Combating violence against women and domestic violence

2022/0066(COD) - 09/03/2022 - Legislative proposal

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).