AM 1040) **The competent authorities shall ensure that victims are informed as to the importance of the collection of evidence at the earliest possible time (AM 1039).**
5. Investigations into or prosecution of offences referred to in Articles 5, 6, **and 6c (AM 98, AM 1046)** 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.

COMPROMISE 17 - Article 18

AMs covered (in whole or in part): AM 99 (co-rapporteurs), AM 100 (co-rapporteurs), AM 101 (co-rapporteurs), AM 102 (co)rapporteurs), AM 103 (co-rapporteurs), Am 104 (co-rapporteurs), AM 1009 (Renew), AM 1044 (Rodriguez Palop), AM 1058 (Riba i Giner), AM 1059 (Renew), AM 1060 (Björk), AM 1061 (Rodriguez Palop), AM 1062 (Renew), AM 1063 (Kokalari), AM 1064 (Keller), AM 1066 (Riba i Giner), AM 1069 (Santos), AM 1070 (Intergroup), AM 1072 (Rodriguez Palop), AM 1073 (Renew), AM 1077 (Renew), AM 1078 (Björk), AM 1079 (Riba i Giner), AM 1081 (Rodriguez Palop), AM 1082 (Kountoura), AM 1084 (Chinnici et al.), AM 1086 (Rodriguez Palop), AM 1087 (Renew), AM 1088 (Riba i Giner), AM 1090 (Riba i Giner), JURI 58, JURI 59, JURI 60, JURI 61, EMPL 102, EMPL 104

AMs falling: AM 1054 (Rodriguez Palop), AM 1055 (Riba i Giner), AM 1056 (Melchior), AM 1065 (Renew), AM 1068 (Rodriguez Palop), AM 1075 (Riba i Giner), AM 1083 (Pietikäinen),

AM 1085 (Colin-Oesterlé), AM 1089 (Rodriguez Palop), AM 1091 (Riba i Giner), AM 1102 (Björk), AM 1162 (Renew), JURI 60, EMPL 103, JUR 61

Ams to be included in the recitals: Am 1053 (Colin-Oesterlé), AM 1057 (Riba i Giner), AM 1067 (Gálvez Muñoz), AM 1074 (Colin-Oesterlé), Am 1080 (Colin-Oesterlé)

Article 18

Specialised individual assessment to identify victims' protection needs

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

2. This *specialised* individual assessment shall be initiated *without delay* (AM 99, AM 1058) upon the first contact of the victim with the competent authorities *and shall be carried out by professionals with expertise in this area*. The competent judicial authorities shall verify *in a timely manner* (AM 1060) *and* at the latest at the initiation of criminal proceedings whether *such* an assessment has been conducted. If this has not been the case, they shall remedy the situation by undertaking a *specialised individual* assessment ~~as soon as possible~~ *immediately* (AM 1059).

3. The *specialised* individual assessment shall focus on the risk emanating from the offender or suspect, including the risk of repeated violence, *the degree of control exercised by the offender or suspect on the victim and its potential effect on the preservation of evidence* (AM 100, AM 1061, AM 1062, JURI 59), the risk of bodily *or psychological* harm (AM 1062), the *possible* use of *and access to* weapons, the offender or suspect living with the victim, an offender or suspect's drug or alcohol misuse, child abuse, mental health issues *including the risk of suicide* (AM 1063) or behaviour of stalking (AM 1064), (AM 1009).

4. The *specialised individual* assessment shall take into account the victim's individual circumstances, including whether they experience discrimination based on a combination of sex, *gender* (AM 1066, AM 1069, AM 1070, EMPL 102), and other grounds *as referred to in Article 35(1)* (AM 101, AM 1065, AM 1068, JURI 60) and therefore face a heightened risk of violence. *Circumstances requiring special attention shall include the victim's pregnancy, the victim's dependence on or relationship to the offender, the risk of the victim returning to the offender or suspect, recent separation from an offender or suspect, the possible risk that children and companion animals are used to exercise control over the victim* (AM 1066) *and the risks for victims with disabilities*. (AM 1009, JURI 59). *Special attention shall also be given to* ~~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.

5. Member States shall ensure that adequate protection measures are taken on the basis of the *specialised* individual assessment (JURI 58), such as:

- (a) measures referred to in Articles 23 and 24 of Directive 2012/29/EU;
- (b) the granting of emergency barring and restraining or protection orders *and the use of arrest and detention* (AM 102, AM 1072, AM 1073) pursuant to Article 21 of this Directive;
- (c) further measures to manage the offender or suspect's behaviour, in particular under Article 38 of this Directive.

6. The *specialised* individual assessment shall be undertaken in collaboration with all relevant competent authorities depending on the stage of the proceedings, and relevant support services, such as victim protection centres, women's *and children's specialised services*, (AM 103) shelters, social services *child protection or welfare services*, and healthcare professionals, *specialist support services for LGBTIQ victims (AM 1102) or other relevant stakeholders. (AM 1077, AM 1078, AM 1079 AM 1081, AM 1082, AM 1084, JURI 61)*

7. Competent authorities shall update the *specialised* individual assessment at regular intervals,

including during important junctures in the case and where custody or rights of access are

altered, (AM 104, AM 1086, AM 1087, AM 1162, EMPL 104) to ensure the protection

measures relate to the victim's current situation. ~~This shall include an assessment~~ *The*

specialised individual assessment shall include an *evaluation* ~~assessment~~ of whether

protection measures, in particular under Article 21, need to be adapted or taken. (AM 1088)

8. Victims' dependants shall be presumed to have specific protection needs without undergoing the *specialised individual* assessment referred to in paragraphs 1 to 6-7. (AM 1090)

COMPROMISE 18 - Article 19

AMs covered (in whole or in part): AM 105 (co-rapporteurs), AM 1009 (Renew), AM 1093 (Riba i Giner), AM 1094 (Renew), AM 1095 (Riba i Giner), AM 1096 (Renew).

AMs falling:

Article 19

Individual assessment of victims' support needs

1. Member States shall ensure that, taking into account the *specialised* individual assessment, ~~referred to in Article 18,~~ the competent authorities *regularly (AM 105, AM 1093, AM 1094)*

assess the victim's and their dependant's individual needs for support as provided for under Chapter 4 (*AM1009*) the '*individual assessment of victims' support needs*'.

1a. The individual assessment of victims' support needs and the provision of support services shall not depend on a victim reporting the criminal offence (AM 1095).

2. Article 18(4), (6) and (7) (*AM 1096*) shall apply *mutatis mutandis* to the individual assessment of *victims'* support needs ~~under paragraph 1 of this Article.~~

COMPROMISE 19 - Article 20

AMs covered (in whole or in part): AM 106 (co-rapporteurs), AM 107 (co-rapporteurs), AM 108 (co-rapporteurs), AM 109 (co-rapporteurs), AM 1092 (Renew), AM 1103 (Renew), AM 1104 (Riba i Giner), AM 1105 (Rodriguez Palop), AM 1106 (Kountoura), AM 1107 (Intergroup), AM 1110 (Kountoura), AM 1112 (Björk), AM 1113 (Rodriguez Palop), AM 1114 (S&D), AM 1115 (Riba i Giner), AM 1116 (Renew), AM 1118 (Björk), AM 1119 (Riba i Giner).

AMs falling: AM 1097 (Björk), AM 1098 (Renew), AM 1099 (Kountoura), AM 1100 (Riba i Giner), AM 1101 (Rodriguez Palop), AM 1108 (Riba i Giner), AM 1111 (Gálvez Muñoz), AM 1120 (Ciuhodaru), AM 1121 (Rodriguez Palop), AM 1122 (Kountoura), EMPL 105, JURI 62,

Article 20

Referral to support services

1. If the *specialised individual* assessment referred to in Articles 18 and 19 ~~and individual assessment of victims' support needs (Am 1107)~~ have identified specific support *protection* or ~~protection~~ *support* needs or if the victim requests support, Member States shall ensure that support services, *including women's specialist support services*, contact victims to offer support, *with due regard for their safety (AM 107, AM 1103, AM1105, AM 1106).*

2. The competent authorities shall respond to requests for protection and support, *including medical care, (AM 1112, Am 1113, AM 1114) in a timely without delay and* in a coordinated manner. (*AM 108, AM 1092, AM 1110*)

3. Where needed, ~~they~~ *Member States* shall be able to *ensure that the competent authorities can* refer child victims, including witnesses, to *specialist (AM 1115, AM 1116, AM 1118)* support services without the prior consent of ~~the~~ *a* holder of parental responsibility.

4. Member States shall ensure the transmission of relevant personal data concerning the victim and their situation to the relevant support services, where this is necessary to ensure that the victim receives appropriate support and protection. Such transmission shall be confidential.

5. Support services shall store personal data for as long as necessary for the provision of support services, and in any event for no longer than 12 months after the last contact between the support service and the victim.

COMPROMISE 20 - Article 21

AMs covered (in whole or in part): AM 110 (co-rapporteurs), AM 111 (co-rapporteurs), AM 112 (co-rapporteurs), AM 113 (co-rapporteurs), AM 114 (co-rapporteurs), AM 996 (Björk), AM 999 (Kanko), AM 1000 (Riba i Giner), AM 1001 (Björk), AM 1123 (Renew), AM 1124 (Rodriguez Palop), AM 1125 (Colin-Oesterlé), AM 1126 (Kokalari), AM 1127 (Ciuhodaru), AM 1128 (Rodriguez Palop), AM 1134 (Riba i Giner), AM 1136 (Renew), AM 1137 (Renew), AM 1138 (Colin-Oesterlé), AM 1139 (Colin-Oesterlé), AM 1141 (Colin-Oesterlé), AM 1142 (S&D), AM 1145 (co-rapporteurs), AM 1148 (Colin-Oesterlé), JURI 63 JURI 64, EMPL 106, **AMs falling:** AM 1129 (Gálvez Munoz), AM 1130 (Renew), AM 1131 (Riba i Giner) Am 1132 (Pietikäinen), AM 1133 (Colin-Oesterlé), AM 1135 (Morano), AM 1140 (Renew), AM 1143 (Renew), AM 1144 (Riba i Giner), Am 1146 (Ciuhodaru), AM 1147 (Colin-Oesterlé), JURI 66,

Article 21

Emergency barring, restraining and protection orders, arrest and detention (AM 110, AM 1123)

1. Member States shall ensure that, in situations of ~~immediate~~ **(AM 110)** 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 **(AM 1148)** or their dependants for a sufficient period of time and to prohibit the offender or suspect from entering, **or coming closer than a prescribed distance from**, that residence **(AM 1125, JURI 63)** or ~~to enter~~ the victim's workplace or **from** contacting the victim, ~~or~~ their dependants **or their workplace (EMPL 106)** in any way **(AM 996, AM 999, AM 1000, AM 1001)**. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence. **Such orders may be complementary to orders as outlined in Paragraph 2 and 2a of this Article. (AM 1126, AM 1129)**

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. **(AM 112)**

2a. Member States shall ensure the use of electronic monitoring or other supervision measures to ensure the enforcement of such orders and to increase the victim's protection. (AM 111, AM 1124, AM 1136, 1142, JURI 64)

2 b. Member States shall ensure that the competent authorities consider ordering, without delay, the arrest and detention of a suspect in situations where there is immediate danger for the victim or the dependants or for the purposes of preserving evidence. (AM 113 AM 1137, AM 1138)

2 c. Member States shall ensure that emergency barring and restraining or protection orders are not used as a substitute for arrest and detention where there is a risk of repeated and severe violence against a victim or dependents. (AM 114, AM 1128, AM 1141)

2 d. Where an offender is subject to detention, the competent authorities shall ensure that the victim is informed when the offender is released. (AM 1139)

3. Member States shall ensure that the competent authorities inform victims of the possibility to apply for emergency barring and restraining or protection orders, as well as the possibility to seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU or Regulation (EU) No 606/2013.

4. Any breaches of emergency barring or restraining and protection orders shall be subject to effective, proportionate and dissuasive criminal or other legal penalties. ~~The Member States shall ensure that victims are informed of any breach of such orders. The Member States shall ensure that, where such an order has been breached, the competent authority immediately assesses the possible risk of imminent harm and takes the necessary protection measures.~~ (AM 1145)

4a. Member States shall ensure that in situations in which barring, restraining and protection orders are issued, perpetrators are informed of specialised programmes addressing gender-based violence (AM 1134).

5. This Article does not oblige the Member States to modify their national systems as regards the qualification of emergency barring orders and protection orders as falling under criminal, civil or administrative law.

COMPROMISE 21 - Article 22

AMs covered (in whole or in part): none

AMs falling: AM 115 (co-rapporteurs), AM 1149 (Riba i Giner), AM 1150 (S&D), AM 1151 (Pietikäinen), AM 1152 (Riba i Giner)

Article 22

Protection of victim's private life

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.

COMPROMISE 22 - ARTICLE 23

AMs covered: AM 116 (Co-Rapporteurs), AM 117 (Co-Rapporteurs), AM 118 (Co-Rapporteurs), AM 119 (Co-Rapporteurs), AM 120 (Co-Rapporteurs), AM 121 (Co-Rapporteurs), AM 1154 (Maxová), AM 1155 (Björk), AM 1156 (Gálvez Muñoz), AM 1157 (Rodríguez Palop), AM 1158 (Riba i Giner, Spurek), AM 1160 (Riba i Giner, Spurek), AM 1162 (Rodríguez Ramos et al.), AM 1163 (Rodríguez Palop), AM 1164 (Rodríguez Ramos et al.), AM 1166 (Riba i Giner, Spurek), AM 1167 (Chinnici), AM 1169 (Kountoura), AM 1173 (Riba

i Giner, Spurek), AM 1174 (Riba i Giner, Spurek), AM 1175 (Santos), AM 1176 (Rodríguez Ramos et al.), AM 1182 (Rodríguez Palop), AM 1183 (Riba i Giner, Spurek), AM 1184 (Rodríguez Ramos et al.), AM 1187 (Picierno et al.), AM 1188 (Picierno et al.) AM 1189 (Riba i Giner, Spurek), AM 1190 (Riba i Giner, Spurek), AM 1191 ((Rodríguez Ramos et al.), AM 1193 (Rodríguez Palop), AM 69 JURI, EMPL 107 ;JURI 70, EMPL 110, EMPL 112

AMs falling: *AM 1159 (Kountoura), AM 1161 (Colin-Oesterlé), AM 1165 (Nathalie Colin-Oesterlé), AM 1168 (Rodríguez Palop), AM 1170 (Możdżanowska), AM 1171 (Bruna, Garraud), AM 1172 (Hidvéghi), AM 1177 (Hidvéghi), AM 1178 (Palop), AM 1179 (Bruna, Garraud), AM 1180 (Możdżanowska), AM 1181 (Kountoura), AM 1185 (Riba i Giner, Spurek), AM 1186 (Rodríguez Ramos et al.), AM 1192 (Łukacijewska, Adamowicz), EMPL 108, EMPL 111, EMPL 109*

Article 23

Guidelines for law enforcement and judicial authorities

Member States shall issue **specialised (AM 1155)** guidelines for the competent authorities acting in criminal **and, where relevant, civil** proceedings, **such as custody proceedings, (AM 1187, AM 1188, AM 69 JURI)** including prosecutorial and judicial guidelines, concerning cases of violence against women or domestic violence. Those guidelines shall be **gender sensitive and shall (AM 1154, AM 1157, AM 1158, AM 1160, EMPL 107)** include guidance on:

- (a) how to ensure the proper identification of all forms of such violence, **and the gathering and preservation of relevant evidence, including evidence online (AM 116, AM 1189);**
- (b) how to conduct the **specialised individual** assessment ~~under Articles 18 and 19~~ **and individual assessment of victims' support needs, including how frequently such assessments are to be updated (AM 117, AM 1162, AM 1163);**
- (ba) **how to obtain, without delay, emergency barring, and restraining or protection orders including those with immediate effect (AM 118, AM 1164);**
- (c) how to treat victims in a trauma-, gender-, **disability-** *(AM 1167, EMPL 108)* and child-sensitive manner, which **s and how to ensure the child's right to be heard and the best interest of the child (AM 1160, AM 1167, AM 1169, AM 1187, JURI 70);**
- (d) how to ensure **that victims are treated in a respectful way and that (AM 1173)** the proceedings are conducted in **such** a manner as to prevent secondary or repeat victimisation;
- (e) how to cater to the enhanced protection, **medical (AM 120, AM 1174, AM 1182, AM 1183)** and support needs of victims experiencing **intersectional** discrimination based on a combination of sex, **gender** and other grounds **as referred to in Article 35 (1) (AM 118, AM 1160, AM 1166, AM 1174, AM 1175, AM 1176, EMPL 107, EMPL 110);**
- (f) how to **identify and (AM 1178)** avoid gender stereotypes;
- (g) how to refer victims to **specialist (AM 1182, AM 1184)** 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 (AM 121, EMPL 112).**

The guidelines referred to in the first paragraph shall be reviewed and updated at regular intervals, having regard to the way that they apply in practice, in consultation and cooperation with specialist services, including women's specialist support services (AM 1155, AM 1190, AM 1191, AM 1193).

COMPROMISE 23 - ARTICLE 24

AMs covered: AM 122 (Co-Rapporteurs), AM 123 (Co-Rapporteurs), AM 124 (Co-Rapporteurs), AM 1195 (Rodríguez Ramos et al.), AM 1197 (Rodríguez Ramos et al.), AM 1201 ((Rodríguez Ramos et al.), AM 1207 (Rodríguez Ramos et al.), AM 1209 (Palop), JURI 72,

AMs falling: AM 1196 (Rodríguez Palop), AM 1198 (Rodríguez Palop), AM 1199 (Riba i Giner, Spurek), AM 1200 (Możdżanowska), AM 1202 (Keller), AM 1205 (Rodríguez Ramos et al.), AM 1206 (Galvez Munoz), AM 1208 (Riba i Giner, Spurek).

Article 24

Role of national bodies and equality bodies and other relevant actors (AM 122, AM 1195, AM 1209)

1. Member States shall designate and make the necessary arrangement for a body or bodies *or other specialised relevant actors (AM 123, AM 1197)* to carry out the following tasks:
 - (a) provide independent assistance and advice to victims of violence against women and domestic violence;
 - (b) publish independent reports and make recommendations on any issue relating to such forms of violence, *including gathering existing best practice (JURI 72)*;
 - (c) *provide support with data collection (AM 1201) and* exchange available information with corresponding European bodies such as the European Institute for Gender Equality;

Those bodies may form part of equality bodies set up pursuant to Directives 2004/113/EC, 2006/54/EC and 2010/41/EU.
2. Member States shall ensure that the bodies *or other relevant actors (AM 124, AM 1207)* 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.

COMPROMISE 24- ARTICLE 25

AMs covered: AM 125 (Co-Rapporteurs), AM 126 (Co-Rapporteurs), AM 1212 (Rodríguez Ramos et al.), AM 1214 (Rodríguez Ramos et al.), AM 1215 (Chinnici et al.), 1217 ((Rodríguez

Ramos et al.), 1220 (Riba i Giner, Spurek), AM 1223 (Rodríguez Ramos et al.), AM 1224 (Kokalari, Vozemberg-Vrionidi).

AMs falling: AM 1210 (Kokalari, Vozemberg-Vrionidi), AM 1211 (Riba i Giner, Spurek), AM 1213 (Rodríguez Ramos et al.), AM 1216 (Gálvez Muñoz), AM 1218 (Riba i Giner, Spurek), AM 1219 (Riba i Giner, Spurek), 1221 (Rodríguez Ramos et al.), AM 1222 (Riba i Giner, Spurek), AM 1225 (Riba i Giner, Spurek), AM 1226 (Colin-Oesterlé), AM 1227 (Colin-Oesterlé).

Article 25

Measures to remove certain online material

1. Member States shall take the necessary measures to ensure the prompt removal of **or disabling access to online publicly accessible** material referred to in Article 7, points (a) and (b), Article 8, points **(a) and (c)**,-Articles 9 (**AM 1212**) and **Article 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,.
2. Member States shall ensure that orders **to disable access** ~~referred to in paragraph 1~~ can be issued in interim proceedings, even prior to the termination of any criminal proceedings regarding the offences referred to in Article 7, points (a) and (b), Article 8, points **(a) and (c)**, Article 9 or Article 10 where the judicial authority seized considers that:
 - (a) it has been presented with sufficient evidence to justify the conclusion that the conduct referred to in Article 7, points (a) and (b), Article 8, points **(a) and (AM 1214)** (c), Article 9 or Article 10 likely took place in respect of the applicant and that the material that is the object of the application constitutes material as referred to in those articles;
 - (b) the removal **or disabling of access to** ~~of~~ that material is necessary to prevent or limit significant harm to the victim ;
 - (c) the rights and interests of other parties involved associated with the potential removal are not such as to outweigh those of the victim associated with removal.
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 **(a) where it concerns publicly available material and** (c), Article 9 or Article 10 are terminated without leading to the finding of such an offence having been committed, the orders are invalidated and the provider of intermediary services concerned is informed thereof. **Member States shall ensure that, where criminal proceedings regarding the offences referred to in Article 7, point (a) or (b), Article 8, point (a) or (c), Article 9 or Article 10 conclude with a finding that such an offence has been committed, the orders referred to in paragraphs 1 and 2 become permanent (AM 126, AM 1217).**

4. Member States shall ensure that the orders and other measures referred to in paragraphs 1 and 2 are taken following transparent procedures and are subject to adequate safeguards, in particular to ensure that those orders and other measures are limited to what is necessary and proportionate and that due account is taken of the rights and interests of all parties involved, *including the fundamental rights of the parties concerned in compliance with the Charter (AM 1220)*.
5. Member States shall ensure that the end-user of the relevant services *who made the material subject to a judicial order available online (AM 1221)* is ~~are~~ informed, where appropriate by the intermediary service providers concerned, of the reasons for the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 and that those end-users have access to judicial redress.
6. Member States shall *ensure that evidence is obtained and secured without undue delay after the offence is reported. Member States shall take the necessary measures to (AM 1223)* ensure that the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 does not prevent the competent authorities from obtaining or securing the evidence necessary for the investigation and prosecution of the offences referred to in Article 7, points (a) and (b), Article 8, point (a) *where it concerns publicly available material* and (c), Article 9 (AM 1223) or Article 10.

