

Combating violence against women and domestic violence

2022/0066(COD) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 522 votes to 27, with 72 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Offences concerning sexual exploitation of women and children and computer crime

Member States should ensure that the following intentional conduct is punishable as a criminal offence and where such conduct is likely to cause the person to seriously fear for his or her own safety or the safety of dependants:

- female genital mutilation;
- forcing an adult or a child to enter into a marriage;
- making accessible to the public, by means of information and communication technologies ('ICT'), images, videos or similar material depicting sexually explicit activities or the intimate parts of a person, without that person's consent;
- cyber harassment: (i) repeatedly or continuously engaging in threatening conduct directed at a person, at least where such conduct involves threats to commit criminal offences; (ii) the unsolicited sending, by means of ICT, of an image, video or other similar material depicting genitals to a person, where such conduct is likely to cause serious psychological harm to that person; (iii) making accessible to the public, by means of ICT, material containing the personal data of a person, without that person's consent, for the purpose of inciting other persons to cause physical or serious psychological harm to that person.

The new text sets out an **extended list of aggravating circumstances** for offences punishable by harsher penalties, such as crimes against public figures, journalists or human rights defenders. The list also includes the intention to punish victims for their gender, sexual orientation, skin colour, religion, social origin or political beliefs, as well as the desire to preserve or restore 'honour'.

Protection of victims

In addition to the rights of victims when making a complaint, Member States should ensure that victims can **report acts of violence** against women or domestic violence to the competent authorities through accessible, easy-to-use, safe and readily available channels. That should include, at least for the cybercrimes, the possibility of **reporting online** or through other accessible and secure ICT.

Member States should ensure that, **where the victim is a child**, professionals subject to confidentiality obligations under national law are able to report to the competent authorities where they have reasonable grounds to believe that serious physical harm has been inflicted on the child as a result of violence against women or domestic violence. Member States should ensure that professionals trained to work with children assist in reporting procedures to ensure that they are in the best interests of the child.

Investigation and prosecution

Where the competent authorities have reasonable grounds to suspect that a criminal offence might have been committed, they should, without undue delay, effectively **investigate**, upon receipt of a complaint or on their own initiative, acts of violence against women or domestic violence. They should ensure that an official record is filed and preserve a record of relevant findings and evidence in accordance with national law.

At the earliest possible stage, such as at the time of first coming into contact with the competent authorities or as soon as possible after first coming into contact with them, the victim's specific protection needs should be identified by means of an **individual assessment**, where appropriate in collaboration with all relevant competent authorities. Where the assessments identify specific support or protection needs or where the victim requests support, Member States should ensure that support services, such as specialist support services, in cooperation with the competent authorities, contact victims to offer support, with due regard for their safety.

Support for victims

Member States should ensure that specialised support services are available to victims whether or not they have lodged a formal complaint.

With regard to **victims of sexual violence**, Member States should (i) set up rape or sexual violence crisis centres to provide effective support to victims of sexual violence and clinical management in cases of rape; (ii) ensure that victims of sexual violence have access to medical and forensic examinations; (iii) provide timely access to health care services, including sexual and reproductive health care services.

The **shelters and other appropriate interim accommodation** should specifically address the needs of victims of domestic violence and sexual violence, including those of victims at an increased risk of violence. They should assist victims in their recovery by providing safe, easily accessible, adequate and appropriate living conditions with a view to a return to independent living and by providing information on support services and referrals, including for further medical care.

Promoting the central role of consent in sexual relationships

Member States should take appropriate measures to promote changes in behavioural patterns rooted in the historically unequal power relations between women and men or based on stereotyped roles for women and men, in particular in the context of sexual relationships, sex and consent.

These measures include **awareness-raising campaigns** or programmes aimed in particular to increase knowledge of the fact that non-consensual sex is considered a criminal offence.

Member States should promote or offer **training** to healthcare professionals, social services and educational staff likely to come into contact with victims in order to enable them to identify instances of violence against women or domestic violence and to direct victims to specialist support services.

Reporting and review

By eight years from the date of entry into force of this Directive, Member States should communicate to the Commission all relevant information concerning the functioning of this Directive necessary for the Commission to draw up a report on the evaluation of this Directive. On the basis of the information provided by Member States, the Commission should carry out an evaluation of the scope of this Directive and the introduction of new offences is necessary. That report should be accompanied by a legislative proposal, if necessary.

