

# Identifying gender-based violence as a new area of crime listed in Article 83(1) TFEU

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The European Parliament adopted by 427 votes to 119, with 140 abstentions, a resolution with recommendations to the Commission on identifying gender-based violence as a new area of crime listed in Article 83(1) TFEU.

Gender-based violence, including against LGBTIQ+ persons, both online and offline, accompanied by a lack of access to adequate protection is the most serious manifestation of gender-based discrimination and constitutes a violation of the fundamental rights enshrined in the Charter of Fundamental Rights of the European Union.

EU surveys show that one in three women in the EU, or 62 million women, have experienced physical and/or sexual violence since the age of 15 and one in two (55%) have been sexually harassed. The World Health Organisation (WHO) reports that worldwide, almost a third (27%) of women aged between 15 and 49 who have been in a relationship have reported that they have been subjected to some form of physical and/or sexual violence by their intimate partner. Overall, as many as 38% of all murders of women are committed by their intimate partners.

The COVID-19 crisis has led to a dramatic increase in gender-based violence, with a 60% increase in the number of emergency calls made by women victims of violence.

In response to this situation, Parliament asked the Commission to submit, on the basis of Article 83(1), third subparagraph, of the Treaty on the Functioning of the European Union, **a proposal for a Council decision identifying gender-based violence as a new area of serious crime with a cross-border dimension**. This would serve as a legal basis for a victim-centred Directive of the European Parliament and of the Council to prevent and combat all forms of gender-based violence, both online and offline.

The Commission is invited to propose a **comprehensive directive on gender-based violence** that implements the standards of the Istanbul Convention and other international standards such as the recommendations of the Committee on the Elimination of Discrimination against Women, and that includes at least the following aspects:

- preventive measures, including gender-sensitive and intersectional education programmes for girls and boys, and empowerment of women and girls
- support services and protection and reparation measures for victims;
- measures to combat all forms of gender-based violence, including violence against LGBTIQ+ persons on the grounds of gender, gender identity, gender expression and sexual characteristics, as well as online gender-based violence and sexual exploitation and abuse;
- minimum standards for law enforcement;
- an intersectional and victim-centred approach;

- the obligation for Member States to ensure that custody and visitation rights as regards children are adequately considered where a case of gender-based violence is involved, by putting the rights of the victim at the centre of their laws;
- measures ensuring that information is available in all relevant languages; and
- measures ensuring cooperation between Member States and the exchange of best practice, information and expertise.

In its resolution, Parliament denounced **femicide** as the most extreme form of gender-based violence against women and girls.

Members called for measures to tackle the root causes of gender inequality, including combating sexism and patriarchal gender norms, values and stereotypes and making gender equality central to education. The Commission and the Member States should improve the **regular availability and quality disaggregated data** on all forms of gender-based violence at EU and national level, as well as their comparability.

Parliament called on Member States to:

- take all necessary measures to promote and ensure **support and reparations** for women and girls in all their diversity and all survivors of gender-based violence and to promote and ensure their protection against all forms of violence;
- comply with the **Istanbul Convention** by providing protective and supportive measures for women based on a gendered understanding of violence against women and intimate partner violence and that focus on the human rights and safety of the victim;
- ensure that **children** are also considered as victims of gender-based violence in cases of intimate partner violence;
- provide more resources and **training** to relevant professionals, law enforcement officials, including judges, prosecutors, court staff, forensic doctors, and assess the possibility of establishing specialised courts for this purpose;
- ensure access to essential services for victims, including **sexual and reproductive health services**, including in rural areas.

The Commission is invited to develop an **EU protocol** on gender-based violence in times of crisis and to provide for victim protection services, such as hotlines, safe accommodation and health services, as 'essential services' in the Member States, in order to prevent gender-based violence and support victims during crises such as the COVID-19 pandemic.