COMPROMISE 25- ARTICLE 26

AMs covered (in whole or in part): AM 1228 (Rodríguez Ramos et al.) AM 1229 (Picierno et al.), AM 1230 (Kokalari), AM 1233 (Riba i Giner, Spurek), AM 1234 (Rodríguez Ramos et al.), AM 1235 (Pietikäinen), AM 1236 (Walsh), AM 1237 (Rodríguez Ramos et al.), AM 1240 (Picierno et al.), AM 1241 (Rodríguez Ramos et al.)

AMs falling: AM 1231 (Riba i Giner, Spurek), AM 1232 (Riba i Giner, Spurek), AM 1238 (S&D), AM 1239 (Rodríguez Ramos et al.)

Article 26

Compensation from offenders

1. Member States shall ensure that victims (*AM 1228 AM 1229, AM 1230*) have the right to claim full compensation from offenders for damages resulting from all forms of violence against women or domestic violence. *Member States shall ensure that when offenders do not abide by the decision to pay compensation to the victim within the agreed timeframe, the victims shall have access to existing schemes of compensation of violent crimes of intent (AM 1228, AM 1232)*.
2. Member States shall ensure that victims are able to obtain a decision on compensation in the course of criminal proceedings.
3. The compensation shall place victims in the position they would have been in had the offence not taken place, taking into account the seriousness of the consequences for the victim. Compensation shall not be restricted by the fixing of an upper limit.

4. The damage shall include costs for **sexual and reproductive and psychological (AM 1234)** healthcare services, support services, rehabilitation, loss of income and other reasonable costs that have arisen as a result of the offence or to manage its consequences. The amount of the damages awarded shall also compensate for physical **or (AM 1234)** and psychological harm, **such as secondary victimisation**, and moral prejudice.
5. The limitation periods for bringing a claim for compensation **for the offences referred to under Article 15** shall be no **less than the limitation periods as defined under Article 15, and never be** less than 5 years from the time the offence has taken place. **(AM 1237, AM 1240)**

In cases of sexual violence the limitation period shall be no less than 10 **(AM 1240)** years.

The limitation period for bringing a claim for compensation of criminal offences referred to in Article 7, 8, 9 and 10 **(AM 1241)** shall commence with the victim's knowledge of the offence.

The limitation period shall not commence as long as the offender and the victim share the same domestic unit. In addition, if the victim is a child, the limitation period shall not commence before the victim has reached 18 years of age.

The limitation period shall be interrupted or suspended for the duration of pending legal proceedings concerning the offence.

COMPROMISE 26 - ARTICLE 27

AMs covered (in whole or in part): AM 127 (Co-Rapporteurs), AM 128 (Co-Rapporteurs), AM 129 (Co-Rapporteurs), AM 131 (Co-Rapporteurs), AM 133 (Co-Rapporteurs), AM 134 (Co-Rapporteurs), AM 135 (Co-Rapporteurs), AM 136 (Co-Rapporteurs), AM 137 (Co-Rapporteurs), AM 1041 (Rodríguez Palop) AM 1109 (Diana Riba i Giner, Sylwia Spurek), AM 1246 (Rodríguez Ramos et al.), AM 1247 (Björk), AM 1249 (Kountoura), AM 1242 (Rodríguez Palop), AM 1243 (Rodríguez Palop), AM 1250 (Riba i Giner, Spurek), AM 1251 (Rodríguez Ramos et al.), AM 1252 ((Rodríguez Palop), AM 1253 (Björk), AM 1254 (Picierno et al.), AM 1255 (Ciuhodaru), AM 1256 (Colin-Oesterlé), AM 1257 (Riba i Giner, Spurek), AM 1258 (Rodríguez Ramos et al.), AM 1259 (Riba i Giner, Spurek), AM 1260 (Riba i Giner, Spurek), AM 1261 (Rodríguez Palop), AM 1262 (Picierno et al.), AM 1263 (Rodríguez Ramos et al.), AM 1264 (Rodríguez Ramos et al.), AM 1265 (Riba i Giner, Spurek), AM 1266 (Walsh), AM 1267 (Pietikäinen), AM 1268 (Picierno et al.), AM 1271 (Björk), AM 1273 (Björk), AM 1274 (Riba i Giner, Spurek), AM 1276 (Rodríguez Ramos et al.), AM 1277 (Możdżanowska), AM 1279 (Riba i Giner, Spurek), AM 1280 (Rodríguez Ramos et al.), AM 1281 (Rodríguez Ramos et al.), AM 1282 (Picierno et al.), AM 1287 (Rodríguez Ramos et al.), AM 1289 (Björk), AM 1290 (Riba i Giner, Spurek), AM 1291 (Riba i Giner, Spurek), AM 1292 (Rodríguez Ramos et al.), AM 1293 (Björk), AM 1294 (Angel et al.), AM 1295 (Rodríguez Palop), AM 1297 (Björk), AM 1298 (Riba i Giner, Spurek), AM 1300 (Colin-Oesterlé), AM 1301 (Riba i Giner, Spurek), AM 1305 (Melchior, Vautmans, Zullo), AM 1308 (Riba i Giner, Spurek), AM 1439 (Riba i Giner, Spurek), AM 1440 (Björk), BUDG 19, BUDG 20, BUDG 21, BUDG 26, BUDG 27, BUDG 28, BUDG 30, JURI 79, JURI 76, JURI 83, EMPL 117

AMs falling: AM 130 (Co-Rapporteurs), AM 1244 (Riba i Giner, Spurek), AM 1245 (Rodríguez Palop), AM 1248 (Kountoura), AM 1269 (Rodríguez Palop), AM 1270 (Rafaela), AM 1272 (Riba i Giner, Spurek), AM 1275 (Riba i Giner, Spurek), AM 1278 (Björk), AM 1296 (Rodríguez Ramos et al.), AM 1299 (Rodríguez Palop), AM 1302 (Björk), AM 1303 (Rodríguez Palop), AM 1304 (Rodríguez Ramos et al.), AM 1306 (Riba i Giner, Spurek), AM 1307 (Riba i Giner, Spurek), AM 1309 (Colin-Oesterlé).

Article 27

General and Specialist support to victims

1. Member States shall ensure that **general victim support services and** specialist support services referred to in Article 8 and 9(3) of Directive 2012/29/EU are available for victims (**AM 1243, AM 1246, AM 1247**) of acts of violence covered by this Directive **and that they work in coordination (AM 1243).**

The **general specialist support (AM 1251)** services shall provide, **at the earliest possible stage (AM 127):**

- (a) advice and information on any relevant legal (**AM 1251**), **social** or practical matters arising as a result of the crime, including on access to **healthcare (AM 1041)**, housing, education, training and assistance to remain in or find employment, **childcare, financial assistance and benefits and on referrals to relevant specialist support services including relevant exit services (AM 128, AM 1250, AM 1251, AM 1252, AM 1253, AM 1254, AM 1255, AM 1256, AM 1257, AM 1258, AM 1271, AM 1288, BUDG 20)**;
 - (b) referrals to medical forensic examinations , **including comprehensive healthcare services (JURI 78), psychological counselling (AM 1251), rape crisis centres, women’s support centres, women’s shelters, sexual violence referral centres and primary prevention services (AM 129, AM 1249, AM 1259, AM 1260, AM 1261, AM 1262, AM 1263, AM 1264, AM 1273, BUDG 21)**;
 - (c) support to victims of cyber violence, including **on how to secure evidence and (AM 1265, AM 1266, AM 1267, AM 1268)** advice on judicial remedies and remedies to remove online content related to the crime; (**JURI 79**)
2. **Specialist support services shall provide, at the earliest possible stage:**
 - (a) **advice and information on any relevant legal, social or practical matters arising as a result of violence against women and domestic violence, in particular on access to women specialist services, including but not limited to women’s support centres, women’s shelters, helplines, rape crisis or sexual violence referral centres, primary prevention services, exit services, as well as to the other specialist support services referred to in Article 29;**

- (b) *short and long-term psychological counselling, trauma care, legal counselling, advocacy and outreach services, and specific services for children as victims or witnesses;*
 - (c) *advice on the collection of forensic medical evidence in cases of rape and sexual assault;*
 - (d) *support to victims of violence against women and domestic violence with an intersectional approach, implementing empowering methodologies provided in a safe space and tailored to the needs of victims, respecting the victims' agency over the decisions and steps in their recovery process.*
4. Specialist support referred to in paragraph 3 shall be offered in-person and shall be easily accessible, including online or through other adequate means, such as information and communication technologies, *sufficiently geographically distributed, (AM 131, AM 1276, AM 1279, BUDG 19), avoiding technological barriers, and tailored to the needs of victims of violence against women and domestic violence. The aim of such specialised support is to ensure the complex task of empowering victims through optimal support and assistance tailored to their specific needs. The support shall be provided in a language that the victim can understand and in a manner that is age-appropriate for the victim (AM 1279)*
 5. ~~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.~~
 6. Member States shall provide the protection, *medical* and specialist support services necessary to comprehensively address the multiple needs of victims *of violence against women and domestic violence* at the same premises, or have such services coordinated through a *multiagency approach, as well as through a* central contact point, or through one-stop online access to such services, *including those provided by non-governmental organisations (AM 1287). Such services shall have clear referral protocols (AM 1242). Such a* combined offering of services shall include at least first hand medical care, *referral to further medical care, and social services, and (AM 133, AM 1287, AM 1288, AM 1289, AM 1290, BUDG 26) psychosocial support, legal services, and police services. Where necessary, rehabilitation and socio-economic integration after sexual exploitation should be facilitated through specialist support services AM 143, AM 1329).*
 7. Member States shall issue guidelines and protocols for *general support services such as healthcare, social service, and child protection service (AM 1291, AM 1292)* professionals on identifying and providing appropriate support to victims of all forms of violence against women and domestic violence, including on referring victims to the relevant *medical and specialist (AM 134, AM 1242, BUDG 27) support services and avoiding secondary victimisation (AM 1291, AM 1292, AM 1293, AM 1295).* Such guidelines and protocols shall also indicate how to address the specific needs of victims who are at an increased risk of such violence as a result of their experiencing discrimination based on a combination of sex *or gender (AM 1294)* and other grounds of discrimination. *Such guidelines shall be created in a gender-, trauma-, child-sensitive manner in cooperation with the general and specialist support service providers and shall be reviewed on a regular basis (AM 1291, AM 1292).*

8. Member States shall ensure that specialist **support services, including medical (AM 135, BUDG 28)** 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.
9. Member States shall ensure that **all general and specialist support services, including medical** support services, are available to victims **without delay and free of charge (AM 136, AM 1251)**. **Access to such services shall not be conditional on the victim's willingness to file a complaint against the offender to a competent authority (AM 136, AM 137, AM 1242, AM 1274, AM 1281, AM 1300, AM 1308, BUDG 30), and shall be available** before, during and for an appropriate time after criminal proceedings. **(AM 1109, AM 1242, AM 1301, BUDG 19, JURI 76, JURI 83, EMPL 117)**

COMPROMISE 27 - ARTICLE 28

AMs covered: AM 138 (Co-Rapporteurs), AM 139 (Co-Rapporteurs), AM 140 (Co-Rapporteurs), AM 141 (Co-Rapporteurs), AM 1310 (Riba i Giner, Spurek), AM 1311 (Björk), AM 1312 (Rodríguez Ramos et al.), AM 1313 (Picierno et al.), AM 1316 (Picierno et al.), AM 1317 (Riba i Giner, Spurek), AM 1318 (Björk), AM 1319 (Rodríguez Palop), AM 1321 (Rodríguez Ramos et al.), AM 1322 (Riba i Giner, Spurek), , AM 1324 (Riba i Giner, Spurek), AM 1325 (Rodríguez Palop), AM 1326 (Kountoura), AM 1327 (Riba i Giner, Spurek), AM 1328 (Rodríguez Ramos et al), AM 1335 (Gálvez Muñoz).

AMs falling: AM 1314 (Angel et al.), AM 1320 (Riba i Giner, Spurek), AM 1323 (Rodríguez Ramos et al.)

Article 28

Specialist support for victims of sexual violence

1. Member States shall provide for appropriately equipped (**JURI 84**), easily accessible rape crisis or sexual violence referral centres to ensure effective support to victims of sexual violence, including assisting in the preservation and documentation of evidence. These centres shall provide for medical **care** and forensic examinations, **timely referral to other medical care services, including sexual reproductive healthcare as part of the clinical management of rape (AM 138, AM 1312, AM 1313, AM 1317, AM 1318, AM 1319, BUDG 31)**, trauma support and psychological counselling, after the offence has been perpetrated and for as long as necessary thereafter. Where the victim is a child, such services shall be provided in a child-friendly manner. **Interviews of children who have experienced sexual violence shall be limited. Only specialists who have been trained to interview children shall interview children who have experienced sexual violence. (AM 1310, AM 1311, AM 1321)**
 - 1a. **Member States shall guarantee that victims of sexual violence have timely access to comprehensive healthcare services, including sexual and reproductive healthcare services, emergency contraception, screening and post-exposure prophylaxis for sexually transmitted infections and access to safe and legal abortion. (AM 139, AM 1316, AM 1317, AM 1318, AM 1323, AM 1335)**
2. The services referred to in paragraphs 1 **and 1a (AM 140)** 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.

3. Member States shall ensure a sufficient geographical distribution and capacity of these services across the Member State **and shall ensure the safety of, and confidentiality for, victims (AM 140, AM 1324, AM 1325, AM 1326, BUDG 33). Member States shall ensure a minimum of one rape crisis or sexual violence referral centre per 200 000 inhabitants. (AM 1306, BUDG 29).**
4. Article 27~~(3) and (6)~~ (AM 1328, AM 1327, JURI 86) shall apply to the provision of support for victims of sexual violence.

COMPROMISE 28- ARTICLE 29

AMs covered: AM 142 (Co-Rapporteurs), AM 143 (Co-Rapporteurs), AM 1330 (Rodríguez Ramos et al.), AM 1331 (Morano), AM 1332 (Rodríguez Ramos et al.), AM 1333 (Riba i Giner, Spurek), AM 1337 (Rodríguez Ramos et al.), AM 1338 (Rodríguez Ramos et al.), AM 1339 (Angel et al.), AM 1340 (Riba i Giner, Spurek), AM 1341 (Riba i Giner, Spurek), , AM 1357 (Riba i Giner, Spurek)

AMs falling: AM 144 (Co-Rapporteurs), AM 1329 (Rodriguez Palop), AM 1334 (Morano), AM 1336 (Morano).

Article 29

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

1. Member States shall ensure effective, age-appropriate, **accessible** support to victims of female **and intersex** genital mutilation, including by providing gynaecological, sexological, psychological and trauma care and counselling tailored to the specific needs of such victims, after the offence has been perpetrated and for as long as necessary thereafter. This shall also include the provision of information on units in public hospitals that perform **genital and (AM 142, AM 1332, AM 1333) clitoral reconstructive surgery in the case of female genital mutilation, and access to treatment and medications needed as a consequence of intersex genital mutilation.** Such support may be provided by the referral centres referred to in Article 28 or any dedicated health centre .
2. Article 27~~(3) and (6)~~ (AM 1337, JURI 87) and Article 28(2) shall be applicable to the provision of support for victims of female **and intersex** genital mutilation **referred to in paragraph 1 of this Article (AM 1339).**

Article 29a

Specialist support for victims of forced sterilisation

1. **Member States shall ensure that victims of forced sterilisation are provided with age-appropriate effective support, including gynaecological, psychological and trauma care tailored to the specific needs of such victims (AM 1332), after the offence has been committed and for as long as necessary thereafter.**
2. **Article 27 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. (AM 143, AM 1330, AM 1331, AM 1340, EMPL 125)**

Article 29c

Specialist support for victims of cyberviolence

1. *Member States shall provide for appropriately equipped and, easily accessible services to ensure effective support to victims of cyber violence, including psychological support, legal counselling and assistance for obtaining judicial orders for the removal of, or disabling access to certain online material as referred to in Article 25, assisting in the communication with relevant online intermediary service providers and, where relevant, assisting in the preservation and documentation of evidence.*
2. *Article 27 shall be applicable to the provision of support for victims of cyberviolence. (AM 1338, AM 1342, AM 1357)*

COMPROMISE 29- ARTICLE 30

AMs covered (in whole or in part): AM 145 (Co-Rapporteurs), AM 146 (Co-Rapporteurs), AM 1342 (Picierno et al.) AM 1343 (Rodríguez Ramos et al.), AM 1344 (Björk), AM 1346 (Picierno et al.), AM 1347 (Riba i Giner, Spurek), AM 1348 (Björk), AM 1349 (Rodríguez Ramos et al.), AM 1350 (Gálvez Muñoz), AM 1351 (Colin-Oesterlé), AM 1352 (Rodríguez Ramos et al.), AM 1354 (Riba i Giner, Spurek), AM 1356 (Riba i Giner, Spurek), EMPL 126, EMPL 127, EMPL 129, EMPL 130, EMPL 147

AMs falling: AM 1345 (Riba i Giner, Spurek).

Article 30

Specialist support to address (AM 1344)for victims of sexual harassment in the world of at work (AM 1342, AM 1343, EMPL 126)

1. *Member States shall, in consultation with the social partners, ensure guidelines on procedures for tackling violence and sexual harassment exist in the world of work. Such guidelines shall include reporting procedures and appropriate and effective remedies (EMPL 127). Member States shall ensure that undertakings, groups of undertakings or franchises establish, where applicable through collective bargaining with trade unions, training programmes and policies to prevent and tackle sexual harassment, cyber violence and third-party violence at work and provide accessible and effective complaint mechanisms for victims. (AM 1346, EMPL 130, EMPL 147)*
2. *Member States shall ensure that victims of sexual harassment in the world of work have access to specialist support services (EMPL 127), and safe, confidential and effective complaint mechanisms free of charge (AM 1346, 1347, EMPL 127), including external counselling services are available for victims and employers in cases of sexual harassment at work. These services shall include and advice on adequately preventing and (AM 1349, AM 1351) addressing instances of violence and sexual harassment in world of at the workplace. Trade union representatives shall be able to support workers in relevant proceedings (AM1346). Victims of sexual harassment in the world of work shall be protected from further victimisation pursuant to Council*

Directive 2000/78/EC². Member States shall ensure that the identity of victims of sexual harassment in the world of work are treated confidentially or with due regard to their right to anonymity. (AM 1352)

3. *Member States shall ensure that external counselling services are available to employers in cases of sexual harassment in the world of work, including guidance on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of **on the potential to provide** early conciliation, if the victim so wishes. (AM 146, AM 1346, AM 1347, AM 1348, AM 1349, AM 1350, AM 1354, AM 1356, EMPL 127)*
- 3a. *Member States shall take the necessary measures to ensure that workers experiencing gender-based violence or domestic violence, have the right to request short-term flexible working arrangements, the duration of and arrangements for which shall be determined by the Member States. (EMPL 129)*
- 3b. *Member States shall ensure that the social partners are able to bargain collectively on workplace measures to prevent and address all forms of gender-based violence in the world of work and to assist in identifying and supporting victims of such violence, in particular on matters referred to in Articles 36, 36a and 37. Member States shall take measures to promote such collective bargaining including through awareness-raising campaigns and training of the social partners and workplace health and safety representatives. (EMPL 130)*

COMPROMISE 30 - ARTICLE 31

AMs covered: AM 147 (Co-Rapporteurs), AM 1358 (Riba i Giner, Spurek), AM 1359 (Björk), AM 1360 (Rodríguez Ramos et al.), AM 1361 (Colin-Oesterlé), AM 1362 (Rodríguez Palop), AM 1363 (Rodríguez Ramos et al.), AM 1364 (Rodríguez Palop), AM 1365 (Rodríguez Ramos et al.), AM 1366 (Riba i Giner, Spurek), AM 1367 (Rodríguez Palop), AM 1369 (Colin-Oesterlé), AM 1370 (Rodríguez Palop), AM 1372 (Riba i Giner, Spurek), JURI 90, JURI 91, JURI 93

AMs falling: AM 1368 (Colin-Oesterlé), AM 1371 (Riba i Giner, Spurek).

Article 31

Helplines for victims

1. Member States shall set up state-wide round-the-clock (24/7) telephone helplines **with the support of women's specialist support services (AM 1359)**, free of charge (**JURI 90**), to provide **information (AM 1360, AM 1362, JURI 90) and advice** and for victims of violence against women and domestic violence. **Specialist support services, including women's specialist support services, (AM 147, AM 1358, JURI 90) Advice shall be provided provide that advice (AM 147)** confidentially or with due regard for victims' ~~their~~ anonymity. (**AM 147, AM 1358, AM 1359, AM 1370**) Member States

² [Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation \(OJ L 303, 2.12.2000, p. 16\).](#)

shall ensure the provision of such service also through other *secure (AM 147) and accessible (AM 1360)* information and communication technologies, including online applications.

