













Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Awaiting Parliament's position in 1st reading
Combating violence against women and domestic violence	
Subject 4.10.04 Gender equality 4.10.09 Women condition and rights 7.30.30.02 Action to combat violence, trafficking in human beings and migrant smuggling	
Legislative priorities Joint Declaration 2023-24 Joint Declaration 2022	

Key players			
European Parliament	Joint Committee Responsible	Rapporteur	Appointed
	 Women's Rights and Gender Equality		09/08/2022
	Civil Liberties, Justice and Home Affairs	 FITZGERALD Frances	09/08/2022
		 INCIR Evin	
		Shadow rapporteur	
		 COLIN-OESTERLÉ Nathalie	
		 PICIERNO Pina	
		 RODRÍGUEZ RAMOS María Soraya	
		 ĐURIŠ NICHOLSONOVÁ Lucia	
		 RIBA I GINER Diana	
		 SPUREK Sylwia	
		 ANDERSON Christine	
	 FEST Nicolaus		
	 DE LA PISA CARRIÓN Margarita		



[KANKO Assita](#)



[BJÖRK Malin](#)



[RODRÍGUEZ PALOP](#)

[Eugenia](#)

FEMM [Women's Rights and Gender Equality](#)

[Civil Liberties, Justice and Home Affairs](#)

Committee for opinion

Rapporteur for opinion

Appointed

BUDG [Budgets](#)

27/04/2022



[GEESE Alexandra](#)

EMPL [Employment and Social Affairs](#)

08/09/2022

(Associated committee)



[ESTARÀS FERRAGUT](#)

[Rosa](#)

IMCO [Internal Market and Consumer Protection](#)

The committee decided not to give an opinion.

JURI [Legal Affairs](#)

13/07/2022



[AUBRY Manon](#)

Committee for opinion on the legal basis

Rapporteur for opinion

Appointed

JURI [Legal Affairs](#)

01/07/2023



[VOSS Axel](#)

Council of the European Union
European Commission

Commission DG

Commissioner

[Justice and Consumers](#)

DALLI Helena

Key events

09/03/2022	Legislative proposal published	COM(2022)0105	Summary
23/03/2022	Committee referral announced in Parliament, 1st reading		
07/07/2022	Referral to associated committees announced in Parliament		
07/07/2022	Referral to joint committee announced in Parliament		
28/06/2023	Vote in committee, 1st reading		
28/06/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
06/07/2023	Committee report tabled for plenary, 1st	A9-0234/2023	Summary

	reading		
10/07/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
12/07/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
15/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE759.029 GEDA/A/(2024)000988	

Forecasts

23/04/2024	Debate in plenary scheduled
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Technical information

Procedure reference	2022/0066(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 40; Treaty on the Functioning of the EU TFEU 082-p2; Treaty on the Functioning of the EU TFEU 083-p1-a1; Rules of Procedure EP 57; Rules of Procedure EP 58
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	CJ01/9/09545

Documentation gateway

Document attached to the procedure		SEC(2022)0150	09/03/2022	EC	
Document attached to the procedure		SWD(2022)0060	09/03/2022	EC	
Document attached to the procedure		SWD(2022)0061	09/03/2022	EC	
Document attached to the procedure		SWD(2022)0062	09/03/2022	EC	
Document attached to the procedure		SWD(2022)0063	09/03/2022	EC	
Legislative proposal		COM(2022)0105	09/03/2022	EC	Summary
Economic and Social Committee: opinion, report		CES1395/2022	13/07/2022	ESC	
Committee draft report		PE739.730	13/12/2022	EP	
Amendments tabled in committee		PE740.668	02/02/2023	EP	
Amendments tabled in committee		PE742.348	02/02/2023	EP	
Amendments tabled in committee		PE742.349	02/02/2023	EP	
Amendments tabled in committee		PE742.350	02/02/2023	EP	
Amendments tabled in committee		PE742.352	02/02/2023	EP	
Committee opinion	BUDG	PE739.787	02/03/2023	EP	
Committee opinion	JURI	PE734.177	28/03/2023	EP	

Committee opinion	EMPL	PE737.239	05/05/2023	EP	
Specific opinion	JURI	PE750.144	27/06/2023	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0234/2023	06/07/2023	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2024)000988	14/02/2024	CSL	
Text agreed during interinstitutional negotiations		PE759.029	14/02/2024	EP	

Combating violence against women and domestic violence

PURPOSE: to provide a comprehensive framework for effectively combating violence against women and domestic violence throughout the Union.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: violence against women and domestic violence are criminal offences, violations of human rights and various forms of discrimination. Combating such violence is part of the European Commission's action to protect the fundamental values of the Union and to ensure compliance with the Charter of Fundamental Rights of the European Union.

Violence against women and domestic violence are pervasive throughout the EU and are estimated to affect 1 in 3 women in the EU. In terms of more specific types of violence, in 2014, one in ten women reported being sexually assaulted and one in twenty women reported being raped. More than one in 5 women experienced domestic violence. By 2020, an estimated one in 2 young women have experienced gender-based cyber-violence. Cyber-violence particularly affects women who are active in public life, such as female politicians or journalists, or human rights defenders.