- 1a. *The provisions of paragraph 1 shall be without prejudice to other existing helplines specialised on violence against women or domestic violence within a Member State, including those run by non-governmental organisations. (AM 1361, AM 1363, JURI 93)*
2. Member States shall take appropriate measures to ensure the accessibility of services referred to in paragraph 1 for end-users with disabilities, including providing support in easy to understand language. *(AM 1358, AM 1360, AM 1365)* Those services shall be accessible in line with the accessibility requirements for electronic communications services set in Annex I to Directive 2019/882/EU of the European Parliament and of the Council³. *(JURI 91) Member States shall also ensure the provision of those services in a language that victims can understand, including through telephone interpreting. (AM 1358, AM 1365, AM 1366, AM 1367).*
3. Article 27~~(3)~~ and (6) shall apply to the provision of helplines and support through information and communication technologies under this Article.
4. [Member States shall ensure that the service under paragraph 1 for victims of violence against women *and domestic violence* is operated under the harmonised number at EU level “116 016”.
- 4a (new) *Member States shall ensure and that the end-users are adequately informed of the existence and use of such number of helplines, including through regular awareness raising campaigns. (AM 1364, AM 1369, AM 1372).]* *(AM 1369, JURI 93)*

COMPROMISE 31 - ARTICLE 31a new and 32

AMs covered: AM 148 (Co-rapporteurs), AM 149 (Co-rapporteurs), AM 150 (Co-rapporteurs), AM 1353 (Picierno et al.), AM 1355 (Colin-Oesterlé), AM 1373 (Rodríguez Ramos et al.), AM 1374 (Rodríguez Palop), AM 1376 (Riba i Giner, Spurek), AM 1377 (Angel et al.), AM 1378 (Björk), AM 1379 (Colin-Oesterlé), AM 1383 (Kokalari, Vozemberg-Vrionidi), AM 1386 (Rodríguez Ramos et al.), AM 1390 (Colin-Oesterlé), AM 1391 (Riba i Giner, Spurek), AM 1392 (Co-rapporteurs), AM 1449 (Melchior), EMPL 128, EMPL 133, JURI 95, JURI 96

AMs falling: AM 1375 (Pietikäinen), AM 1382 (Riba i Giner, Spurek), AM 1388 (Björk), AM 1387 (Picierno), AM 1389 (Rodríguez Ramos et al.)

Article 31a (new)

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

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

³ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, [OJ L 151, 7.6.2019, p. 70–115](#).

2. **Member States shall, in consultation with the social partners, ensure that victims of violence against women and domestic violence have the right to paid leave of an appropriate duration in order to access support services and attend legal and judicial proceedings. Member States may determine the scope, duration and conditions of such leave in accordance with national law or practice. (AM 1353, AM 1392, AM 1449, EMPL 128)**

Article 32

Shelters and other interim accommodations

1. The shelters and other appropriate interim accommodations (**AM 148, AM 1374**) as provided for in Article 9(3), point (a), of Directive 2012/29/EU shall address the specific **and sole (AM 1379)** needs of women **who are** victims of domestic violence, ~~and~~ sexual violence, **or sexual exploitation (AM 148, AM 1373, AM 1374, AM 1376, AM 1386) including by provide women-only shelters (AM 147, AM 1373, AM 1376, AM 1377, JURI 95)**. They shall assist the **victims** in their recovery **by** providing **safe, accessible (AM 1374, AM 1380, AM 1381, EMPL 133)**, adequate and appropriate living conditions with a view ~~on~~ **to** a return to independent living **and by providing necessary support services such as referral for further medical care (AM 148, JURI 95)**.
2. The shelters and other appropriate interim accommodations shall be equipped to accommodate the specific **rights and (AM 149)** needs of children, including child victims (**JURI 95**).
3. The shelters and other appropriate interim accommodations shall be available to victims, **and their dependents (JURI 96)**, regardless of their nationality, citizenship, place of residence or residence status. **Specialised women's shelters shall be available in every region, with one family place per 10,000 head of population. (AM 1383, AM 1390, AM 1391, BUDG 35)**
4. Article 27 (~~3~~) ~~and~~ (6) **and Article 28(2) and (3)** shall apply to shelters and other appropriate interim accommodations (**AM 150**).

COMPROMISE 32 - ARTICLE 33

AMs covered: AM 1393 (Colin-Oesterlé), AM 1400 (Rodríguez Ramos et al.), AM 1401 (Chinnici), AM 1402 (Colin-Oesterlé), AM 1405 (Colin-Oesterlé), AM 1408 (Rodríguez Ramos et al.), JURI 80, JURI 98, JURI 99, JURI 100

AMs falling: AM 151 (Co-Rapporteurs), AM 1394 (Riba i Giner, Spurek), AM 1395 (Rodríguez Palop), AM 1396 (Picierno), AM 1397 (Chinnici et al.), , AM 1399 (Riba i Giner, Spurek), AM 1403 (Rodríguez Palop), AM 1404 (Picierno), AM 1406 (Tolleret, Keller), AM 1407 (Kountoura), AM 1413 (Rodríguez Ramos et al.), AM 1415 (Kountoura).

Article 33

Support for child victims

1. Member States shall ensure that children are provided specific (**JURI 98, JURI 99**) 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 (*AM 1393, JURI 80*) and for as long as is necessary afterwards (*AM 1393, AM 1400, AM 1405*). Support to children shall be specialised and age-appropriate, respecting the best interests of the child (*BUDG 36, JURI 100*).

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 (*AM 1408*).

2a. *Member States shall ensure that children of victims who have been killed due to violence against women or domestic violence and their relatives are provided with specific adequate support during relevant judicial proceedings (AM 1408).*

3. Where it is necessary to provide for interim accommodation, children, *after having been heard (AM 1401)*, shall as a priority be placed together with other family members, in particular with a non-violent parent *and not be separated from siblings (JURI 100)*, in permanent or temporary housing, equipped with support services *and tailored to the specific needs of the child victims. (AM 1402)* Placement in shelters shall be a last resort.

3a. *Article 27 (6) and Article 28(2) and (3) shall apply to support for child victims. (AM 1393, AM 1400, AM 1405)*

COMPROMISE 33 - ARTICLE 34

AMs covered: AM 151 AM 152 (Co-Rapporteurs), AM 153 (Co-Rapporteurs), AM 1071 (Rodríguez Palop), AM 1076 (Kountoura), AM 1091 (Riba i Giner, Spurek), AM 1111 (Gálvez Muñoz), AM 1116 (Rodríguez Ramos et al.), AM 1117 (Rodríguez Palop) AM 1122 (Kountoura), AM 1132 (Pietikainen), AM 1186 (Rodríguez Ramos et al.), AM 1188 (Picierno), AM 1407 (Kountoura), AM 1408 (Rodríguez Ramos et al), AM 1410 (Rodríguez Palop), AM 1411 (Björk), AM 1412 (Colin-Oesterlé), AM 1416 (Picierno), AM 1417 (Rodríguez Palop), AM 1419 (Kountoura), AM 1420 (Riba i Giner, Spurek), AM 1421 (Rodríguez Ramos et al.), AM 1422 (Gálvez Muñoz), AM 1423 (Rodríguez Ramos et al.), AM 1424 (Kountoura), AM 1425 (Rodríguez Ramos et al.), AM 1426 (Rodríguez Ramos et al.) JURI 101, JURI 102

AMs falling: AM 1409 (Björk), 1414 (Riba i Giner, Spurek), AM 1418 (Rodríguez Ramos et al.)

Article 34 Safety of children

-1. *Member States shall ensure that incidents of violence are taken into account in judicial decisions concerning the child and that (AM 1421) the best interests of the child are always the primary consideration in all decisions concerning children and take precedence over parental rights of an offender or suspect of violence against women or domestic violence. Member States shall ensure that the views of the child are taken into consideration in accordance with their age and maturity. (AM 152, AM 1071, AM 1076, AM 1091, AM 1111, AM 1122, AM 1132, AM 1186, AM 1188, AM 1407, AM 1408, AM 1410, AM 1421, AM 1422, AM 1424, AM 1425, JURI 101, JURI 102) Member States shall ensure the safety of non-abusive holders of parental responsibility during the proceedings. (AM 109, AM 151, AM 1115, AM 1116, AM*

1117, AM 1181, AM 1411, AM 1412, AM 1413, AM 1416, AM 1419, AM 1420, AM 1423, AM 1426)

1. **To the extent that an offender or suspect of violence against women or domestic violence has rights of access**, Member States shall establish and maintain safe places which allow a safe contact between a child and a holder of parental responsibilities **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.

COMPROMISE 34 - ARTICLE 35

AMs covered: AM 154, AM 155 (Co-Rapporteurs), AM 1066 (Riba i Giner, Spurek) AM 1380 (Riba i Giner, Spurek), AM 1381 (Rodríguez Ramos et al.), AM 1384 (Riba i Giner, Spurek), AM 1385 (Björk), AM 1427 (Riba i Giner, Spurek), AM 1428 (Colin-Oesterlé), AM 1429 (Riba i Giner, Spurek), AM 1430 (Rodríguez Palop), AM 1431 (Angel et al.), AM 1432 (Rodríguez Ramos et al.), AM 1434 (co-rapporteurs), AM 1435 (Melchior, Vautmans, Šimečka, Zullo), AM 1436 (Gálvez Muñoz), AM 1441 (Björk), AM 1444 (Rodríguez Palop), AM 1445 ((Rodríguez Ramos et al.), AM 1446 (Riba i Giner, Spurek), JURI 103, JURI 104, EMPL 136

AMs falling: AM 1433 (Łukacijewska, Adamowicz), AM 1437 (Rodríguez Palop), AM 1442 (Riba i Giner, Spurek), AM 1447 (Björk), AM 1448 (Riba i Giner, Spurek).

Article 35

*Targeted support for victims with **specific intersectional (AM 1427) needs and groups at risk***

1. Member States shall ensure the provision of specific support to victims at an increased risk of violence against women or domestic violence **by virtue of intersectional discrimination, (AM 155, AM 1430)** such as women with disabilities, women living in rural areas, women with dependant residence status or **a** permit, undocumented migrant women, women applying for international protection, women fleeing from armed conflict, women affected by homelessness, women with a minority racial or ethnic background, **LBTIQ+ women, (AM 155, AM 1429, AM 1430, AM 1431, AM 1435, JURI 103, JURI 104, EMPL 136)** ~~women sex workers~~ **in prostitution, victims of so-called “honour crimes” (AM 155, AM 1430, AM 1431, AM 1436)**, women detainees, **women suffering from addiction (AM 1434), women who are pregnant (AM1066, EMPL 136)** or older women.
2. The support services under Articles 27 to 32 shall have sufficient capacities to accommodate victims with disabilities **(AM 1380, AM 1381)**, taking into consideration their specific needs, including personal assistance.
3. The support services shall be available for third-country nationals who are victims of violence against women and domestic violence, including for applicants for international protection, for undocumented persons and for persons **who are the** subject of return procedures in detention **(AM 1384, AM 1385)**. Member States shall ensure that victims who request so may be kept ~~separately from persons of the other sex~~ in **women- and children-only sections of** detention facilities for third-country

nationals subject of return procedures, or accommodated separately in reception centres for applicants for international protection.

4. Member States shall ensure that persons can report occurrences of violence against women or domestic violence in ***institutions and (AM 1444, AM 1445, AM 1446)*** reception and detention centres to the relevant staff, and that protocols are in place to adequately and swiftly address such reports in accordance with the requirements in Article 18, 19 and 20.

COMPROMISE 35 - ARTICLE 36

AMs covered: AM 157 (Co-Rapporteurs), AM 158 (Co-Rapporteurs), AM 159 (Co-Rapporteurs), AM 160 (Co-Rapporteurs), AM 161 (co-rapporteurs), AM 162 (Co-Rapporteurs), AM 1203 (Björk), AM 1450 (Rodríguez Ramos et al.), AM 1451 (Rodríguez Palop), AM 1452 (Renew), AM 1453 (Riba i Giner, Spurek), AM 1454 (Björk), AM 1456 (Rodríguez Ramos et al.), AM 1457 (Riba i Giner, Spurek), AM 1458 (Björk), AM 1459 (Rodríguez Palop), AM 1460 (Chinnici), AM 1461 (Colin-Oesterlé), AM 1464 (Rodríguez Ramos et al.), AM 1467 (Björk), AM 1468 (Rodríguez Ramos et al.), AM 1469 (Riba i Giner, Spurek), AM 1473 (Riba i Giner, Spurek), AM 1474 (Rodríguez Palop), AM 1475 (Rodríguez Ramos et al.), AM 1476 (Björk), AM 1477 (Kountoura), AM 1478 (Melchior, Vautmans, Šimečka, Zullo), AM 1479 (Björk), AM 1480 (Riba i Giner, Spurek), AM 1481 (Angel et al.), AM 1482 (Rodríguez Ramos et al.), AM 1485 (Riba i Giner, Spurek), AM 1486 (Tolleret, Keller), AM 1488 (Rodríguez Palop), AM 1489 (Riba i Giner, Spurek), AM 1490 (Rodríguez Ramos et al.), AM 1491 (Angel et al.), AM 1492 (Kanko), AM 1493 (Björk), AM 1495 (Riba i Giner, Spurek), AM 1496 (Rodríguez Ramos et al.), AM 1497 (Riba i Giner, Spurek), AM 1503 (Riba i Giner, Spurek), EMPL 141, JURI 106, JURI 107, JURI 108, JURI 109, JURI 110, JURI 112, JURI 116, EMPL 141, EMPL 142, EMPL 143, EMPL 144, EMPL 146, EMPL 147

AMs falling: AM 156 (Co-Rapporteurs), 1452 (Rodríguez Ramos et al.), AM 1455 (Riba i Giner, Spurek), AM 1462 (Pietikäinen), AM 1463 (Ciuhodaru), AM 1465 (Veld et al.), AM 1466 (Bruna, Garraud), , AM 1471 (Ciuhodaru), AM 1472 (Riba i Giner, Spurek), AM 1483 (Hidvéghi), AM 1484 (Możdżanowska), AM 1494 (Morano), AM 1499 (Riba i Giner, Spurek), AM 1500 (Riba i Giner, Spurek), AM 1501 (Riba i Giner, Spurek), AM 1502 (Riba i Giner, Spurek), AM 1504 (Chinnici et al.).

PREVENTION AND EARLY INTERVENTION (AM 1450, AM 1451)

Article 36

Preventive measures

1. Member States shall take appropriate actions to prevent violence against women and domestic violence ***(AM 1456) by adopting a comprehensive multi-layered approach (AM 1452, AM 1453, AM 1454, AM 1456, AM 1464).***
2. Preventive measures shall include awareness-raising campaigns ***with the aim of increasing understanding among the general public of the different types of violence, through (AM 1456, EMPL 141) research and education programmes, including age-appropriate and comprehensive sexuality and relationship education and early intervention (AM 156, AM 1459, AM 1460, AM 1485, AM 1486, JURI***

109) programmes, where appropriate developed in cooperation with relevant civil society organisations, *specialist services (AM 1457, AM 1458, JURI 112)*, social partners, impacted communities, *local and regional governments or authorities (AM 156, AM 1452, AM 1457)* and other stakeholders.

3. Member States shall make information on preventive measures, the rights of victims, access to justice and to a lawyer, and the available protection and support measures, *including medical treatment (AM1467)*, available *and easily accessible (AM 1468)* to the general public *via various information and communication technologies, in relevant languages and in different formats, including for persons with disabilities. (AM 1467, AM 1468, AM 1469, JURI 107, EMPL 142)*
4. Targeted action shall be addressed to groups at *an increased risk of violence against women or domestic violence by virtue of intersectional discrimination such as those referred to in Article 35(1), (AM 158, AM 1475, AM 1473, AM 1474, EMPL 143)* including children, according to their age and maturity, and persons with disabilities, taking into consideration language barriers (*JURI 108*) and different levels of literacy and abilities. Information for children shall be formulated in a child-friendly way.
5. Preventive measures shall in particular aim at to *empower women and girls by (AM 1477, AM 1479, AM 1480) increasing awareness of the concept of consent, (AM 158, AM 1481, AM 1482 JURI 110, EMPL 144) to challenging harmful gender stereotypes particularly for men and boys (AM 1480), to promoting gender (AM 1480) equality between women and men, to promote mutual respect, to promote the right to personal integrity, (AM 1477, JURI 106), to 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, and to increase awareness of the specific escalatory pattern of violence against women and domestic violence. (AM 1478. JURI 116).*
- 5a. *Preventive measures shall aim to target and reduce the demand for victims of sexual exploitation. (AM 1488)*
6. Preventive measures shall develop and/or increase sensitivity about the harmful practice of female *and intersex (AM 1489, AM 1493) genital mutilation, forced marriage and forced sterilisation (AM 159, AM 1490, AM 1491, EMPL 145).*
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 (AM 160, AM 1495, AM 1496)*, to enable users to identify and address cases of cyber violence, *to recognise its different forms, (AM 1496, EMPL 141)* to seek support and to prevent its perpetration. Member States shall foster multidisciplinary and stakeholder cooperation, including intermediary services and competent authorities to develop and implement measures to tackle cyber violence.
8. Member States shall, *in consultation with the social partners, (AM 161, AM 1497, EMPL 146)* ensure that sexual harassment at *in the world of work (AM 161, EMPL 146)* is addressed in relevant national policies. Those national policies shall identify and establish targeted actions *as* referred to in paragraph 2 for sectors where workers are most exposed. *Member States shall ensure that employers take into account the potential for violence and sexual harassment at work in their health and safety policies, adopted pursuant to Directive 89/391/EEC. Workers shall have the right to*

receive support from a trade union, as well as the health and safety representative at the workplace. (AM 160, EMPL 147)

COMPROMISE 36 - ARTICLE 37

AMs covered: AM 163 (Co-Rapporteurs), AM 164 (Co-Rapporteurs), AM 165 (Co-Rapporteurs), AM 1153 (Rodríguez Ramos et al.), AM 1194 (Rodríguez Ramos et al.), AM 1204 (Rodríguez Ramos et al.) AM 1443 (Björk), AM 1505 (Kountoura), AM 1506 (Riba i Giner, Spurek), AM 1507 (Colin-Oesterlé), AM 1508 (Björk), AM 1509 (Rodríguez Palop), AM 1510 (Rodríguez Ramos et al.), AM 1511 (Melchior, Vautmans, Šimečka, Zullo), AM 1516 (Rodríguez Ramos et al.), AM 1517 (Rodríguez Ramos et al.), AM 1518 (Riba i Giner, Spurek), AM 1519 (Björk), AM 1520 (Colin-Oesterlé), AM 1521 (Angel et al.), AM 1522 (Rodríguez Ramos et al.), AM 1524 (Melchior, Vautmans, Šimečka, Zullo), AM 1525 (Riba i Giner, Spurek), AM 1526 (Rodríguez Ramos et al.), AM 1527 (Riba i Giner, Spurek), AM 1528 (Pietikäinen), AM 1529 (Melchior), AM 1530 (Rodríguez Ramos et al.), AM 1533 (Rodríguez Ramos et al.), AM 1536 (Angel et al.), AM 1539 (Riba i Giner, Spurek), AM 1540 (Al-Sahlani), AM 1541 (Kountoura), AM 1542 (Riba i Giner, Spurek), AM 1543 (Melchior, Vautmans, Šimečka, Zullo), AM 1544 (Rodríguez Palop), AM 1545 (Rodríguez Ramos et al.), AM 1546 (Björk), AM 1547 (Rodríguez Ramos et al.), AM 1550 (Kokalari, Vozemberg-Vrionidi). BUDG 39, BUDG 40, JURI 113, JURI 114, EMPL 148, EMPL 149, EMPL 150, EMPL 152, EMPL 153

AMs falling: AM 1512 (Możdżanowska), AM 1513 (Anderson), AM 1514 (Riba i Giner, Spurek), AM 1515 (Keller, Tolleret), AM 1523 (Morano), AM 1531 (Björk), AM 1532 (Riba i Giner, Spurek), AM 1534 (Björk), AM 1535 (Bruna), AM 1537 (Riba i Giner, Spurek), AM 1538 (Rodríguez Ramos et al.), AM 1548 (Riba i Giner, Spurek), AM 1549 (Ciuhodaru), AM 1551 (Riba i Giner, Spurek).

Article 37

Training and information for professionals

1. Member States shall ensure that professionals likely to come into contact with victims **and perpetrators or offenders**, (AM 163, AM 1506, BUDG 39) including law enforcement authorities, **forensic medical personnel (AM 1509)**, court staff, judges and prosecutors, lawyers, providers of victim support **services (JURI 113)**, **including specialist services (AM 1505, AM 1506)**, **professionals working in offender programmes, providers of and** restorative justice services, healthcare professionals, social services, educational (AM 1510) and other relevant staff (AM 1443), receive both general and specialist training (AM 1153, AM 1194, 1204) and targeted information to a level appropriate to their contacts with victims **and offenders (BUDG 39, AM 1506)**, to enable them to identify, prevent and address instances of violence against women or domestic violence, **avoid revictimisation (AM 1544)**, and to treat victims in a trauma-, gender-, **disability-, language-** (AM 163, AM 1510, AM 1506, AM 1507, EMPL 148) and child-sensitive manner.
2. Relevant health professionals, including paediatricians, **gynaecologists, obstetricians, (AM 1525) and** midwives **and psychological support staff, (AM 164, AM 1518, AM 1522)** shall receive targeted training to identify and address, in a culturally-sensitive manner, the physical, psychological and sexual consequences of female **and intersex (AM 1518, AM 1519, AM 1521, AM 1524, JURI 114)** genital mutilation, **forced**

sterilisation, so-called “honour crimes” and other harmful practices (AM 164, AM 1327, AM 1518, AM 1519, AM 1520, AM 1521, EMPL 149).

3. Persons with supervisory functions in the workplace, ***including health and safety representatives (EMPL 148, EMPL 150) and labour inspectors***, in both the public and private sectors, shall receive training on how to recognise, prevent and address sexual harassment ***in the world of*** 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 training provided pursuant to Directive 89/391/EEC (AM 1509, EMPL 150)***. Those persons and employers shall receive information, about the effects of violence against women and domestic violence on work and the risk of third party violence ***and how to support victims of domestic violence at work (AM 165, AM 1527, AM 1528, AM 1529, AM 1530)***.
4. The training activities referred to in paragraphs 1 and 2 shall include training on co-ordinated multi-agency ***and multi-disciplinary (AM 1533)*** co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence against women or domestic violence.
5. Without affecting media freedom and pluralism, Member States shall encourage and support the setting up of media training activities by media professionals’ organisations, media self-regulatory bodies and industry representatives or other relevant independent organisations, to combat stereotypical portrayals of women and men, sexist images of women, and victim-blaming in the media, aimed at reducing the risk of violence against women or domestic violence.
6. Member States shall ensure that the authorities competent for receiving reports of offences from victims are appropriately trained to facilitate and assist in the reporting of such crimes ***and to take into account the specific needs of victims (AM 165, AM 1539, BUDG 40, EMPL 152)***.
7. Training activities referred to in paragraphs 1, ~~and 2~~ ***and 3 (EMPL 153)*** shall be regular and mandatory, including on cyber violence, and built on the specificities of violence against women and domestic violence. Such training activities shall include training on how to identify and address the specific protection and support needs of victims who face a heightened risk of violence due to their experiencing discrimination based on a combination of ***gender or*** sex and other grounds ***as outlined in Article 35(1) (AM 1542)***.
- 7a. ***Member States shall put in place procedures to ensure the periodic and independent monitoring and evaluation of the outcome and practical application of training under this Article. (AM 1547, AM 1550, AM 1545)***
8. The measures under paragraphs 1 to 6 shall be implemented without affecting judicial independence, the self-organisation of regulated professions and differences in the organisation of the judiciary across the Union.

COMPROMISE 37 - ARTICLE 38

AMs covered: AM 167 (Co-Rapporteurs), AM 1498 (Riba i Giner, Spurek) AM 1552 (Rodríguez Palop), AM 1553 (Rodríguez Ramos et al.), AM 1554 (Björk), AM 1555 (Kokalari, Vozemberg-Vrionidi), AM 1556 (Riba i Giner, Spurek), AM 1561 (Riba i Giner, Spurek).

AMs falling: AM 166 (Co-Rapporteurs), AM 168 (Co-Rapporteurs), AM 1557 (Bruna, Garraud), AM 1558 (Chinnici et al.), AM 1559 (Riba i Giner, Spurek), AM 1560 (Keller, Tolleret).

Article 38

Intervention programmes

1. Member States shall take the necessary measures to ensure that targeted and effective intervention programmes are established **in coordination with specialist support services, (AM 1554, AM 1556)** to prevent and minimise the risk of committing offences of violence against women or domestic violence, or reoffending.
2. The intervention programmes shall be made available for participation including to persons who fear they might commit any offence of violence against women or domestic violence.

COMPROMISE 38 - ARTICLE 39

AMs covered: AM 1562 (Rodríguez Ramos et al.), AM 1567 (Rodríguez Palop) AM 1572 (Rodríguez Ramos et al.) AM 1573 (Björk), AM 1575 (Rodríguez Ramos et al.), AM 1576 (Rodríguez Ramos et al.), EMPL 158

AMs falling: AM 1563 (Björk), AM 1564 (Riba i Giner, Spurek), AM 1565 (Rodríguez Palop), AM 1566 (Riba i Giner, Spurek), AM 1568 (Rodríguez Palop), AM 1569 (Björk), AM 1570 (Rodríguez Ramos et al.), AM 1571 (Rodríguez Palop), AM 1574 (Riba i Giner, Spurek).

Article 39

Coordinated policies and coordinating body

1. Member States shall adopt and implement state-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence.
2. Member States shall designate or establish an official body responsible for coordinating, implementing, monitoring and evaluating policies and measures to prevent and combat all forms of violence covered under this Directive.
3. That body shall coordinate the collection of data referred to in Article 44, analyse and disseminate its results **and make recommendations and proposals to improve indicators and information and data collection systems (AM 1567)**.
4. It shall be responsible for coordinating policies at the central, regional and local levels.

Article 39a

National Action Plans for the elimination of violence against women and domestic violence

1. ***Member States shall develop National Action Plans, in consultation and participation with specialist support services (AM 1203) and the Union coordinator, for combating gender-based violence (the ‘National Action Plans’) by ... [Date - two years from the date of entry into force of this Directive].***

2. ***The National Action Plans shall set out the following: (AM 1503, AM 1562)***
(a) priorities and actions to combat violence against women and domestic violence;
(b) targets and monitoring mechanisms for the priorities and actions referred to in point (a);
(c) the allocation of resources necessary to achieve the priorities and actions referred to in point (a). (AM 1562)
3. ***Member States shall ensure that the national action plans are reviewed and updated every five years. (AM 1562)***

Article 40

Multi-agency and multi-disciplinary (AM 1572) coordination and cooperation

1. Member States shall put in place appropriate mechanisms to ensure ***the effective, structured and regular (AM 1573)*** coordination and cooperation, at the national level, ***among*** of relevant authorities, agencies and bodies, including local and regional authorities, ***labour inspectorates (EMPL 158)***, law enforcement agencies, the judiciary, public prosecutors, support service providers as well as non-governmental organisations, ***in particular specialist support services, (AM 1573, AM 1575)*** social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities.
2. Such mechanisms shall ***pertain to all areas outlined in this Directive (AM 1576)***, in particular ~~pertain to~~ the individual assessments under Articles 18 and 19, and the provision of protection and support measures under Article 21 and Chapter 4, the guidelines for law enforcement and judicial authorities under Article 23, and in the trainings for professionals as referred to in Article 37.

COMPROMISE 39 - ARTICLE 41

AMs covered: AM 169 (Co-Rapporteurs), AM 1578 (Rodríguez Ramos et al.), AM 1579 (Angel et al.), AM 1583 (Björk), AM 1604 (Rodríguez Palop), , AM 1636 (Björk), AM 1638 (Rodríguez Ramos et al.), BUDG 43, JURI 117, EMPL 159

AMs falling: AM 1577 (Spurek, Riba i Giner), AM 1580 (Bruna, Garraud), AM 1581 (Kanko), AM 1582 (Rodríguez Palop), AM 1584 (Anderson), AM 1585 (Spurek, Riba i Giner), AM 1586 (Colin-Oesterlé), JURI 118

Article 41

Cooperation with non-governmental organisations

Member States shall ***create sustainable structures for consultation and partnership with*** ~~cooperate with, and consult~~ ***relevant (AM 1578, AM 1583, BUDG 43)*** civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence ***and women's civil society organisations, (AM 169, AM 1578, AM 1579, JURI 117, EMPL 159)***, in particular ***for the purpose of providing adequate (AM 1583)*** support to victims ***and to those who work to rehabilitate offenders, of designing***

and implementing (AM 169, BUDG 43) concerning policymaking initiatives, information and awareness-raising campaigns, research and education programmes, **of training, and of monitoring and evaluating the impact of measures to support and protect victims, including data collection (AM 1604, AM 1636, AM 1638).**

COMPROMISE 40 - ARTICLE 42

AMs covered: AM 1587 (Spurek, Riba i Giner), AM 1588 (Co-rapporteurs), JURI 119

AMs falling: AM 1589 (Rodríguez Palop).

Article 42

Cooperation between intermediary service providers

Member States shall facilitate the taking of self-regulatory measures by providers of intermediary services in connection ~~to~~ **with** this Directive, in particular to reinforce internal mechanisms to tackle the online material referred to in Article 25(1), and **facilitate technological solutions (AM 1588) to (AM 1587) detect, report and remove (AM 1588, JURI 119) the material referred to in Article 25 and** to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein.

COMPROMISE 41 - ARTICLE 43

AMs covered: AM 1590 (Rodríguez Ramos et al.), AM 1591 (Björk), AM 1594 Rodríguez Ramos et al.), AM 1595 (Spurek, Riba i Giner), AM 1596 (Björk), AM 1599 (Palop), AM 1600 (Rodríguez Ramos et al.), AM 1648 (Pietikäinen), AM 1655 (Gálvez Muñoz), AM 1656 (Björk), JURI 120, BUDG 44

AMs falling: AM 1592 (Rodríguez Ramos et al.), AM 1593 (Keller, Tolleret), AM 1597 (Spurek, Riba i Giner), AM 1598 (Colin-Oesterlé).

Article 43

Union level cooperation and the Union coordinator

1. Member States shall take appropriate action to facilitate cooperation between each other **and with the Union institutions, bodies, offices and agencies (AM 1590)** to improve the implementation of this Directive. Such cooperation shall aim at least at:
 - (a) exchanging best practices (**JURI 120**) **in a regular and structured manner, (AM 1591)** and consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters;
 - (b) exchanging information and best practices with relevant Union **bodies, offices and agencies, such as the Union coordinator and the European Institute for Gender Equality, and cooperating with them on the establishment of common standards and guidelines; (AM 1594, AM 1595, BUDG 44)**

- (c) providing assistance to Union networks, **umbrella organisations and Union-wide non-governmental organisations (AM 1596)** working on matters directly relevant to violence against women and domestic violence.

2. ***In order to contribute to the achievement of the tasks set out in this Directive and to combat violence against women and domestic violence, Member States shall facilitate the tasks of a Union coordinator on combatting gender-based violence (the ‘Union coordinator’). The Union coordinator shall be responsible for improving coordination and coherence among Union institutions, bodies, offices and agencies and among Member States and international actors and for developing and monitoring the implementation and transposition of Union policies to address gender-based violence. In particular, Member States shall transmit to the Union coordinator the information referred to in Articles 39a and 44. On the basis of that information, the Union coordinator shall contribute to reporting carried out by the Commission every two years on the progress made in the fight against violence against women. (AM 1599, AM 1600, AM 1648, AM 1655, AM 1656)***

COMPROMISE 42 - ARTICLE 44

AMs covered: AM 132 (Co-Rapporteurs), AM 169 (Co-Rapporteurs), AM 170 (Co-Rapporteurs), AM 171 (Co-Rapporteurs), AM 172 (Co-Rapporteurs), AM 1283 (Rodríguez Ramos et al.), AM 1284 (Riba i Giner, Spurek), AM 1285 (Rodríguez Palop), AM 1286 (Björk), AM 1438 (Rodríguez Ramos), AM 1487 (Picierno et al.), AM 1601 (Rodríguez Palop), AM 1602 (Rodríguez Ramos et al.), AM 1606 (Rodríguez Ramos et al.), AM 1607 (Spurek, Riba i Giner), AM 1611 (Spurek, Riba i Giner), , AM 1615 (Colin-Oesterlé), AM 1616 (Colin-Oesterlé), AM 1617 (Colin-Oesterlé), AM 1618 (Colin-Oesterlé), AM 1619 (Rodríguez Palop), AM 1620 (Spurek, Riba i Giner), AM 1621 (Björk), AM 1623 (Rodríguez Ramos et al.), AM 1624 (Björk), AM 1627 (Rodríguez Palop), AM 1628 (Spurek, Riba i Giner), AM 1629 (Spurek, Riba i Giner), AM 1630 (Spurek, Riba i Giner), AM 1632 (Spurek, Riba i Giner), AM 1633 (Rodríguez Ramos et al.), AM 1634 (Spurek, Riba i Giner), AM 1637 (Spurek, Riba i Giner), AM 1641 (Spurek, Riba i Giner), AM 1642 (Rodríguez Ramos et al.), AM 1644 (Rodríguez Palop), AM 1645 (Rodríguez Ramos et al.), AM 1646 (Kokalari, Vozemberg-Vrionidi), AM 1647 (Rodríguez Ramos et al.), EMPL 162, BUDG 25, BUDG 42, BUDG 46, BUDG 47, BUDG 49, BUDG 50, JURI 84

AMs falling: AM 1603 (Spurek, Riba i Giner), AM 1605 (Björk), AM 1608 (Rodríguez Palop), AM 1609 (Garraud), AM 1610 (Santos), AM 1612 (Colin-Oesterlé) AM 1613 (Rodríguez Ramos et al.), AM 1614 (Spurek, Riba i Giner), AM 1622 (Rodríguez Ramos et al.), AM 1625 (Spurek, Riba i Giner), AM 1626 (Angel et al.), AM 1631 (Spurek, Riba i Giner), AM 1635 (Możdżanowska), AM 1639 (Możdżanowska), AM 1640 (Możdżanowska), AM 1643 (Spurek, Riba i Giner), AM 1649 (Keller, Tolleret), AM 1650 (Keller, Tolleret).

Article 44

Data collection and research

1. Member States shall have a system in place for **the regular (AM 1602)** collection, development, production and dissemination of statistics on violence against women

or domestic violence, including the forms of violence referred to in Articles 5 to 10, *through qualitative and quantitative data (AM 1487)*

2. The statistics shall include the following *comparable (AM 1607)* data disaggregated by sex *or gender (AM 1605, AM 1607, AM 1610)*, age of the victim and of the offender, relationship between the victim and the offender and type of offence, *whether the victim had a disability, and the context in which the offence took place (AM 170, AM 1606, AM 1607, AM 1615, AM 1616, EMPL 162)*:

(a) the number of victims who experienced violence against women or domestic violence during the last 12 months, last five years and lifetime;

(b) the annual number of such victims, of *offences reported to law enforcement (AM 1616, AM 1623, AM 1624)* offences, of persons prosecuted for and convicted of such forms of violence, *(AM 1619, AM 1624)*, of *sentences imposed by type of offence, (AM 172, AM 1617, AM 1619, AM 1621, AM 1623, AM 1624, AM 1632, BUDG 46)* of dismissal or withdrawal of complaints and the reason for terminating investigations, *(AM 1619, AM 1620, AM 1621)*, obtained from national administrative sources; *(AM 1624)*

(ba) the motives, forms and impact of violence against women and domestic violence (AM 169, AM 170, AM 1605, AM 1607).

(bb) the number of victims who have been killed due to violence against women or domestic violence, and whether they had previously filed a complaint; (AM 1618, AM 1619, AM 1623, AM 1627; AM 1623)

(bc) the number of shelter and family places per Member State. (AM 1630, BUDG 50)

(bd) the availability of victim support services, the number of victims accessing support services or awaiting such services; (AM 171, AM 1611, AM 1628, AM 1629, BUDG 47, BUDG 49)

(bd) the number of calls to national helplines (AM 1619, AM 1623, AM 1624).

3. Member States shall conduct a population-based survey every 5 years using the harmonised methodology of the Commission (Eurostat) to gather the data referred to in paragraph 2, point (a), and on this basis assess the prevalence of and trends in all forms of violence covered by this Directive.

Member States shall transmit those data to the Commission (Eurostat) [3 years after the entry into force of the directive] at the latest.

4. In order to ensure administrative data comparability *and standardisation (BUDG 42, AM 1607)* across the Union, Member States shall collect administrative data *referred to in paragraph 2 (AM 1633)* on the basis of common disaggregations developed in cooperation with and according to the methodology developed by the European Institute for Gender Equality in accordance with paragraph 5 *and ensuring it is available in a machine readable format (BUDG 42)*. They shall transmit this data to the European Institute for Gender Equality on a yearly basis. The *European Institute for Gender Equality shall regularly publish a report based on the statistical data transmitted by the Member States. The (AM 1633)* transmitted data shall not contain personal data.

5. The European Institute for Gender Equality shall support Member States in the data gathering referred to in paragraph 2, point (b), including by establishing common

standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of criminal offences.

6. The Member States shall make the collected statistics available to the public ***in an easily accessible manner***. (AM 1642) The statistics shall not contain personal data.
 7. The Member States shall support research on root causes, effects, incidences and conviction rates, ***including intersectional discrimination (AM 1644)***, of the forms of violence covered by this Directive, ***using the experiences of both victims and offenders (AM 1487) in close cooperation with relevant competent authorities and specialist support service (AM 1645)***. ***The analysis of the data should enable the identification of failures in protection and serve to improve and further develop preventive measures (1644)***.
- 7a. ***Data under paragraph 1 and 2 shall be collected independently from other data collection obligations under international and Union law. (AM 1646)***

Article 44a

Resources

1. ***Member States shall ensure sufficient, predictable and sustainable resources, including funding and human resources, to ensure full implementation of all actions laid down in this Directive. Such funding should be made available to state bodies and agencies, as well as other relevant actors such as non-governmental organisations, including women's specialist support services, who are tasked with actions as laid down within this Directive (AM 132, AM 1023, AM 1024, AM 1026, AM 1135, AM 1196, AM 1283, AM 1284, AM 1285, 1286, AM 1297, AM 1298, AM, AM 1438, AM 1439, AM 1440, AM 1455, AM 1569, AM 1577, AM 1650, BUDG 25, JURI 84)***

COMPROMISE 43 - ARTICLE 45

AMs covered: AM 173 (Co-Rapporteurs), AM 174 (Co-Rapporteurs), AM 175 (Co-Rapporteurs), AM 176 (Co-Rapporteurs), AM 177 (Co-Rapporteurs), AM 1654 (Rodríguez Ramos et al.).

AMs falling: AM 178 (Co-Rapporteurs), AM 1651 (Rodríguez Ramos et al.), AM 1652 (Rodríguez Ramos et al.), AM 1653 (Rodríguez Ramos et al.).

Article 45

Amendment to Directive 2011/93/EU

In Article 3 of Directive 2011/93/EU, the following paragraphs are added:

- “7. Member States shall ensure that the following intentional conduct shall be punishable by a maximum term of imprisonment of at least 12 years:
 - (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

- (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
8. Where the child is above the age of sexual consent and does not consent to the act, Member States shall ensure that the conduct set out in paragraph 7 is punishable by a maximum term of imprisonment of at least 10 years.
 9. For the purpose of paragraph 8, Member States shall ensure that a non-consensual act is understood as an act which is performed without the child's consent given voluntarily, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, including the child's physical or mental condition such as a state of *fear, intimidation, unconsciousness, intoxication, sleep, illness or bodily injury, disability or being in an otherwise particularly vulnerable situation.* (AM 176)

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.*" (AM 177, AM 1654)

COMPROMISE 44 - ARTICLE 46, ARTICLE 47, and ARTICLE 49 to ARTICLE 52

AMs covered: AM 178 (Co-Rapporteurs), AM 1658 (Rodríguez Ramos et al.), AM 1659 (Rodríguez Ramos et al.), AM 1660 (Kokalari, Kohut), BUDG 56

AMs falling: AM 1657 (Anderson).

Article 46 Level of protection

This Directive establishes minimum rules. Member States may introduce or maintain provisions with higher standards, including such which provide a higher level of protection and support for victims.

Article 47 Reporting

1. By ~~seven~~ **five** (AM 178, AM 1658, BUDG 56) years after the entry into force of this Directive] at the latest, **and every five years thereafter** (AM 1658), 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.
2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall **regularly and in accordance with the reporting obligations of Member States under this Directive** (AM 1659) submit to the European Parliament and the Council a report in which it reviews the application of this Directive.

Article 48

Relationship with other Union acts

1. This Directive shall not affect the application of the following legal acts:
 - (a) Directive 2011/36/EU,
 - (b) Directive 2011/93/EU,
 - (c) Directive 2011/99/EU,
 - (d) Directive 2012/29/EU,
 - (e) Regulation (EU) No 606/2013,
 - (f) [Regulation (EU) .../... on a Single Market for Digital Services].
2. The specific measures of prevention, protection of and support to victims under this Directive shall apply in addition to measures laid down in Directives 2011/36/EU, 2011/93/EU and 2012/29/EU.

Article 49

Non-regression clause

Nothing in this Directive shall be construed as lowering, limiting or derogating from any of the rights and procedural safeguards that are guaranteed ***under international instruments binding on Member States and (AM 1660)*** under the law of any Member State which provides a higher level of protection. Member States shall not lower that higher level of protection guaranteed at the time of entry into force of this Directive.