Women also experience violence at work: about a third of women in the EU who have faced sexual harassment experienced it at work.

The European Parliament has repeatedly asked the Commission to propose legislation on violence against women and domestic violence, as well as on gender-based cyber-violence. Parliament has also adopted two legislative initiative reports calling on the Commission to (i) bring forward proposals on combating gender-based violence and cyber-violence respectively and (ii) the addition of gender-based violence as a new area of crime listed in Article 83(1) TFEU [(see [2020/2035\(INL\)](#) and [2021/2035 \(INL\)](#)].

CONTENT: the proposal for a Directive aims to prevent and combat violence against women and domestic violence in order to ensure a high level of safety and full enjoyment of fundamental rights within the Union, including the right to equal treatment and non-discrimination between women and men. To this end, measures are proposed in the following areas

(1) Criminalisation of the relevant offences and penalties for such offences

The proposal aims to criminalise certain forms of violence that disproportionately affect women, which are insufficiently addressed at national level and which fall within the competence of the EU, on the basis of existing legal bases. This concerns the criminalisation of rape on the basis of lack of consent (without the necessary use of force or threats, as is the case in some Member States), female genital mutilation, and certain offences related to computer crime: non-consensual sharing of intimate or manipulated material, online stalking, cyberstalking and incitement to violence or hatred online.

The proposal defines the minimum level of maximum penalties for the offences concerned. Member States should thus ensure that rape is punishable by a maximum penalty of at least eight years' imprisonment, and at least ten years' imprisonment if the offence was committed under aggravating circumstances.

(2) Victim protection and access to justice

The proposal:

- contains rules on the reporting of violence against women and domestic violence to ensure that these offences are prosecuted;
- ensures that offences are effectively investigated and prosecuted, that sufficient expertise and resources are available and that offences amounting to rape are prosecuted ex officio;
- provide for an individual needs assessment for protection and support tailored to the specific needs of victims of violence against women or domestic violence;
- provide for specific safeguards for child victims of violence against women or domestic violence;
- ensure protection through emergency barring and protection orders;
- ensure that victims can effectively claim compensation from the offender;
- ensure the removal of online content in relation to offences of cyber violence, and a possibility of judicial redress for the affected users; and
- ensures that government bodies exist to assist, advise and to represent victims in court proceedings in matters of violence against women or domestic violence.

(3) Victim support

The proposal includes specific support in cases of sexual violence and female genital mutilation, access to national helplines, improved access to shelters and comprehensive support for victims of sexual harassment at work. Targeted support for victims with specific needs and groups at risk, including women fleeing armed conflict, is also planned.

(4) Prevention

The proposal includes an obligation to carry out awareness-raising activities. It provides that professionals who are most likely to come into contact with victims should receive targeted training and information and that intervention programmes should be open, on a voluntary basis, to those who fear that they would commit such crimes.

(5) Coordination and cooperation

The proposal strengthens coordination and cooperation at national and EU level, ensuring a multi-agency approach and strengthening data collection on violence against women and domestic violence.

Budgetary impact

The European Institute for Gender Equality (the EIGE) would need the following financial and human resources to be able to carry out the administrative data collection: (i) one-off set-up cost: EUR 200 000; (ii) annual maintenance and running costs: EUR 750 000; (iii) staff: one temporary agent (full-time equivalent) from 2025 onwards and two contractual agents (full-time equivalent) from 2025 onwards (i.e. a three in total).

Combating violence against women and domestic violence

The Committee on Civil Liberties, Justice and Home Affairs and the Committee on Womens Rights and Gender Equality adopted the report presented by Frances FITZGERALD (EPP, IE) and Evin INCIR (S&D, SE) on the proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence.

The relevant committees recommended that the European Parliaments position adopted at first reading in the ordinary legislative procedure should amend the proposal as follows:

The proposed Directive lays down rules to prevent and combat violence against women and domestic violence. It should establish minimum rules on the rights of victims to protection and support, as well as prevention and early intervention.

The Directive should take into account the increased risk of violence faced by victims of intersectional discrimination based on both sex and gender. Member States should 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 rights of victims, including their physical and psychological integrity, privacy and safety.

Criminal conduct

According to Members, the directive should apply to criminal conduct which amounts to violence against women or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape, sexual assault, female genital mutilation, intersex genital mutilation, forced sterilisation, forced marriage, sexual harassment in the world of work, the non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment, the unsolicited receipt of sexually explicit material, cyber incitement to violence or hatred and criminal conduct covered by other Union instruments,

Concept of consent

Members proposed broadening the definition of rape to include all other acts of non-consensual sexual nature. Non-consensual act means an act performed without the womans consent given voluntarily or where the woman is unable to form a free will due to her physical or mental condition, thereby exploiting her incapacity to form a free will, such as in a state of fear, intimidation, unconsciousness, intoxication, sleep, illness, bodily injury or disability or in an otherwise particularly vulnerable situation.