Article 50

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [two years after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 51

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 52

Addressees

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Strasbourg,

COMPROMISE 45 - TITLE AND CITATIONS

AMs covered: AM 183 (Co-rapporteurs)

AMs falling: AM 180 (de la Pisa Carrión, Villalba), AM 181 (de la Pisa Carrión, Villalba), AM 182 (Spurek, Riba i Giner), AM 184 (Chinnici)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on combating violence against women and domestic violence**

- Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2) and Article 83(1) **and (2) (AM 183)** thereof,
- Having regard to the proposal from the European Commission,
- After transmission of the draft legislative act to the national parliaments,
- Having regard to the opinion of the European Economic and Social Committee⁴,

COMPROMISE 46 - RECITALS 1 through 10

AMs covered: AM 1 (Co-rapporteurs), AM 2 (Co-rapporteurs), AM 3 (Co-rapporteurs), AM 4 (Co-rapporteurs), AM 5 (Co-rapporteurs), AM 185 (Rodríguez Ramos et al), 187 (Björk), AM 188 (Pietikäinen), AM 210 (Picierno et al), AM 213 (Rodríguez Ramos), AM 214 (Chinnici et

⁴ OJ C , , p. .

al), AM 215 (Rodríguez Ramos), AM 217 (Rodríguez Ramos et al), AM 219 (Gálvez Muñoz), AM 220 (Rodríguez Ramos), AM 221 (Rodríguez Palop), AM 222 (Kountoura), AM 223 (Spurek, Riba i Giner), AM 226 (Picierno et al), AM 227 (Angel et al), AM 246 (Björk), AM 247 (Rodríguez Ramos et al), AM 248 (Rodríguez Palop), AM 249 (Picierno et al), AM 251 (Rodríguez Ramos et al), AM 254 (Kountoura), AM 257 (Spurek, Riba i Giner), AM 259 (Rodríguez Palop), AM 261 (Picierno et al), AM 262 (Rodríguez Ramos), AM 263 (Angel et al), AM 269 (Rodríguez Ramos et al), AM 272 (Rodríguez Palop), AM 274 (Picierno), AM 275 (Rodríguez Palop), AM 276 (Maxová), AM 278 (Spurek, Riba i Giner), AM 280 (Rodríguez Palop), AM 281 (Spurek, Diana Riba i Giner), AM 282 (Rodríguez Ramos), AM 695 (Gálvez Muñoz), AM 698 (Rodríguez Ramos), AM 715 (Picierno et al), AM 731 (Riba i Giner, Spurek), JURI 1, JURI 2, JURI 4, JURI 5, JURI 8, EMPL 7, EMPL 10, EMPL 11, EMPL 12, EMPL 13

AMs falling: AM 186 (Gálvez Muñoz), AM 189 (Spurek, Riba i Giner), AM 190 (de la Pisa Carrión), AM 191 (de la Pisa Carrión), AM 192 (de la Pisa Carrión), AM 193 (de la Pisa Carrión), AM 194 (de la Pisa Carrión), AM 195 (de la Pisa Carrión), AM 196 (de la Pisa Carrión), AM 197 (de la Pisa Carrión), AM 198 (de la Pisa Carrión), AM 199 (de la Pisa Carrión), AM 200 (de la Pisa Carrión), AM 201 (de la Pisa Carrión), AM 202 (de la Pisa Carrión), AM 203 (de la Pisa Carrión), AM 204 (de la Pisa Carrión), AM 205 (de la Pisa Carrión), AM 206 (de la Pisa Carrión), AM 207 (de la Pisa Carrión), AM 208 (de la Pisa Carrión), AM 209 (Rodríguez Palop), AM 211 (Anderson), AM 212 (Spurek, Riba i Giner), AM 216 (Spurek, Riba i Giner), AM 218 (Rodríguez Ramos et al), AM 224 (Ciuhodaru), AM 225 (Björk), AM 228 (Chinnici et al), AM 229 (Rafaela), AM 230 (Rodríguez Ramos et al), AM 232 (de la Pisa Carrión), AM 233 (de la Pisa Carrión), AM 234 (de la Pisa Carrión), AM 235 (de la Pisa Carrión), AM 236 (de la Pisa Carrión), AM 237 (de la Pisa Carrión), AM 238 (Morano), AM 240 (Rodríguez Palop), AM 241 (Spurek, Riba i Giner), AM 242 (Hidvéghi), AM 243 (Możdżanowska), AM 244 (Anderson), AM 245 (Fest), AM 250 (Spurek, Riba i Giner), AM 252 (Fest), AM 253 (Garraud), AM 255 (Morano), AM 256 (Bruna), AM 258 (Anderson), AM 260 (Pietikäinen), AM 264 (Możdżanowska), AM 265 (de la Pisa Carrión), AM 266 (de la Pisa Carrión), AM 267 (Ciuhodaru), AM 270 (Morano), AM 271 (Kountoura), AM 274 (Björk), AM 277 (Ciuhodaru), AM 279 (de la Pisa Carrión), AM 283 (de la Pisa Carrión).

- (1) The purpose of this Directive is to provide a comprehensive framework to effectively **prevent and (AM 187)** combat violence against women and domestic violence throughout the Union. It does so by strengthening and introducing measures in the following areas: the definition of relevant criminal offences and penalties, the protection of victims and access to justice, victim support **and reparation (AM 187)**, **enhanced data collection (AM 185)**, prevention, coordination and cooperation.
- (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, (AM 1) girls and our societies as a whole (AM 210)**.
- (3) Violence against women and domestic violence **is a violation of** fundamental rights such as the right to human dignity, the right to life and integrity of the person, the prohibition of inhuman or degrading treatment or punishment, the right to respect for private and family life, **the right to liberty and security, (AM 215)** personal data protection, **the right to non-discrimination, including on the grounds of sex, (AM 215)** and the rights of the child, as enshrined in the Charter of Fundamental Rights of the European

Union *and the United Nations Convention on the Rights of the Child (AM 214, JURI 1, JURI 8).*

- (4) This Directive should apply to criminal conduct which amounts to violence against women or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape, ***sexual assault, female genital mutilation, intersex genital mutilation, forced sterilisation, forced marriage, sexual harassment in the world of work,*** the non-consensual sharing of intimate or manipulated material, cyber stalking, (*AM 219, AM 220, AM 221, AM 222, AM 223, EMPL 7*) cyber harassment, ***the unsolicited receipt of sexually explicit material,*** cyber incitement to violence or hatred and criminal conduct covered by other Union instruments, in particular Directives 2011/36/EU⁵ and 2011/93/EU⁶ of the European Parliament and of the Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of violence against women. This includes crimes such as femicide, ***intimate partner violence (AM 221),*** sexual harassment, sexual abuse, stalking, early ~~and forced~~ marriage, ~~forced sterilisation,~~ (*AM 2*) forced abortion, ***sexual exploitation through the prostitution of others, preventing or attempting to prevent a voluntary termination of pregnancy*** and different forms of cyber violence, such as online sexual harassment, ~~or cyber bullying 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, (*AM 2, AM 219, AM 220, AM 227, EMPL 7*) irrespective of whether or not they share housing (*AM 226, JURI 2*). ***However, in order to fully complete the legislative framework to address all forms of gender-based violence it is imperative to extend the areas of crime in accordance with Article 83(1) of the Treaty on the Functioning of the EU to include gender-based violence. (AM 217)***
- (5) The measures under this Directive have been designed to address the specific needs of women and girls, given that they are disproportionately, ***but not exclusively, (AM 03)*** affected by the forms of violence covered under this Directive, namely violence against women and domestic violence. ***According to Eurostat data from 2015, nine out of ten rape victims and eight out of ten sexual assault victims in the Union were women. 99 % of those imprisoned for such crimes were men. (AM 03)*** This Directive ~~however~~ (*AM 03*) 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.
- (6) Due to their vulnerability, children who witness violence against women or domestic violence suffer a direct emotional ***and psychological (AM 247, JURI 4)*** harm, which impacts their development. Therefore, such children should be considered victims and benefit from targeted ***and specialised (AM 249)*** protection, ***prevention and support (AM 246, AM 248)*** measures. ***Member States should, in particular, ensure that children of***

⁵ 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).

⁶ 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).

a parent who has been killed as a result of violence against women or domestic violence receive the support they need, including through targeted protection measures and support especially during relevant judicial proceedings, due to their particularly vulnerable situation. (AM251) Targeted measures for children should be based on a holistic and gender-specific understanding of the dynamics of abusive relationships, ensuring that any re-victimisation of the child is avoided and ensuring the rights of the child. That is especially important when considering child custody rights and visitation rights. (AM 246, JURI 4)

- (7) Violence against women *is understood to be a violation of human rights, as well as a major public health issue (AM 261) and (AM 4, AM 259, AM 261, AM 262, AM 695, AM 698)* is a persisting manifestation of structural discrimination against women *in all their diversity (AM 257, AM 263, JURI 5, EMPL 10)*, resulting from historically unequal power relations between women and men *(AM 731)*. It is a form of gender-based violence, which is inflicted primarily on women and girls, by men. It is rooted in the socially constructed roles, behaviours, *gender stereotypes (AM 257, AM 259)*, activities and attributes that a given society considers appropriate for women and men, generally referred to under the term ‘gender’. *It remains widespread and affects women at all levels of society, regardless of age, education, income, social position or country of origin or residence, and it is one of the most serious obstacles to achieving gender equality. (AM 254)*
- (8) Domestic violence is a serious social problem which often remains hidden *as a result of social stigma (EMPL 11)*. It can lead to serious psychological and physical trauma with severe consequences *for a victim’s personal and professional life (EMPL 11)* because the offender typically is a person known to the victims, whom *the victim* they would expect to be able to trust. Such violence can take on various forms, including physical, sexual, psychological, and economic *and can occur within a range of relationships. (AM 269)* Domestic violence *often includes coercive control (AM 715) and* may occur whether or not the offender shares or has shared a household with the victim.
- (9) *The persisting gravity of the problem of violence against women and domestic violence in the Union, which is clearly demonstrated by the fact that the existing legal acts and their implementation have proven to be insufficient, in combination with the specificities of those crimes, justifies treating victims of violence against women and domestic violence differently in comparison to victims of other crimes in the Union and justifies the specific measures introduced by this Directive in relation to victims of violence against women and domestic violence. (AM 5, AM 274, AM 276)* In light of the specificities related to these types of crime it is necessary to lay down a comprehensive set of rules, which addresses the persisting problem of violence against women and domestic violence in a *gender-sensitive and (AM 275, AM 278, EMPL 12) targeted holistic (AM 278)* manner and caters to the specific needs of victims of such violence. The existing provisions at Union and national levels have proven to be insufficient to effectively combat and prevent violence against women and domestic violence. In particular, Directives 2011/36/EU 2011/93/EU concentrate on specific forms of such violence, while Directive 2012/29/EU of the European Parliament and of

the Council⁷ 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.

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),⁸ and *its General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (AM 280), the United Nations Convention on the Rights of Persons with Disabilities (CRPD), (AM 281, AM 282, JURI 8, EMPL 13)* and, where relevant, the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention')⁹ 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, *as well as the International Labour Organization's Discrimination (Employment and Occupation) Convention, 1958 (No 111) the International Labour Organization's Domestic Workers Convention, 2012 (No 189) (AM 281, EMPL 13).*

COMPROMISE 47 - RECITALS 11 through 21

AMs covered: AM 6 (Co-rapporteurs), AM 7 (Co-rapporteurs), AM 8 (Co-rapporteurs), AM 10 (Co-rapporteurs), AM 11 (Co-rapporteurs), AM 12 (Co-rapporteurs), AM 13 (Co-rapporteurs), AM 14 (Co-rapporteurs), AM 15 (Co-rapporteurs), AM 16 (Co-rapporteurs), AM 17 (Co-rapporteurs), AM 239 (Angel et al), AM 288 (Angel et al), AM 289 (Spurek, Riba i Giner), AM 290 (Santos), AM 292 (Rodríguez Ramos et al), AM 293 (Melchior et al), AM 294 (Björk), AM 296 (Keller, Tolleret), AM 298 (Colin-Oesterlé), AM 302 (S&D), AM 304 (Morano), AM 305 (Spurek, Riba i Giner), AM 306 (Björk), AM 308 (Angel et al), AM 309 (Spurek, Riba i Giner), AM 311 (Rodríguez Palop), AM 313 (Toom), AM 319 (Björk), AM 322 (Spurek, Riba i Giner), AM 324 (Kountoura), AM 325 (S&D), AM 326 (Gálvez Muñoz), AM 327 (Pietikäinen), AM 328 (Colin-Oesterlé), AM 329 (Toom), AM 330 (Rodríguez Ramos et al), AM 331 (Spurek, Riba i Giner), AM 335 (Björk), AM 336 (Björk), AM 337 (Colin-Oesterlé), AM 339 (Rodríguez Palop), AM 342 (Spurek, Riba i Giner), AM 343 (Morano), AM 344 (Rodríguez Ramos et al), AM 345 (Angel et al), AM 346 (Co-rapporteurs), AM 347 (Spurek, Riba i Giner), AM 348 (Gálvez Muñoz), AM 349 (Rodríguez Palop), AM 351 (Colin-Oesterlé), AM 353 (Kanko), AM 355 (Spurek, Riba i Giner), AM 360 (Angel et al), AM 361 (Rodríguez Ramos et al), AM 362 (Spurek, Riba i Giner), AM 363 (Rodríguez Palop), AM 367 (Gálvez Muñoz), AM 369 (Rodríguez Palop), AM 370 (Rodríguez Ramos et al), AM 372 (Spurek, Riba i Giner), AM 373 (Rodríguez Ramos), AM 375 (Spurek, Riba i Giner), AM 376 (Pietikäinen), AM 377 (Picierno), AM 381 (Gálvez Muñoz), AM 383 (Morano), AM 386 (Rodríguez Ramos et al), AM 387 (Pietikäinen), AM 388 (Spurek, Riba i Giner), AM 389 (Colin-Oesterlé), EMPL 14, EMPL 15, EMPL 17, EMPL 18, EMPL 19, EMPL 20, EMPL 21, EMPL 42

⁷ 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).

⁸ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA, 1979.

⁹ Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Council of Europe, 2011.

AMs falling: AM 9 (Co-rapporteurs), AM 284 (Fest), AM 285 (Hidvéghi), AM 286 (Anderson), AM 287 (Bruna, Garraud), AM 291 (Łukacijewska, Adamowicz), AM 295 (Gálvez Muñoz), AM 297 (Możdżanowska), AM 299 (Morano), AM 300 (de la Pisa Carrión), AM 303 (Ciuhodaru), AM 307 (Björk), AM 310 (Ciuhodaru), AM 312 (Björk), AM 314 (de la Pisa Carrión), AM 315 (Bruna, Garraud), AM 316 (de la Pisa Carrión), AM 317 (de la Pisa Carrión), AM 318 (de la Pisa Carrión), AM 320 (Pietikäinen), AM 321 (Chinnici), AM 323 (Ciuhodaru), AM 332 (Rodríguez Palop), AM 333 (Ciuhodaru), AM 334 (Kountoura), AM 338 (Kanko), AM 340 (Bruna, Garraud), AM 341 (Fest), AM 350 (Rafaela), AM 352 (Maxová), AM 354 (de la Pisa Carrión), AM 356 (Rodríguez Palop), AM 357 (Gálvez Muñoz), AM 358 (Colin-Oesterlé), AM 359 (Rodríguez Palop), AM 364 (Anderson), AM 365 (Ciuhodaru), AM 366 (Bruna, Garraud), AM 368 (de la Pisa Carrión), AM 371 (Ciuhodaru), AM 374 (Ciuhodaru), AM 378 (Colin-Oesterlé), AM 379 (Gálvez Muñoz), AM 380 (Colin-Oesterlé), AM 382 (Ciuhodaru), AM 384 (Anderson), AM 385 (Spurek, Riba i Giner).

AMs from articles covered: AM 758

- (11) Violence against women and domestic violence can be exacerbated where it intersects with ***and is inseparable from*** discrimination based on ***gender or (AM 289, AM 290, AM 296)*** sex and other grounds of discrimination prohibited by Union law, namely nationality, race, colour, ethnic or social origin, ***residence status, (AM 289, AM 292, AM 294)*** genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, ***gender identity, gender expression and sex characteristics, (AM 239, AM 288, AM 289, AM 293, EMPL 14)*** Member States should therefore pay due regard to victims affected by such intersectional discrimination through providing specific measures where intersecting forms of discrimination are present. In particular, lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) women, women with disabilities, ***pregnant women, women living in rural areas (AM 289, AM 293)*** and women with a minority racial or ethnic background are at a heightened risk of experiencing gender-based violence ***and domestic violence. For example, acts of gender-based violence which seek to punish victims for their sexual orientation, gender expression or gender identity, such as so-called “corrective rape”, should be given particular attention. (AM 6, AM 288, AM 308, AM 309, EMPL 14). In addition, women and girls exposed to discrimination and violence on the basis of a combination of their sex or gender and other grounds are disproportionately affected by cyber violence, including cyber harassment and cyber incitement to violence or hatred and, therefore, those offences should be treated with due gravity. (AM 360, AM 362, AM 363)***
- (12) Victims of violence against women and domestic violence are at an increased risk of intimidation, retaliation, secondary and repeat victimisation. Particular attention should thus be paid to these risks and to the need to protect the ***physical and psychological*** dignity and ~~physical~~ ***physical (AM 305, EMPL 15)*** integrity of such victims ***in all cases, including before, during and after criminal proceedings (AM 304), and their right to protection and support, while ensuring justice by holding offenders accountable. (AM 7) According to a report from the European Union Agency for Fundamental Rights entitled ‘Violence against women: an EU-wide survey’, 67% of victims of sexual violence have had some previous acquaintance or relationship with the perpetrator and, therefore, robust victim protection is needed in order to prevent further attacks. (AM 302)***

- (13) Rape is one of the most serious offences breaching a person's *dignity*, (AM 313) sexual *and bodily* integrity and is a crime that disproportionately affect women. It entails a power imbalance between the offender and the victim, which allows the offender to sexually exploit the victim for purposes such as personal gratification, asserting domination, gaining social recognition, advancement, ~~or~~ possibly financial gain *or punishment through "corrective rape"* (AM 308). 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*. (AM 8, AM 309)
- (14) Rape should explicitly include all types of sexual penetration, with any bodily part or object. The lack of consent should be a central and constitutive element of the definition of rape, given that frequently no physical violence or use of force is involved *when the act is committed*. ~~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 including* (AM 322, AM 324, AM 325) where committed against a spouse or intimate partner.
- (14 a) *Sexual assault (AM 311) is a type of sexual violence that disproportionately affects women and that seriously breaches a person's physical integrity and bodily autonomy (AM 339). National law on sexual assault varies widely across Member States and there is therefore a clear need to establish rules on sexual assault at Union level. Sexual assault covers acts of a sexual nature. Acts of a sexual nature includes acts where there is physical contact between the perpetrator's body and the victim's genitals and acts where there is contact between the victim's body and the perpetrator's genitals. (AM 338, AM 339)*
- (14 b) *Consent should always be given freely and voluntarily (AM 322). 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 free will and offences committed in those situations should therefore be deemed non-consensual acts. While making an assessment of a particular situation, personal and external circumstances should be taken into account. In that context, fear is not limited to the threat of a criminal act. The lack of consent due to intoxication should also cover incapacitation caused by drugs, alcohol or other intoxicating substances. Particularly vulnerable situations include situations in which victims have clearly limited opportunities to defend their bodily and sexual integrity and avoid an assault. A particularly vulnerable situation could also include situations of a particularly serious power imbalance or of serious economic dependence. Stealthing involves intentionally and secretly ceasing to use a method of prophylaxis or reproductive control during penetration. Due to the fact that stealthing changes the circumstances in which consent was given, it could be considered rape or sexual assault. (AM 319, AM 758)*

- (15) ~~With regard to offences amounting to rape, o~~Offenders who have been previously (AM 11) convicted of offences of the same nature *rape (AM 11)* should be obliged to participate in *evidence-based (AM 335)* intervention programmes to mitigate the risk of recidivism, *ensure safe relations (AM 331)* and to address, in a comprehensive and informative manner, the harm caused by recognising their responsibility and changing their harmful attitudes and behaviours. (AM 330, AM 331) The competent authorities should inform the judicial authorities of the availability of such programmes. (AM 11)
- (15b) *Forced marriage is a form of exploitation that primarily affects women and girls with the intent of asserting domination over them. It is a form of violence that entails serious violations of fundamental rights and, in particular, the rights of women and girls to physical integrity, freedom, autonomy, physical and mental health, sexual and reproductive health, education and private life (AM 349). Poverty, unemployment, custom or conflicts are all factors that promote forced marriage. Physical and sexual violence and threats of violence are frequently used forms of coercion to force a marriage. Once forced to marry, there is greater risk of sexual exploitation and further violence. Often, forms of physical and psychological exploitation and violence, such as sexual exploitation, accompany forced marriage. It is therefore necessary that all Member States criminalise forced marriage, subject offenders to appropriate penalties and make it possible for such marriages to be annulled or dissolved without any excessive administrative or financial burden for victims. (AM 337, AM 349)*
- (16) In order to address the ~~irreparable and lifelong damage~~ *severe and long-lasting physical and psychological consequences that (AM 13, AM 342)* female genital mutilation has on victims, this offence should be specifically and adequately addressed in the criminal laws. Female genital mutilation is an exploitative practice that pertains to the sexual organs of a girl or a woman and that is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over girls and women's sexuality. It is sometimes performed in the context of child forced marriage or domestic violence. Female genital mutilation may occur as a traditional practice which some communities perform on their female members. It should cover practices undertaken for non-medical reasons. The term "excising" should refer to the partial or total removal of the clitoris and the labia majora. "Infibulating" should cover the closure of the labia majora by partially sewing together the outer lips of the vulva in order to narrow the vaginal opening. The term "performing any other mutilation" should refer to all other physical alterations of the female genitals.
- (16a) *Forced, coercive and otherwise involuntary sterilisation is a harmful and exploitative practice that removes the ability of victims to sexually reproduce, often results in grave consequences for the person's physical, psychological and social health, and is performed for the purpose of exerting social control over women and children and their sexuality. It violates fundamental rights such as the right to dignity, physical integrity, privacy and free and informed consent (AM 344) and is recognised as a form of torture and ill-treatment. Forced, coercive and otherwise involuntary sterilisation is often deeply connected with discrimination and stereotypical ideas about who should or should not be pregnant and have children. Roma women and children, women and children with disabilities, including, in particular, intellectual*

and psychosocial disabilities, women wishing to obtain gender affirming treatment, and women and children living in institutions have been particularly at risk of forced, coercive and otherwise involuntary sterilisation. Specific emphasis should be given to the prior and informed consent of the woman or child to undergo such procedure, which should not be substituted by the consent of a legal guardian (AM 344). The provision on forced sterilisation set out in this Directive does not cover emergency medical interventions or surgical procedures which are carried out, for example, for the purpose of assisting a woman by saving her life. (AM 14, AM 344, AM 347, AM 351, AM 353, EMPL 17)

- (16b) Intersex genital mutilation is a medically unnecessary, non-vital surgical or medical procedure or treatment that is performed on a person born with variations of sex characteristics with the purpose or effect of altering such characteristics to align them with those considered typically female or male. Non-vital and non-consensual procedures and treatments performed on intersex children and women are based on the belief that a binary option of sex characteristics is the norm and that any alternative is abnormal and needs to be rectified. Procedures or treatments on the sex characteristics of women or children born with variations of sex characteristics who do not have the capacity to consent should only be performed when there is a clear and urgent need to preserve their life or prevent serious harm to their physical health. Non-vital procedures or treatments with the purpose or effect of altering sex characteristics should only be performed with the full informed and prior consent of a woman or child born with variations of sex characteristics. Intersex genital mutilation can result in life-long physical and psychological impairments and, therefore, should be treated with the same gravity as female genital mutilation. It is therefore important to provide appropriate medical and psychological support to intersex persons and their families and to respect their right to make informed decisions about their own bodies and healthcare. (AM 343, AM 345, AM 355)*
- (16d) Sexual harassment and harassment related to sex are generally prohibited at national level in the framework of the implementation of the Union directives on gender equality. However, Union legal acts have not proven sufficiently effective in combating those phenomena in practice, in particular with regard to penalties. If such conduct is not penalised under criminal law, victims will not benefit from the targeted protection that this Directive provides. Article 83(2) TFEU allows for the establishment of minimum rules with regard to the definition of criminal offences provided that the approximation of criminal laws of the Member States proves essential to ensure effective implementation of a Union policy in an area which has been subject to harmonisation measures. Directives 2006/54/EC, 2004/113/EC and 2010/41/EU have harmonised, at Union level, rules concerning sexual harassment at work and in the provision of and access to goods and services. Given this context and the ineffective implementation of the Union's policy against sexual harassment, additional minimum rules are therefore needed in that area. (AM 346)*
- (17) It is necessary to provide for harmonised definitions of offences and penalties regarding certain forms of cyber violence. Cyber violence particularly targets and impacts women politicians, journalists, human rights defenders, activists (AM 362, EMPL 42) and persons who are part of marginalised communities or who are subject to intersecting forms of discrimination. Women exposed to discrimination and violence on the basis of*

their gender or other grounds are disproportionately affected by cyber violence (AM 360, AM 361, AM 362, AM 363, EMPL 18, EMPL 42). It can have the effect of silencing women and hindering their societal *and professional (EMPL 18)* participation on an equal footing with men. *The increased use of information and communication technologies at work has led to increased cyber violence against women requiring particular attention on preventative and protective measures in the context of work¹⁰ (EMPL 18).* Cyber violence also disproportionately affects women and girls in educational settings, such as schools and universities, with detrimental consequences to their further education and to their mental health, which may, in extreme cases, lead to suicide. *With the aim of effectively prosecuting such offences and fighting against impunity, competent authorities combating violence against women should be trained to successfully prosecute these offences (AM 361).*

- (18) The use of information and communication technologies bears the risk of easy, fast and wide-spread ~~amplification~~ *dissemination (AM 372)* of certain forms of cyber violence with the effect of creating or ~~enhancing~~ *exacerbating (AM 372)* profound and long-lasting harm for the victim. ~~The potential for such amplification which,~~ *Dissemination (AM 372)* is a pre-requisite for the perpetration of several offences of cyber violence defined under this Directive ~~should be~~ *and is (AM 372)* reflected by the element of making certain material accessible, through information and communication technologies, to a ~~‘multitude’~~ *of other (AM 16, AM 369, AM 370, AM 372) end-users.* The term ~~‘multitude’~~ *‘other (AM 16) end-users’ (AM 372)* should be understood as referring to reaching a ~~significant~~ *(AM 16)* number of end-users of the technologies in question, thus allowing for ~~significant~~ *(AM 16, AM 372)* 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~~ *dissemination. (AM 372)*
- (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 *by means of information and communication technologies* of intimate *material* images or videos *(AM 373)* and material ~~that depict~~ *of (AM 373) a sexual activities nature (AM 373), a multitude of to other (AM 17, EMPL 19) end-users, by means of information and communication technologies,* can be very harmful for the victims. The offence provided for in this Directive should cover 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~~ *other (AM 17, AM 373, AM 375, AM 377, EMPL 19) end-users,* through information and communication technologies, occurs without the victim’s consent, irrespective of whether the victim consented to the generation of such material or may have transmitted it to a particular person. The offence should also include the non-consensual production or manipulation, for instance by image editing, *including by means of artificial intelligence (EMPL 19), of (AM 373, AM 376, AM 377) material that makes it appear as though another person is engaged in sexual activities, insofar as the material is*

¹⁰ EESC opinion on ‘Teleworking and gender equality’, (2021/C 220/02) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020AE5159&rid=4> ; ILO Violence and harassment at work https://www.ilo.org/global/docs/WCMS_839676/lang--en/index.htm

subsequently made accessible to a multitude of *other* (AM 17, AM 373, AM 375, AM 377, EMPL 19) end-users, through information and communication technologies, without the consent of that person. Such production or manipulation should include the fabrication of ‘deepfakes’, where material *which amounts to intimate material or material of a sexual nature depicts a person that* appreciably resembles an existing person, objects, places or other entities or events and would falsely appear to others to be authentic or truthful. In the interest of effectively protecting victims of such conduct, threatening to engage in such conduct should be covered as well. *Moreover, since “cyber-flashing” is a common form of intimidating and silencing women, an offence of the unsolicited sending, should therefore be covered by this Directive. (AM 373)*

- (20) Cyber stalking is a modern form of violence which is often perpetrated against family members or persons living in the same household, but also perpetrated by ex-partners or acquaintances. Typically, technology is misused by the offender to proceed to intensify coercive and controlling behaviour, manipulation and surveillance, thereby increasing the victim’s fear, anxiety and gradual isolation from friends, ~~and~~ family *and work* (EMPL 20). Therefore, minimum rules on cyber stalking should be established. The offence of cyber stalking should cover the continuous surveillance of the victim without their consent or legal authorisation by means of information and communication technologies. This might be enabled by processing the victim’s personal data, such as through identity theft or the spying out of such data on their various social media or messaging platforms, their emails and phone, stealing passwords or hacking their devices *or secretly activating keylogging software* (AM 383) to access their private spaces, via the installation of geo-localisation apps, including stalkerware, or via stealing their devices. Furthermore, stalking should cover the monitoring of victims, without that person’s consent or authorisation, via technology devices connected through the Internet of Things, such as smart home appliances. *Moreover, the repeated sending of threatening and insulting messages in private conversations is a common form of violence against women, therefore it should be covered by this Directives. (AM 386)*
- (21) Minimum rules concerning the offence of cyber harassment should be laid down to counter initiating an attack or participating in such an attack directed at another person, by making threatening or insulting material accessible to a multitude of *other* (AM 18, AM 386, AM 388, AM 389, EMPL 21) end-users. Such broad attacks, including coordinated online mob attacks, may morph into offline assault or cause significant psychological injury and in extreme cases lead to suicide of the victim. They often target prominent (female) politicians, journalists, *human-rights defenders* (AM 388) or otherwise well-known persons, but they can also occur in different contexts, for instance on campuses or in schools *and in the world of work. (AM 388)* 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. . (AM 381, AM 387, AM 388)

COMPROMISE 48 - RECITALS 22 through 38

AMs covered: AM 19 (Co-rapporteurs), AM 20 (Co-rapporteurs), AM 21 (Co-rapporteurs), AM 22 (Co-rapporteurs), AM 23 (Co-rapporteurs), AM 24 (Co-rapporteurs), AM 25 (Co-rapporteurs), AM 26 (Co-rapporteurs), AM 27 (Co-rapporteurs), AM 28 (Co-rapporteurs), AM 29 (Co-rapporteurs), AM 30 (Co-rapporteurs), AM 231 (Kountoura) AM 268 (Melchior et al), AM 301 (Picierno et al), AM 390 (Angel et al), AM 391 (Spurek, Riba i Giner), AM 396 (Rodríguez Ramos), AM 397 (Kountoura), AM 399 (Gálvez Muñoz), AM 400 (Rodríguez Ramos), AM 401 (Picierno et al), AM 402 (Spurek, Riba i Giner), AM 403 (Kountoura), AM 408 (Picierno), AM 409 (Chinnici), AM 410 (Gálvez Muñoz), AM 411 (Rodríguez Ramos), AM 414 (Rodríguez Ramos et al), AM 415 (Rodríguez Ramos et al), AM 417 (Morano), AM 418 (Björk), AM 421 (Rodríguez Palop), AM 423 (Rodríguez Ramos), AM 424 (Spurek, Riba i Giner), AM 425 (Kountoura), AM 426 (Rodríguez Ramos), AM 427 (Morano), AM 428 (Ciuhodaru), AM 429 (Björk), AM 430 (Angel), AM 431 (Kountoura), AM 432 (Rodríguez Palop), AM 433 (Spurek, Riba i Giner), AM 434 (Björk), AM 435 (Pietikäinen), AM 436 (Maxová), AM 437 (Morano), AM 438 (Rodríguez Ramos), AM 439 (Picierno), AM 440 (Björk), AM 443 (Rodríguez Palop), AM 445 (Picierno), AM 446 (Ciuhodaru), AM 447 (Björk), AM 448 (Pietikäinen), AM 449 (Spurek, Riba i Giner), AM 450 (Rodríguez Ramos et al), AM 451 (Rodríguez Ramos et al), AM 452 (Ciuhodaru), AM 453 (Rodríguez Ramos et al), AM 454 (Morano), AM 457 (Spurek), AM 458 (Ciuhodaru), AM 459 (Spurek, Riba i Giner), AM 460 (Rodríguez Ramos et al), AM 461 (Rodríguez Ramos et al), AM 462 (Morano), AM 463 (Spurek, Riba i Giner), AM 464 (Co-Rapporteurs), AM 466 (Picierno), AM 467 (Gálvez Muñoz), AM 468 (Pietikäinen), AM 471 (Ciuhodaru), AM 472 (Rodríguez Ramos), AM 473 (Gálvez Muñoz), AM 474 (Pietikäinen), AM 547 (Spurek, Riba i Giner), AM 569 (Rodríguez Ramos et al.), AM 1543 (Melchior), AM 1034 (Spurek, Riba i Giner), AM 1103 (Rodríguez Ramos et al), EMPL 22, EMPL 23, EMPL 25, EMPL 26, EMPL 28, EMPL 30

AMs falling: AM 392 (Fest), AM 393 (Możdżanowska), AM 394 (Hidvéghi), AM 395 (Spurek, Riba i Giner), AM 398 (Chinnici), AM 404 (Morano), AM 405 (Spurek, Riba i Giner), AM 406 (Kountoura), AM 407 (Rodríguez Palop), AM 412 (Kanko), AM 413 (Spurek, Riba i Giner), AM 416 (Rodríguez Palop), AM 419 (Spurek, Riba i Giner), AM 420 (Spurek, Riba i Giner), AM 422 (Ciuhodaru), AM 441 (Rodríguez Palop), AM 442 (Ciuhodaru), AM 444 (Riba i Giner, Spurek), AM 455 (Riba i Giner, Spurek), AM 456 (de la Pisa Carrión), AM 465 (Rodríguez Ramos et al), AM 469 (Spurek, Riba i Giner), AM 470 (de la Pisa Carrión), AM 475 (Walsh), AM 476 (Picierno et al), AM 477 (Spurek, Riba i Giner), AM 478 (Santos).

AMs from articles covered: AM 776, AM 782, AM 983, AM 986, AM 887, AM 888, AM 1010, AM 1020, AM 1036, AM 1037, AM 1038, AM 1039, AM 1043, AM 1050, AM 1051, AM 1066, AM 1067, AM 1074, AM 1075, AM 1150, AM 1133, AM 1201, AM 1280

- (22) The **prevalence of dominant online platforms has played a significant role in the (AM 391)** increase in internet and social media usage **and** has led to a sharp rise in public incitement to violence and hatred, including based on sex or gender **especially in combination with other grounds (AM 391)**, over the past years. The easy, fast and broad sharing of hate speech through the digital word is reinforced by the online disinhibition effect, as the presumed anonymity on the internet and sense of impunity reduce people's inhibition to engage in such speech. **However, anonymity can also be essential to survivors of gender-based violence, as well as to other communities at risk (AM 391)** Women are often the target of sexist and misogynous hate online, which can escalate into hate crime offline. **Children and young people can also be the target of cyber violence which**

often refers to personal characteristics such as disability, racial, ethnic origin, sexual orientation, gender identity, gender expression, sex characteristics or other grounds which, if left unaddressed, can cause social exclusion, anxiety, inducement to inflict self-harm and, in extreme situations, suicidal ideation, suicide attempts or suicide. (AM 390, EMPL 22) This needs to be *prevented or* intercepted at an early stage. The language used in this type of incitement does not always directly refer to the sex or gender of the targeted person(s), but the biased motivation can be inferred from the overall content or context of the incitement.

- (23) The offence of cyber incitement to violence or hatred presupposes that the incitement is not expressed in a purely private context, but publicly through the use of information and communication technologies. Therefore, it should require dissemination to the public, which should be understood as entailing the making **available** ~~accessible~~, through information and communications technologies, of a given item of material inciting to violence or hatred to a potentially unlimited number of persons, namely making the material easily accessible to users in general, without requiring further action by the person who provided the material, irrespective of whether those persons actually access the information in question. Accordingly, where access to the material requires registration or admittance to a group of users, that information should be considered to be disseminated to the public only where users seeking to access the material are automatically registered or admitted without a human decision or selection of whom to grant access. In assessing whether material qualifies as amounting to incitement to hatred or violence, the competent authorities should take into account the fundamental rights to freedom of expression as enshrined in Article 11 of the Charter. ***In order to ensure that online material qualifies as cyber incitement to violence or hatred, Member States should ensure that such material is assessed based on the criteria laid down in the UN’s “Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” on a case-by-case basis, especially taking into account the social and political context of the message, status of the speaker, content and form of the speech act, intent and the likelihood of harm, including imminence. (AM 396, AM 887, AM 888)***
- (23a) ***Member States should ensure that the fact that if an offence is committed with the intention of bringing profit or gain or that an offence actually brought profit or gain, for example through blackmail in the case of cyber violence or by earning income through perpetrating female genital mutilation or forced sterilisation, it 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. (AM 19)***
- (23b) ***So called “honour crimes” are committed to pursue an aim other than, or in addition to, the immediate effect of the crime. That aim could be the restoration of family “honour”, the desire to be seen as respecting tradition or complying with the perceived religious, cultural or customary requirements of a particular community. Such crimes put severe pressure on the victim, can lead to violations of the victim’s human rights and tend to affect the whole person’s life, thereby making the victim particularly vulnerable. (AM 20)***
- (23c) ***A gender sensitive perspective means that policies and programmes take into account the particularities pertaining to the lives of both women and men, while aiming to***

eliminate inequalities and promote gender equality, thereby addressing and taking into account the gender dimension. Consequently, Member States should include a gender-sensitive perspective in the implementation of this Directive and in the evaluation of its implementation. A gender-sensitive perspective means the structural understanding of the roots of gender-based violence, including violence against women and domestic violence as a systemic phenomenon and as a result of pervasive inequality and discrimination against women, which provides a breeding ground for tolerance towards violence against women. (AM 397, AM 399)

- (24) Victims should be able to report crimes of violence against women or domestic violence **and provide evidence** easily without being subject to secondary or repeat victimisation (AM 1034). **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, as appropriate. (AM 21) Although perhaps not mentioned by the victim, competent authorities should always consider that the crimes within the scope of this Directive are violence against women or domestic violence and should, therefore, consider such an assessment in the course of the investigation. (AM 983)** To this end, Member States should **in addition to in-person reporting (AM 402, AM 403), in a safe environment (AM 986)** provide the possibility to submit complaints online or through other **accessible** information and communication technologies for the reporting of such crimes. **Online complaint systems should meet security standards (AM 400) and should not endanger the safety of the victim. Member States should facilitate reporting by victims in all their diversity, including by, inter alia, ensuring easy and accessible options for those who live in remote areas and providing support services to assist those who cannot read and persons living in institutions or persons with disabilities, including through the use of braille and sign language. Victims of cyber violence (AM 21, AM 400, AM 401, EMPL 23) should be able to upload materials relating to their report, such as screenshots of the alleged violent behaviour. Victims should have access to legal aid and assistance, free of charge and in a language they can reasonably understand, when reporting criminal offences and during judicial proceedings. (AM 400)**
- (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~~ **serious** risk of ~~serious~~ (AM 22, AM 411) physical harm. **Such third-party reporting is justified as a targeted measure for violence against women and domestic violence because they often occur in close relationships or family circumstances and might not be regarded as criminal acts and therefore not reported by those who experience or directly witness them. (AM 408)** Similarly, instances of domestic violence or violence against women affecting children are often only intercepted by third parties noticing irregular behaviour or physical harm to the child. Children need to be effectively protected from

such forms of violence ***given the long-lasting detrimental consequences it has on them, (AM 409, AM 410)*** and adequate measures promptly taken. ***(AM 1020)*** 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 ***and should act*** where they have reasonable grounds to believe that ***serious (AM 22, AM 411)*** 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.

- (26) In order to tackle underreporting in the cases when the victim is a child, safe and child-friendly reporting procedures should be established. This can include questioning by competent authorities in simple and accessible language. ***To safeguard the best interests of the child, Member States should ensure that professionals specialised in caring for and supporting children are there to assist them in reporting procedures. (AM 1010, EMPL 25)***
- (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, ***such complaints should be processed without delay by the competent authorities for investigation and prosecution. The fact that the victim has complained or intends to leave the relationship can mean increased danger for the victim. (AM 418, EMPL 26) (AM 415)*** The competent authorities should have ~~the~~ sufficient ***specialised (AM 419)*** expertise and effective investigative tools to investigate and prosecute such crimes ***without undue delay because the continuum of violence means that even those offences which are perceived to be least damaging, can be the first such offence in escalating seriousness. (AM 23, AM 268, AM 417, AM 1543)***
- (28) Victims of domestic violence and violence against women are typically in need of immediate protection ~~or~~ ***and (AM 423)*** specific support, for example in the case of intimate partner ***violence or sexual (AM 24, AM 421)*** violence, where the rate of recidivism tends to be high. Therefore, ~~an~~ ***gender-sensitive (AM 420)*** individual assessment to identify the victim's protection needs ***and medical and specialist support (AM 421) 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.
- (29) When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the victim's safety, ***including dependants' safety, (AM 426) rights and needs, (AM 25, AM 424, AM 425, AM 429)*** and providing tailored ***protection and (AM 25, AM 424, AM 425, AM 429)*** support, taking into account, among other matters, the individual circumstances ***and vulnerability (AM 427, AM 430, EMPL 28)*** of the victim. ***(AM 1067)*** Such circumstances requiring special attention could include the victim's pregnancy, ***(AM 1066) the victim's physical and mental health or disabilities, (AM 427) substance abuse issues, the presence of children, the presence of companion animals, (AM 25, AM 424, AM 425, AM 426, AM 428, EMPL 28)*** or the victim's dependence on or relationship to the offender, ***including economic***

dependence or dependence for the reason of residence status. (AM 25, AM 425, EMPL 28) or the victim having a common child with the offender (AM 424).

- (30) In order to ensure comprehensive, *appropriate and coordinated (AM 450) (AM 431, AM 433, AM 434)* support and protection to victims, *a standardised approach to risk assessment that promotes a shared understanding of the risk throughout proceedings, and a common language to communicate risk, should be adopted. (AM 431, AM 433, AM 434)* All competent authorities and relevant bodies, not limited to law enforcement and judicial authorities, should be involved in assessing the risks for victims and appropriate support *and protection (AM 431, AM 435)* measures. *That should be done (AM 435)* on the basis of *gender- and culturally- sensitive risk assessment protocols and (AM 431, AM 433, AM 434, AM 435)* clear guidelines issued by the Member States, *developed in cooperation with women’s specialist support services and the European Institute of Gender Equality. (AM 434, AM 435)* Such guidelines should include factors to be taken into consideration when assessing the risk emanating *from the specificities of the forms of violence covered by this Directive, including coercive and controlling behaviour (AM 431, AM 433, AM 434, AM 436)* from the offender or suspect, *including as well as* the consideration that suspects charged with minor *or first (AM 437)* offences are as likely to be dangerous as those charged with more severe *or repeated (AM 437)* offences, especially in cases of domestic violence, and stalking. *Specialised training for frontline professionals on the use of risk assessment tools is also essential. (AM 431, AM 433, AM 434)* *The risk 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. (AM 26, AM 431, AM 436, AM 438)*
- (31) Due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation, and the fact that they suffer emotional harm that prejudices their development, the victim’s children should receive the same protection measures as those accorded to the victim. Other persons dependant on the victim, such as adults with disabilities or older dependant adults for whom the victim provides care, ~~may~~ *can* experience similar emotional harm and should thus be accorded the same protection measures. *In the context of violence against women, ill treatment of children by perpetrators can be used to exercise power over and commit acts of violence against mothers, a type of indirect violence against women known in some Member States as vicarious violence. Animals are also often used as leverage in the execution of power by the perpetrator (AM 231, AM 441, AM 569, AM 1425). It is therefore vital that Member States ensure that the relevant authorities are adequately trained on the complex dynamics of abusive relationships so that they are able to accord such protection measures wherever and whenever they are appropriate. (AM 440, AM 449)*
- (32) Victims of violence against women and domestic violence are often in need of specific support *services by trained professionals (AM 448, EMPL 29) and of medical care. (AM 27, AM 443, AM 447, AM 448)* To ensure they effectively receive offers of support, the competent authorities should *immediately (AM 27, AM 443)* refer victims to appropriate support, *including medical (AM 27, AM 443),* services. This should in particular be the case where an individual assessment has found particular support,

including medical (AM 27, AM 443), needs of the victim. In that case, support services should be able to reach out to the victim even without the victim's consent, but with due regard for the victim's safety, (AM 27) taking into consideration the victim's needs and preventing any further or secondary victimisation. (AM 445) 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. (AM 27, AM 443, AM 1103) Therefore, support services should only reach out in the case to victims without their consent should they deem it vital for the victim's safety and wellbeing. 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 Council¹¹ *and Directive (EU) 2016/680. (AM 27, AM 443) 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 (AM 27, AM 443) 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, (AM 27, AM 443) support and protection. (AM 1080). It should be ensured that the persons who have access to the data are limited and that the access periods are established clearly. (AM 446) Victims should be provided with information about the steps in the proceedings and about how evidence can be secured for potential future criminal proceedings. (AM 1036, AM 1037, AM 1038, AM 1039, AM 1043)*

- (32a) *Ensuring the presence of specialised staff within Member States' law enforcement, prosecution and judicial authorities is of great importance. The establishment of specialist courts or chambers and the designation of specialised prosecutors on violence against women and domestic violence should be considered as an option for Member States to ensure a gender-sensitive approach to combat those offences. (AM 416, AM 451, AM 1050) Member States should ensure that the competent authorities are provided with sufficient resources to investigate the offences covered by this Directive in order to avoid the situation whereby an inadequate investigation leads to an ineffective prosecution of the offence and to avoid increasing impunity. (AM 1051)*
- (33) Member States should take the necessary measures to ensure the *swift (AM 454, AM 455) availability of emergency barring, restraining and protection orders as well as the use of arrest and detention (AM 453) to ensure effective protection of victims and their dependants.*

¹¹ 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).