It is emphasised that consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted by the womans silence, verbal or physical non-resistance or past sexual conduct or existing or past relationship with the offender including marital or any other partnership status.

Sanctions

Members believe that sexual assault should carry a maximum penalty of at least three years in prison and at least five years if the offence was committed under aggravating circumstances. Sexual harassment offences in the workplace should carry a maximum penalty of at least one year in prison.

Aggravating circumstances

Members expanded the list of aggravating circumstances. This should include situations where:

- the offence was committed against a person made vulnerable by special circumstances, such as residency status, pregnancy, dependency, physical, mental, intellectual or sensory distress or disability, a person who is a victim of trafficking or living in an institution including retirement homes, childrens homes, reception centres, detention or accommodation centres for asylum seekers;
- the offence was committed against a public representative, journalist or human rights defender;
- the intent of the crime was to preserve or restore the honour of a person, family, community;
- the crime was intended to punish victims for their sexual orientation, gender expression or identity, sexual characteristics, skin colour, religion, social origin or political beliefs.

Protection of victims

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. The competent authorities should take all necessary steps to ensure that all evidence is obtained as soon as possible. Member States should ensure that victims are referred to a specialised contact person within the competent authority irrespective of whether a criminal complaint is filed.

Members stressed the importance of always recognising as victims children who have witnessed violence against women and domestic violence and suggested specific improvements to ensure that the best interests of the child are duly taken into account. To this end, Member States should ensure that professionals specialising in the care and support of children are present in order to assist them in reporting procedures.

Investigations and court proceedings

Competent authorities should promptly and effectively record and investigate allegations of violence against women or domestic violence and ensure that an administrative record is kept in all cases and that evidence is preserved, whether or not the investigation proceeds. Victims should be informed of the importance of collecting evidence at the earliest possible time.

Specialised individual assessment to identify victims' needs

The specialised individual assessment should be initiated without delay upon the first contact of the victim with the competent authorities and should be carried out by professionals with expertise in this area. Circumstances requiring special attention should include the fact that the victim is pregnant, the victims dependence on or relationship to the offender, the risk of the victim returning to the offender or suspect, recent separation from an offender or suspect, the possible risk that children and companion animals are used to exercise control over the victim and the risks for victims with disabilities.

Emergency barring, restraining and protection orders, arrest and detention

Members proposed enhanced measures to ensure the safety of victims during the process, stressing the need for barring, restraining and protection orders as well as arrests and detention as a way of protecting womens safety and obtaining evidence. Member State authorities should also make greater efforts to secure evidence, both online and offline, as early as possible, and electronic monitoring, such as ankle bracelets, should be used to make sure that barring, restraining and protection orders are respected, and can be followed up upon.

Lastly, Member States should facilitate the tasks of a Union coordinator on combating gender-based violence, responsible for improving coordination between Union institutions, bodies, offices and agencies, Member States and international actors, and the coherence of the actions they take in the fight against violence against women and domestic violence.

Transparency				
INCIR Evin	Rapporteur	LIBE	08/03/2024	Sigtuna kvinnojour
INCIR Evin	Rapporteur	LIBE	04/03/2024	Svenska kvinnors Europa nätverk
INCIR Evin	Rapporteur	LIBE	31/01/2024	Ledamot av Frankrikes nationalförsamling
PICIERNO Pina	Shadow rapporteur	LIBE	23/01/2024	Confederazione Nazionale Coldiretti Confederazione dell'Industria Manifatturiera Italiana e dell'Impresa Privata European agri-cooperatives Le Contemporanee
FITZGERALD Frances	Rapporteur	FEMM	22/01/2024	Bumble Inc. Flint Europe
INCIR Evin	Rapporteur	LIBE	19/01/2024	European Women's Lobby
INCIR Evin	Rapporteur	LIBE	15/01/2024	Amnesty International Limited
INCIR Evin	Rapporteur	LIBE	15/01/2024	Ledamot av Frankrikes nationalförsamling
COLIN-OESTERLÉ Nathalie	Shadow rapporteur	LIBE	20/12/2023	Bouillons atelier
INCIR Evin	Rapporteur	LIBE	15/12/2023	ETUC
MELCHIOR Karen	Member	14/02/2024	Bumble Inc.	
HIDVÉGHI Balázs	Member	04/12/2023	World Youth Alliance -	

			Europe
SIPPEL Birgit	Member	28/11/2023	Permanent Representation of the Federal Republic of Germany to the EU
SIPPEL Birgit	Member	19/10/2023	Permanent Representation of Germany to the EU
FRANSSEN Cindy	Member	12/10/2023	Vrouw & Maatschappij
GÁLVEZ MUÑOZ Lina	Member	23/05/2023	International Coalition for the Abolition of Surrogate Motherhood
BJÖRK Malin	Member	09/05/2023	Wave
SIPPEL Birgit	Member	09/11/2022	Bündnis Nordisches Modell
LENAERS Jeroen	Member	12/07/2022	ARCTURUS GROUP Attenti