- (34) Member States should ensure that emergency barring orders may be issued in situations of immediate danger, such as where harm is imminent or has already materialised and is likely to be inflicted again *on the victims or their dependants*. (AM 457)
- (35) ***Restraining and (AM 460) P***protection orders ~~may~~ *can* include prohibiting the offender or suspect ~~to access~~ *from accessing* certain localities, *places or defined areas where the victim or dependant resides or visits (AM 459, EMPL 30)* ~~to approach or from approaching~~ the victim or dependant closer than a prescribed distance, or ~~to contact them~~ *prohibiting the offender or suspect from contacting the victim or dependant*, including through the use of online interfaces, and ~~to possess~~ *from possessing* firearms or deadly weapons, where necessary. *These orders should be adopted whenever the situation of risk to the victim makes it advisable, regardless of whether the victim has reported a criminal offence. (AM 461)*
- (36) In order to safeguard the effectiveness of emergency barring, restraining and protection orders, breaches of such orders should be subject to penalties. Those penalties can be of a criminal law or other legal nature and may include prison sentences, fines or any other legal penalty that is effective, proportionate and dissuasive. *Member States should ensure that in situations in which barring, restraining and protection orders are issued, offenders are informed and encouraged to voluntarily enrol in specialised programmes addressing their violent behaviour. (AM 463, AM 1075) It is essential that victims are informed of any breach of protection orders. As breaches of protection orders can increase risks and require further protection to be put in place, a renewed assessment of the protection order should immediately be made after a documented breach. (AM 464)*
- (36a) *Electronic monitoring should be used to ensure the enforcement of emergency barring, restraining and protection orders. Electronic monitoring allows for the possibility of ensuring compliance with emergency barring, restraining and protection orders, of recording evidence of breaches of such orders and of enhancing the supervision of offenders. Victims should always be informed about the capabilities and limitations of electronic monitoring. (AM 28, AM 452, AM 358, AM 461, AM 462, AM 466, AM 1074, AM 1133)*
- (37) Presenting evidence of past sexual behaviour, *the sexual preferences of the victim and the attire or outfit of the victim (AM 467, AM 468, AM 776, AM 782)* 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. *Notes taken by counsellors or therapists should only be permitted to be used in court proceedings with the agreement of the person who spoke to the counsellor or therapist. . (AM 29, AM 1150)*
- (37a) *Women's specialist services play a crucial role in providing support for victims of violence against women and domestic violence. They provide services that use gender-responsive methodologies to support women and their children experiencing violence against women and domestic violence. These services include but are not limited to women's support centres, women's shelters, helplines, rape crisis, sexual*

violence referral centres, as well as primary prevention services. They are often run by non-governmental women's-led organisations.

- (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 (AM 30, AM 472, AM 474) designated national bodies, equality bodies and other relevant actors*. Given their expertise in matters of discrimination on grounds of *race, ethnicity and sex*, national equality bodies, set up in accordance with Directives *2000/43/EC*, *2004/113/EC*¹², *2006/54/EC*¹³ and *2010/41/EU*¹⁴ of the European Parliament and of the Council, ~~are~~ *could be (AM 472, AM 473) well placed to fulfil these tasks provided that they have the adequate specialised expertise in the area of violence against women and domestic violence. (AM 472, AM 473) In accordance with the individual legal traditions and cultures of the Member States, (AM 30) such bodies and other specialised relevant actors (AM 30, AM 472) should be able to support data collection (AM 1201) and* should have legal standing to act on behalf or in support of victims of all forms of violence against women or domestic violence in judicial proceedings, including for the application for compensation and removal of online illegal content, with the victims' approval. This should include the possibility of acting on behalf or in support of several victims together. To enable these bodies to effectively carry out their tasks, Member States should ensure that they are provided with sufficient human and financial resources *and that they are properly trained in order to keep themselves up to date with the development of new technologies used in connection with the offences covered by this Directive. (AM 471)*

COMPROMISE 49 - RECITALS 39 through 44

AMs covered: AM 31 (co-rapporteurs), AM 479 (Spurek, Riba i Giner), Am 481 (Colin-Oesterlé), AM 482 (Rordiguez Ramos et al), AM 487 (Rodriguez Ramos), AM 488 (Spurek), AM 489 (Rodriguez Ramos et al), AM 491 (Spurek), AM 492 (Ciuhodaru), EMPL 32

AMs falling: AM 480 (Ciuhodaru), AM 483 (Spurek), AM 484 (Kokalari), AM 485 (Spurek), AM 486 (Spurek), AM 490 (Gálvez Muñoz), AM 493 (de la Pisa Carrión),

- (39) Certain offences covered by this Directive involve the increased risk of repeated, prolonged or even continuous victimisation. That risk occurs especially in relation to

¹² 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](#)).

¹³ 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](#)).

¹⁴ 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](#)).

offences involving the making accessible to ~~a multitude of~~ *other (AM 479, AM 481, AM 482, EMPL 32)* end-users, through information and communication technologies, of material, resulting from certain offences of cyber violence, considering the ease and speed with which such material can be distributed on a large scale and the difficulties that often exist when it comes to removing such material. That risk typically remains even after a conviction. Therefore, in order to effectively safeguard the rights of the victims of those offences, Member States should be required to take suitable measures aimed at the removal of the material in question. Considering that removal at the source may not always be feasible, for instance because of legal or practical difficulties relating to the execution or enforcement of an order to remove, Member States should also be allowed to provide for measures to disable access to such material.

- (40) Those measures should include, in particular, empowering national judicial authorities to issue orders to providers of intermediary services to remove, or also to disable access to, one or more specific items of the material in question. Those orders should be issued upon a sufficiently reasoned and substantiated request of the victim. Considering the speed with which such material can spread online and the time it can take to complete criminal proceedings against the persons suspected of having committed the relevant offences, it is necessary for the effective protection of the victims' rights to provide for the possibility of issuing, subject to certain conditions, such orders by means of interim measures, even prior to the termination of such criminal proceedings.
- (41) Any such measures to remove or disable access, including in particular such orders, are liable to affect the right and interests of other parties than the victims, such as the persons providing the material, the intermediary service providers whose services may be used and the end-users of those services, as well the general interest. Therefore, it should be ensured that those orders and other measures can only be taken in a transparent manner and that adequate safeguards are provided for, so as to ensure that they remain limited to what is necessary and proportionate, legal certainty is ensured, all affected parties can exercise their right to effective judicial redress in accordance with national law, and a fair balance is struck between all rights and interests involved, including the fundamental rights of all parties concerned in compliance with the Charter. A careful weighting of all rights and interests at stake on a case-by-case basis is particularly important in proceedings for interim measures. Those orders should, as a general rule, be addressed to the specific provider of intermediary services that is best placed to act, in particular so as to limit any possible negative effects for freedom of expression and information.
- (42) The provisions of this Directive on orders and other measures for the removal and disabling access to relevant material should leave the relevant rules contained in Regulation **2022/2065** unaffected. In particular, those orders should comply with the prohibition of imposing general obligations of monitoring or active fact-finding and with the specific requirements of that Regulation regarding orders to remove illegal content online. *(AM 487)*
- (43) Considering the potential importance of material that may be the object of the orders or other measures taken under this Directive to remove or disable access thereto for investigating or prosecuting the relevant offences under criminal law, the necessary measures should be taken to allow the competent authorities to obtain or secure such material, *for the purpose of providing evidence*, where necessary. Those measures

could consist, for example, of requiring relevant intermediary service providers to transmit the material to those authorities or to preserve the material for a limited period that does not go beyond what is necessary **in the framework of, and to support, the investigation**. Any such measures should ensure the security of the material, remain limited to what is reasonable, **necessary and proportionate**, and comply with the applicable rules on the protection of personal data. **(AM 488)**

- (44) In order to avoid secondary victimisation, victims should be able to obtain compensation in the course of criminal proceedings. Compensation from the offender should be full and should not be restricted by a fixed upper limit. It should cover all harm and trauma experienced by victims and costs incurred to manage the damages, including among other things **costs for healthcare services, including sexual and reproductive and psychological health services, rehabilitation, (AM 489)** therapy costs, impact on the victim's employment situation, loss of earnings, psychological damages, and moral prejudice due to the violation of dignity. The amount of compensation should reflect that victims of **violence against women and domestic violence** may have to uproot their lives in order to seek safety, entailing a possible change of **residence or (AM 492)** employment or finding new schools for children or even creating a new identity. **Compensation should be made available to victims as soon as possible. (AM 31)**

COMPROMISE 50 - RECITALS 45 through 49

AMs covered: AM 32 (co-rapporteurs), AM 33 (co-rapporteurs), AM 34 (co-rapporteurs), AM 35 (co-rapporteurs), AM 36 (co-rapporteurs), AM 494 (Picierno et al), AM 495 (Rodriguez Palop), AM 496 (Colin-Oesterlé), AM 501 (Rodriguez Ramos et al), AM 502 (Björk), AM 503 (Spurek), AM 504 (Angel et al), AM 506 (Melchior), AM 508 (Björk), AM 509 (Kountoura), AM 511 (Picierno et al), AM 513 (Maxová), AM 516 (Spurek), AM 517 (Rodriguez Palop), AM 518 (Colin-Oesterlé), AM 519 (Al-Sahlani), AM 521 (Colin-Oesterlé), AM 529 (Pietikäinen), AM 1273 (Björk), AM 1287 (Rodriguez Ramos et al), AM 1292 (Rodriguez Ramos et al), AM 1293 (Björk), AM 512 (Spurek), EMPL 36

AMs falling: AM 497 (Rodriguez Ramos et al), AM 498 (Kountoura), AM 499 (Spurek), AM 500 (Colin-Oesterlé), AM 505 (Rafaela), AM 507 (Spurek), AM 510 (Rodriguez Ramos et al), AM 514 (Spurek), AM 520 (Ciuhodaru), AM 523 (Colin-Oesterlé), AM 524 (Björk), AM 525 (Rodriguez Ramos et al), AM 527 (Kountoura), AM 528 (Spurek)

- (45) Assistance and support to victims of violence against women and domestic violence should be provided **without delay (AM 32)** 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. **Assistance and support should be available to victims regardless of whether criminal proceedings have been initiated (AM 494, AM 496).**

- (46) Specialised support services should provide support, **advice and information on any relevant legal and practical matters as well as referrals to medical forensic**

examinations and comprehensive healthcare services (AM 500, AM 501) to victims of all forms of violence against women and domestic violence, including sexual violence, sexual exploitation through the prostitution of others,(AM 33) female and intersex (AM 502, AM 504, AM 506) genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence.

- (47) Specialist support should offer victims support, **including medical care**, tailored to their specific needs, and irrespective of any official complaint. Such services **should** be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support, **in particular with women’s specialist support services (AM 508, AM 509, AM 511, EMPL 36). Referral and cooperation systems between general victim support services and women’s specialised support should be put in place.** Specialist support may be provided by national, **regional or local (AM 34)** authorities, victims’ support organisations, or other non-governmental organisations. They should be granted sufficient human and financial resources and, where the services are provided by non-governmental organisations, Member States should ensure that they receive appropriate funds. **When planning the organisation of specialist support services, Member States should take into account the structures and synergies of existing specialised support services provided by non-governmental organisations and types of specialised support services offered by them to create a clear coordination between actors and as a consequence facilitate the access of women to these services. (AM 1287)**
- (48) Victims of domestic violence and violence against women typically have multiple protection, **medical** and support needs. **This type of support is best ensured by women’s organisations, considering the disproportionate impact of violence against women on them. Women’s specialist services shall be supported and recognized by State authorities and shall systematically be included in multiagency co-ordination process for risk assessment and management.** In order to address these effectively, Member States should provide such services at the same premises; or, **alternatively**, have such services coordinated through a central contact point **(AM 500), while ensuring that services are geographically equally distributed (AM 500).** To ensure also **all** victims, **including those** in remote areas or unable to physically reach such centres are reached, Member States should provide for online **remote** access to such services **by setting up an app, a website and a helpline that is available 24/7 (AM 518, JURI 20).** This should entail, **inter alia, (AM 35)** setting up a single and updated website where all relevant information on and access to available **in person and online** support and protection services is provided (one-stop online access). The website should follow accessibility requirements for persons with disabilities **such as those set out in annex I of Directive (EU) 2019/882 on the accessibility requirements for products and services (AM 519).** **All services, both online and in presence, should be fully accessible and non-discriminatory. (AM 516, AM 517, AM, 521, AM 529).**
- (48a) **Guidelines and protocols established pursuant to Article 27 (5), including on treating victims in a trauma-, gender-, and child-sensitive manner, avoiding gender stereotypes, preventing secondary or repeat victimization (AM 1293), should be elaborated and reviewed and, where necessary, updated, on a regular basis, in light of their practical application, in consultation and cooperation with , amongst others, women’s specialist support services, victim protection centres, healthcare professionals and other relevant actors, based on evidence, their expertise and best**

practices and taking into consideration the process and content of the individual assessment of protection and support needs, as referred to in Article 18 and 19. (AM 1292, AM 513)

- (49) Specialist support services, including shelters and rape crisis centres, *women's advice centres, sexual violence referral centres, specialised LGBTIQ centres (AM 1273), helplines, programmes addressing the rehabilitation of perpetrators of violence and the clinical management of rape (AM 36)* 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.

COMPROMISE 51 - RECITALS 50 through 57

AMs covered: AM 37 (co-rapporteurs), AM 38 (co-rapporteurs), AM 39 (co-rapporteurs), AM 40 (co-rapporteurs), AM 41 (co-rapporteurs), AM 42 (co-rapporteurs) AM 522 (Colin-Oesterlé), AM 526 (Łukacijewska) AM 530 (Spurek), AM 531 (Björk), AM 532 (Rodriguez Ramos et al), AM 533 (Spurek), AM 534 (Picierno et al.), AM 535 (Łukacijewska), AM 536 (Melchior), AM 537 (Angel et al.), AM 538 (Maxová), AM 539 (Rodriguez Ramos et al.), AM 540 (Rodriguez Ramos), AM 542 (Pietikäinen), AM 544 (Spurek), AM 547 (Rodriguez Ramos et al.), AM 548 (Spurek) AM 549 (Kokalari), AM 551 (Björk), AM 552 (Picierno et al.), AM 553 (Łukacijewska) AM 554 (co-rapporteurs), AM 555 (Colin-Oesterlé) AM 556 (Pietikäinen), AM 557 (Spurek), AM 558 (Angel et al.), AM 559 (Gálvez Muñoz), AM 560 (Rodriguez Ramos et al.), AM 561 (Łukacijewska), AM 562 (Picierno et al.), AM 564 (Colin-Oesterlé), AM 565 (Colin-Oesterlé), AM 566 (Rodriguez Palop), AM 567 (Spurek), AM 570 (Rodriguez Ramos et al.), AM 571 (Kountoura), AM 572 (Gálvez Muñoz), AM 573 (Gálvez Muñoz), AM 574 (Colin-Oesterlé), AM 575 (Riba i Giner), AM 576 (Rodriguez Ramos et al.), AM 578 (Rodriguez Palop), AM 583 (Kountoura), AM 586 (Rodriguez Palop), AM 587 (Angel et al.), AM 588 (Picierno et al.) AM 589 (Rodriguez Ramos et al.), AM 590 (Spurek), AM 592 (co-rapporteurs), AM 593 (Melchior), AM 596 (Spurek), AM 597 (Rodriguez Palop) AM 1280 (Rodriguez Ramos), AM 1332 (Rodriguez Ramos et al.), AM 1358 (Riba i Giner), AM 1361 (Colin-Oesterlé), AM 1413 (Rodriguez Ramos et al.), AM 1426 (Rodriguez Ramos et al.) AM 1441 (Björk), AM 1473 (Riba i Giner), AM 1474 (Rodriguez Palop), AM 1476 (Björk), EMPL 40, EMPL 41, EMPL 43, EMPL 45, emPL 46, EMPL 47, EMPL 48, EMPL 50, EMPL 51, EMPL 52, EMPL 53, JURI 23, JURI 24, JURI 25, JURI 26

AMs falling: AM 541 (Spurek), AM 542 (Spurek), AM 543 (Spurek), AM 545 (Spurek), AM 546 (Colin-Oesterlé), AM 550 (Rodriguez Palop), AM 563 (Ciuhodaru), AM 568 (Gálvez Muñoz), AM 577 (Kountoura), AM 579 (Tolleret), AM 580 (de la Pisa Carrión), AM 581 (Kountoura), AM 582 (de la Pisa Carrión), AM 584 (de la Pisa Carrión); AM 585 (Kountoura), AM 591 (Łukacijewska), AM 594 (Spurek), AM 595 (Spurek), AM 598 (Björk)

- (50) The traumatic nature of sexual violence, including rape, requires a particularly *gender-sensitive (AM 533, EMPL 39)* response by trained and specialised staff. Victims of this type of violence need immediate, *comprehensive and long-term* medical care, *including sexual and reproductive healthcare and the clinical management of rape, including emergency contraception, post-exposure prophylaxis, sexually transmitted infection treatments and access to safe and legal abortion (AM 37, AM 530, AM 531, AM 532, AM 534)*, and trauma support *as well as the option of long-term support, including counselling. Rape crisis centres or sexual violence referral centres should offer combined with immediate forensic examinations to collect the evidence needed for prosecution. Rape crisis centres or sexual violence referral centres should and* be available *on a 24-hour basis (AM 535)*, in sufficient numbers and adequately spread over the territory of each Member State. Similarly, victims of female *and intersex (AM 536, AM 537, JURI 21)* genital mutilation *and other harmful practices*, who are often girls, typically are in need of *targeted tailored* support. Therefore, Member States should ensure they provide dedicated support *tailored customised* to these victims *through a multi-disciplinary and victim-centred approach and by providing targeted trainings to all relevant professionals who may come in contact with a victim or a person at risk.(AM 533) Such specialist support shall be carried out with the highest standards of privacy, intimacy and confidentiality. (AM 1332)*
- (50a) *Victims of female genital mutilation, who are often girls, as well as victims of forced sterilisation typically are in need of targeted support. Therefore, Member States should ensure they provide support tailored to these victims and that those specialist support services are carried out with the highest standards of privacy, intimacy and confidentiality. (AM 539)*
- (50b) *Specialist support services for victims of cyberviolence should be appropriately equipped and easily accessible as it is significantly underreported. They should offer psychological support, legal counselling and assistance (AM 540)*
- (50c) *Violence and harassment in the world of work is unacceptable and incompatible with decent work. It affects persons' psychological, physical and sexual health, dignity, and family and social environment, as well as the quality of public and private services. In particular, it can prevent persons, particularly women, from accessing, and remaining and advancing in the labour market and is therefore a threat to equal opportunities. It also negatively affects the organisation of work, workplace relations, worker engagement, enterprise reputation and productivity (EMPL 40).*
- (51) Harassment at *in the world of 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 *in the world of work is a form a discrimination that* has significant negative consequences both for the victims and the employers, advice on adequately *preventing and (EMPL 41)* addressing such instances at *in the world of work* place, 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 specialised and trained (EMPL 41, EMPL 45)* services to both victims and employers. *Workplace harassment and violence should be tackled as part of the social dialogue (EMPL 46, EMPL 48), or through legal acts 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. (AM 38, EMPL 41)

- (51a) *The social partners can play a key role in addressing harassment in the world of work as well as domestic violence, through relevant measures. With the increasing availability of home-based telework, the site of domestic violence can in fact be the workplace of the victim. Employers and trade unions can also contribute to the identification of instances of domestic violence, to support victims and to address the impacts of domestic violence on professional life. There are already many examples of good practices and agreements on workplace policies that give support to victims of domestic violence, enabling them to continue working safely (EMPL 47).*
- (52) Member States should ensure that national helplines *for victims seeking support* are *accessible (AM 552, EMPL 50)* and operated under the EU-harmonised number [116016] *or any other already existing number (AM 547, AM 548, AM 549)*, and this number is widely advertised as a public number, free of charge and available round-the-clock. The support provided should include crisis counselling *to be carried out by specialised support services*, and should be able to refer to face-to-face services, such as shelters, *women's specialist support (AM 551)*, *as well as other social, health and justice services (AM 38, AM 1358, AM 1361)* ~~counselling centres or the police~~. *This helpline should be operated separately from other helpline(s) for victims of crime and provide all national emergency numbers (AM 1361). Victims of violence against women and domestic violence, if calling a general support helpline, should be redirected to the specialist helpline operated under the EU-harmonised number for targeted counselling. (AM 549) Member States should establish a national helpline in the event that no such helpline exists (AM 553).*
- (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, *including mental health, (AM 562)* financial situation, *basic legal guidance*, and the well-being of their children (AM 526), ultimately preparing victims for an autonomous life. *Member States should ensure the availability of sufficient dedicated domestic violence shelters, with an adequate geographical distribution (AM 555, JURI 23). These shelters should be solely available for victims of such crimes and their location should remain confidential, to ensure the women's safety (AM 564, AM 1379). A variety of different models should be made available, including women-only shelters, thereby ensuring maximum flexibility for victims (AM 560, JURI 23). Shelters should always be available free of charge for the victim. (AM 39, AM 557, AM 558, AM 559) and they should ensure the active and continuous, physical presence of trained and specialised personnel to engage with and support the victims. (AM 556) Shelters and other appropriate interim accommodations should be made available to accommodate the specific needs of victims with disabilities. (EMPL 51)*
- (53a) *Domestic violence often affects the victim's employment, productivity and health and safety at work due to stress and fear, and the perpetrators often prevent their partners or ex-partners from accessing their workplace. In addition, victims will frequently need additional time away from work to attend medical appointments, legal proceedings or to make social arrangements such as searching for new*

accommodation. Measures shall therefore be implemented at national level to ensure that employers who have been notified of a victim's circumstances are prevented from discriminating or in any way disadvantaging victim workers in the immediate aftermath of the violence and due to the impact of factors that relate to the violence. Rather, in order to support victims through difficult transitions and help them to remain in the workforce, thereby safeguarding their economic resources and financial independence, victims shall therefore have the right to paid leave and flexible working conditions for appropriate duration. (AM 554, AM 538, AM 544, EMPL 43)

- (54) To effectively address negative consequences for child victims, support measures to children should include age-appropriate psychological counselling *by trained professionals (AM 565)*, together with paediatric care where necessary, and be provided as soon as competent authorities have reasonable grounds to believe that children might have been victims, including child witnesses of violence. *Such support measures should not require the prior consent of the holder of parental responsibility who are the offender or suspect (AM 566, AM 567) and should be in accordance with the principles laid down in the UN Convention on the Rights of the Child, in particular Articles 9 and 12 thereof. Such measures should be made available on a long-term basis, in line with the victim's needs (AM 565).* 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.(AM 40, JURI 24). Cases of parental alienation syndrome and similar concepts and terms that blame mothers for their children's 'alienation' from their father are often linked to cases of violence against women and domestic violence and risk jeopardising a child's safety, while causing secondary victimisation (AM 439), additional psychological stress and trauma to victims. Referring to such concepts calls into question victims' parental skills, disregards the children's testimony and the risks of violence to which the children are exposed, and jeopardises the rights and safety of mothers and children. (AM 301, AM 439)*
- (55) In order to ensure the safety of children during possible visits with an offender or suspect who is a holder of parental responsibility with rights of access, Member States should ensure that supervised neutral places, including child protection or welfare offices, are made available so that such visits can take place there in the best interests of the child. *Supervised neutral places for visits with an offender should ensure the safety of both the child and the non-abusive holder of parental responsibility, where relevant, and allowing for avoidance of contact between the offender or suspect and the non-violent parent or their relatives when accompanying the child to the meeting (AM 1413).* If needed, the visits should take place in the presence of child protection or welfare officials. Where it is necessary to provide for interim accommodation, children should as a priority be accommodated together with the holder of parental responsibility who is not the offender or suspect, such as the child's mother. The best interest of the child, should be always taken into account *and prevail over a request of shared custody or rights of access of the violent parent (AM 576, AM 578, JURI 25). Appropriate*

referrals for offenders should be ensured to address the violence towards their family members. (AM 42, AM 569, AM 571, AM 572, AM 573, AM 574)

- (55c) *Member States shall take measures to prevent the bias in the determination of “the best interest of the child” principle, namely, to maintain contact with both parents or their relatives at all costs, regardless of the violence children have witnessed, with detrimental and dangerous effects for both the child and the other parent. The right of a child to maintain contact with both parents should be restricted if necessary. (AM 575, AM 583, AM 1426)*
- (56) *Victims with specific needs and groups at risk of violence against women or domestic violence **experiencing intersecting discriminations**, such as women with disabilities, **women living in institutional care facilities (AM 1280)**, women with dependant residence status or permit, undocumented migrant women, women applicants for international protection, women fleeing armed conflict, women affected by homelessness, **women in low-wage jobs or in unemployment (AM 588)**, women with a minority racial or ethnic background, **victims of so-called "honour crimes"**, women living in rural areas **or less prosperous regions**, women **in prostitution, sexual or gender-identity minorities (AM 589)**, **women suffering from addiction (AM 592)**, detainees, or older women, **LBTIQ+ women** should receive specific protection, **medical care** and support. (AM 42, AM 586, AM 587, AM 590, AM 593, AM 1473, AM 1474, AM 1476, EMPL 52, JURI 26) **Victims of violence referred to in this Directive applying for international protection should be considered as applicants with special reception needs in accordance with Article [20] of Directive 2013/33/EU [Reception Conditions Directive]. (AM 1441)***
- (57) *Women with **disabilities** disproportionately experience violence against women and domestic violence and due to their disability often have difficulties in accessing protection and support measures. **The process for reporting violence is often inaccessible because of inadequate policies and standards, negative attitudes, physical barriers, scarce information and communication, a lack of service provision, inadequate funding and a failure to involve victims with disabilities in decisions that directly affect their lives.** Therefore, Member States should **adapt their support services accordingly** to ensure they can benefit fully from the rights set out in this Directive, on an equal basis with others, while paying due attention to the particular vulnerability of such victims and their likely difficulties to reach out for help. (AM 596, AM 597, EMPL 53)*

COMPROMISE 52 - RECITALS 58 through 61

AMs covered: AM 44 (co-rapporteurs), AM 45 (co-rapporteurs), AM 46 (co-rapporteurs), AM 47 (co-rapporteurs), AM 48 (co-rapporteurs), AM 49 (co-rapporteurs), AM 273 (Björk), AM 600 (Rodriguez Ramos et al.), AM 601 (Tolleret), AM 602 (Kountoura), AM 603 (Angel et al.) AM 604 (Maxova), AM 606 (Björk), AM 607 (Chinnici et al.), AM 608 (Picierno et al.), AM 609 (Björk), AM 617 (Picierno et al.), AM 621 (Rodriguez Ramos et al.), AM 622 (Keller), AM 623 (Picierno et al.), AM 624 (Colin-Oesterlé), AM 625 (Chinnici et al.), AM 626 (Keller), AM 627 (Picierno et al.), AM 629 (Rodriguez Ramos et al.), AM 630 (Spurek), AM 632 (Angel et al.), AM 636 (Hidvéghi), AM 1458 (Björk), AM 1461 (Colin-Oesterlé), AM 1464 (Rodriguez

Ramos), AM 1467 (Björk), AM 1480 (Riba i Giner), AM 1485 (Riba i Giner), AM 1486 (Tolleret), AM 1480 (Riba i Giner), AM 1485 (Riba i Giner), AM 1486 (Tolleret), AM 1489 (Riba i Giner) AM 1507 (Colin-Oesterlé), AM 1508 (Björk), AM 1509 (Rodriguez Palop), AM 1511 (Meclhior), AM 1516 (Rodriguez Ramos), AM 1517 (Rodriguez Ramos), AM 1539 (Riba i Giner), AM 1511 (Meclhior), AM 1539 (Riba i Giner) , AM 1540 (Al Sahlani) AM 1542 (Riba i Giner), AM 1544 (Rodriguez Palop), AM 1545 (Rodriguez Ramos et al.), AM 1546 (Björk), AM 1547 (Rodriguez Ramos et al.), JURI 27, JURI 28, JURI 29, JURI 30, JURI 31, EMPL 43, EMPL 45, EMPL 49, EMPL 54, EMPL 55, EMPL 56, EMPL 57, EMPL 59, EMPL 148, BUDG 10, BUDG 11,

AMs falling: AM 599 (Spurek), AM 605 (Ciuhodaru), AM 610 (de la Pisa Carrión), AM 611 (de la Pisa Carrión), AM 612 (de la Pisa Carrión), AM 613 (Hidvéghi), AM 614 (Bruna), AM 615 (Spurek), AM 616 (Możdżanowska), AM 618 (Gálvez Muñoz), AM 619 (de la Pisa Carrión), AM 620 (Spurek), Am 628 (Chinnici), AM 631 (Björk), AM 633 (Hidvéghi), AM 634 (Kountoura), AM 635 (Hidvéghi), AM 637 (Bruna), AM 638 (de la Pisa Carrión),

- (57a) **Action to prevent violence against women and domestic violence shall be based on a three-pronged approach including primary, secondary and tertiary prevention, and shall ensure their adequate coordination (AM 600, AM 1452, AM 1454). Primary prevention shall be aimed at preventing violence from occurring and shall include awareness-raising campaigns to increase understanding among the general public of the different manifestations of all forms of violence and their consequences. (AM 1456). Secondary preventive measures should be aimed at early detection of violence and prevention of its progression or escalation. Tertiary prevention should be focused on prevention of reoffending and revictimisation, as well as at proper management of consequences of the violence. These measures should include, among others, promotion of bystander intervention, early intervention centres as well as intervention programmes.(AM 1464)**
- (58) Member States should ensure that **evidence-based (AM 1458, AM 1467, AM 609, AM 617)** preventive measures, such as **long-term (AM 606, JURI 28)** awareness-raising campaigns, are taken to counter violence against women and domestic violence **through changes in the social and cultural behaviour of women and men (EMPL 54, JURI 27). Such campaigns should include full information about the different manifestations of violence, as well as their impact of such violence on children (AM 1461) and should promote a human rights-centred approach (AM 604, AM 609, JURI 28).** Prevention should also take place in formal **and informal (AM 600)** education, in particular, through strengthening **comprehensive (AM 606, EMPL 54) and age-appropriate (AM 607) sexuality and relationships (AM 608)** education and socio-emotional competencies, empathy and developing healthy **consensual** and respectful relationships **(AM 601, AM 606, AM 1456, EMPL 55). Particular attention should be paid to targeting such campaigns to locations where men frequent. Such campaigns should involve relevant local stakeholders. (AM 44, AM 602) Preventive measures should be designed in cooperation with relevant affected communities to ensure full coverage of their needs as well as sensitive, appropriate and non-stigmatising communication.(AM 1489)**

- (58a) *Gender equality, women’s empowerment, and investing in a gender-equal society where women are autonomous, financially and socially, are the best prevention strategies against the various forms of violence against women and domestic violence. Member States shall ensure that women have the means and possibilities necessary to leave an abusive relationship by providing access to social supports where required (AM 273).*
- (59) Member States should take measures to prevent the cultivation of harmful gender stereotypes (AM 603, AM 632) to eradicate the idea of the inferiority of women or stereotyped roles of women and men. This could also include measures aimed at ensuring that culture, custom, religion, tradition or honour is not perceived as a justification for, or a more lenient treatment of, offences of violence against women or domestic violence, *but rather as an aggravating circumstance. As so-called “honour crimes” are highly underreported in the Union, it is important that relevant authorities receive adequate training to be able to identify those crimes and to handle them in a correct manner.* Considering that from a very young age onwards, children are exposed to gender roles that shape their self-perception and influence their academic and professional choices as well as expectations of their roles as women and men throughout their life, it is crucial to address gender stereotypes as of early-childhood education and care. (AM 45) *Overexposure to pornography where it contributes to gender stereotypes is often young people’s only reference point for sexual relations, especially in the absence of access to comprehensive sexuality and relationships education, leads to a distorted and violent picture of sexuality. Member States should therefore take into account the impact of pornography on young people and the risk of reproducing violent behaviour (AM 378, AM 380)*
- (60) In order to ensure victims of violence against women and domestic violence are identified, *are able to lodge complaints (AM 624)* and receive appropriate support, Member States should ensure that professionals likely to come into contact with victims receive *adequate and tailored* training and targeted information *in order to advance the victims' access to justice (AM 1511). These trainings shall be free, including the support material, and shall take place during working hours (AM 1509).* Trainings should cover the risk and prevention of intimidation, repeat and secondary victimisation and the availability of protection, *medical* and support measures for victims. *Such trainings should in particular be available for professionals working with women in institutions, such as residential care homes, asylum centres and prisons, and those who work or volunteer at shelters. (AM 623) Specific attention should be given to specialised training of competent authorities entering in contact with the victims, especially including abstention from victim-blaming attitudes and behaviours, timely victim referral to specialised services including women’s specialised services and data treatment (AM 1539, AM 1546, AM 1547), with the aim of facilitating the reporting of such offences. Trainings should also cover elements on gender equality and discrimination, including intersectional discrimination (AM 621), prevention of secondary victimisation, communication skills, (AM 1542), (AM 622), as well as prevention and identification of sexual harassment of the most marginalised groups.(AM 621, EMPL 56) Trainings should be provided by qualified trainers adhering to stringent quality standards in terms of training duration, frequency, methods and outcomes in line with the objectives of this directive (AM 1544, AM 1545).*

- (60a) *To prevent and appropriately address instances of sexual harassment at the world of work, and to identify and address instances of domestic violence and its consequences, persons with supervisory functions and labour inspectors (AM 1509, EMPL 49, EMPL 148), should receive training (EMPL 45, EMPL 56, JURI 29. 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 (EMPL 58). Third-party violence refers to violence which staff might suffer at the workplace, not at the hands of a co-worker(AM 46, AM 1507, AM 1508). 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. (AM 47, EMPL 57)*
- (61) In order to counteract underreporting *and prevent secondary victimisation (AM 627, AM 630)*, Member States should also liaise with law enforcement authorities, *judicial authorities (AM 629)*, *civil society, community-based organisations (EMPL 59, BUDG 10)*, *and the European Institute for Gender Equality and other relevant specialised actors*, in the development of trainings in particular regarding harmful gender stereotypes *and misconceptions about sexual and domestic violence (AM 627, AM 630, BUDG 10, JURI 30)*, but also in the prevention of offences, given their typical close contact with groups at risk of violence, victims *and offenders (AM 48)*. *Trainings of law enforcement authorities on how to receive a victim of gender-based violence, domestic violence or cyberviolence is essential to properly assist the filing of a complaint by the victim and to properly assess the risk of her situation. (AM 626, AM 625, BUDG 11, JURI 31)*
- (61a) *Member States should recognise women's civil society organisations, including organisations working with women at a heightened risk of experiencing gender-based violence, as partners in policy development and implementation and should, where relevant, include them in the work of government bodies and committees working to combat violence against women and domestic violence. In addition, other relevant stakeholders should be consulted on relevant issues, such as the social partners in relation to sexual harassment at the workplace. (AM 49, AM 636, EMPL 43, EMPL 59)*

COMPROMISE 53 - RECITALS 62 through 71

AMs covered: AM 51 (co-rapporteurs), AM 52 (co-rapporteurs), AM 53 (co-rapporteurs), AM 515 (Björk), AM 642 (Rodriguez Ramos et al.) AM 643 (Rodriguez Ramos et al.), AM 646(Rodriguez Palop), AM 653 (Angel et al.), AM 655 (Rodriguez Ramos et al.), AM 656 (Pietikainen), AM 657 (Santos) , AM 1552 (Rodriguez Palop), 1553 (Rodriguez Palop),AM 1555 (Kokalari), 1561 (Riba i Giner), AM 1594 (Rodriguez Ramos et al.), AM 1636 (Björk), AM 1637 (Spurek) AM 1638 (Rodriguez Ramos et al.), AM 1641 (Spurek), JURI 32, JURI 33, BUDG 12, BUDG 14, EMPL 62

AMs falling: AM 50 (co-rapporteurs), AM 641 (Rodriguez Palop), AM 640 (Renew), AM 639 (Spurek), AM 645 (Spurek), AM 647 (Rodriguez Palop), AM 648 (Rodriguez Palop), AM 649 (Spurek), AM 650 (S&D), AM 651 (Spurek), AM 652 (de la Piza Carrion), AM 654 (Spurek), AM 658 (Spurek), AM 659 (Spurek), AM 660 (de la Piza Carrión)

- (62) Intervention programmes should be set up to prevent and minimise the risk of (repeated) offences of violence against women or domestic violence. ***They should be carried out by trained and skilled professionals and in close cooperation with specialist support services for victims (AM 1553).*** The programmes should specifically aim at teaching offenders or those at risk of offending how to adopt non-violent behaviour in interpersonal relationships and how to counter violent behavioural patterns. ***Where the victim consents to interact with the offender or where the victim is in close physical proximity to the offender with their consent, particular attention should be paid to the victim's safety during such intervention programmes. (AM 1555)*** Programmes should encourage offenders to take responsibility for their actions and examine their attitudes and beliefs towards women ***seek to help offenders understand and recognise their responsibility, change their harmful attitudes and behaviours as well as to adopt non-violent behaviour in interpersonal relationships (AM 1553, JURI 32).***
- (62a) ***Member States should ensure that the intervention programmes comply with minimum standards and are in accordance with best practices. The programmes should include the following conditions: be provided by trained staff; have a gender-based approach; be victim-orientated and include a full risk assessment of the perpetrator; be part of multiagency networks; strive to establish a strong collaboration with specialist support services, including women's specialist support services; provide guidelines for evaluation of the outcome. (AM 1561) Member States should cooperate with EIGE on the establishment of common standards and guidelines (AM 1595).***
- (62b) ***All measures included in this Directive need to be accompanied by sufficient, predictable and sustainable funding. This is especially important to ensure that national authorities and specialised support service providers, including non-governmental women's specialist services, have sufficient funding and human, technical and technological resources for the effective and comprehensive implementation of this Directive. Member States should include Women's Specialist Support Services as an integral part of the implementation of the national support system for victims of gender-based violence (AM 643, AM 515);***
- (63) In order to ensure that victims of the offences of cyber violence contained in this Directive can effectively realise their rights to have illegal material relating to such offences removed, Member States should encourage the cooperation between providers of intermediary services ***as well as authorities and civil society organisations, such as through the establishment of trusted flaggers pursuant to Article 22 of the Regulation (EU) 2022/2065 of the European Parliament and of the Council (BUDG 12).*** To ensure that such material is detected early on and tackled effectively and that victims of those offences are adequately assisted and supported, Member States should also facilitate the establishment or use of existing self-regulatory measures of a voluntary

nature, such as codes of conduct, including on the detection of systematic risks in relation to such cyber violence and the training of the providers' employees concerned by preventing such violence and assisting victims.

- (63a) *The commitment of Member States in preventing and combatting violence against women and domestic violence should be shown by the development of National Action Plans in this regard. The National Action Plans should be developed in two years from the date of entry into force of this Directive, and reviewed and updated every five years (AM 642).*
- (63b) *With a view to developing a consolidated Union strategy to address violence against women and domestic violence aimed at further strengthening the commitment of, and efforts made, by the Union and the Member States to prevent and combat it, Member States should facilitate the establishment of and the tasks of a Coordinator on gender-based violence ("The Union coordinator") The tasks of the Union coordinator should include for example improving coordination and coherence, avoiding duplication of efforts between Union institutions and agencies as well as between Member States and international actors, contributing to the development of existing or new Union policies and strategies relevant to the fight against violence against women and domestic violence or reporting to the Union institutions (AM 646).*
- (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. (AM 51) Non-governmental organisations working on preventing and tackling violence against women or domestic violence, including women's organisations, women's specialist support services and other specialist support services should be involved in the development. (AM 1636, AM 1637, AM 1638).*
- (65) Member States should ensure that the data collected are limited to what is strictly necessary in relation to supporting the monitoring of the prevalence and trends of violence against women and domestic violence and design new policy strategies in this field. *Member States should provide relevant data and information to the relevant institutions such as European Institute of Gender Equality (BUDG 14) and Eurofound in order to allow for the comparability, assessment and analysis of that data at Union level (AM 656). Data collected should include the context in which the offence took place, such as at home, at the workplace or online (EMPL 62) as well as information about whether a victim is at a heightened risk of experiencing gender-based violence, as this will inform future targeted policy actions. It should also include whether violence was committed against victims affected by intersectional discrimination as defined in recital 11. (AM 653, EMPL 62, JURI 33) When sharing the data collected, no personal data should be included, to protect anonymity and*

confidentiality, and respect the key principles of data protection and fundamental rights. (AM 52, AM 657)

- (65a)** *Data collection for statistical purposes should be ongoing to monitor trends and to identify good practices and areas for improvement. Eurostat and the European Institute for Gender Equality should prepare reports regularly (AM 655) on the statistics linked to the implementation of this directive and transmit it to the Union coordinator, the European Parliament and the Council. The Commission should ensure that sufficient funding is allocated to carry out such reporting. (AM 1641)*
- (66) Any processing of personal data carried out pursuant to this Directive, including the exchange or transmission of personal data by the competent authorities, should be carried out in accordance with Regulation (EU) 2016/679, Directives 2016/680/EU¹⁵ and 2002/58/EC¹⁶ of the European Parliament and of the Council. Any processing of personal data by Union institutions, bodies, offices or agencies should be carried out in accordance with Regulations (EU) 2018/1725¹⁷, 2018/1727¹⁸ and 2016/794¹⁹ of the European Parliament and of the Council, or any other applicable Union rules on data protection.
- (67) Directive 2011/93/EU provides for criminal offences concerning the sexual abuse of children. In order to ensure coherence with this Directive as regards the criminal offence of rape, the same degree of protection for children who have reached the age of sexual consent should be ensured and a specific offence should be defined as regards children below the age of sexual consent. Therefore, Directive 2011/93/EU should be amended accordingly.
- (68) Since the objective of this Directive, namely to prevent and combat violence against women and domestic violence across the Union on the basis of common minimum rules, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the envisaged measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of

¹⁵ Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, ([OJ L 119, 4.5.2016, p. 89](#)).

¹⁶ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) OJ L 201, 31.7.2002, p. 37.

¹⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, ([OJ L 295, 21.11.2018, p. 39](#)).

¹⁸ Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA, ([OJ L 295, 21.11.2018, p. 138](#)).

¹⁹ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, ([OJ L 135, 24.5.2016, p. 53](#)).

proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.

- (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. *(AM 53)*
- (70) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
- (71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [XX XX 2022],