

Combating violence against women and domestic violence

2022/0066(COD) - 24/05/2024 - Final act

PURPOSE: to prevent and combat violence against women and domestic violence across the Union on the basis of common minimum rules.

LEGISLATIVE ACT: Directive (EU) 2024/1385 of the European Parliament and of the Council on combating violence against women and domestic violence.

CONTENT: this directive lays down rules to **prevent and combat violence against women and domestic violence**. It establishes minimum rules concerning:

- the definition of criminal offences and penalties in the areas of sexual exploitation of women and children and computer crime;
- the rights of victims of all forms of violence against women or domestic violence before, during and for an appropriate time after criminal proceedings;
- protection and support for victims, prevention and early intervention.

Offences concerning sexual exploitation of women and children and computer crime

The directive **criminalises** the following offences across the EU: female genital mutilation, forced marriage, non-consensual sharing of intimate images, cyber stalking, cyber harassment and cyber incitement to hatred or violence.

Committing these crimes will be punishable by prison sentences ranging from **at least one to five years**.

The new legislation 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

The directive contains detailed rules on the measures of assistance and protection that Member States should provide to victims.

Member States must, *inter alia*:

- ensure that victims can **report acts of violence** against women or domestic violence to the competent authorities through accessible, easy-to-use, secure and **readily available channels**. This includes, at least for cybercrime, the possibility of filing a complaint online;
- put in place measures to ensure that **children** receive professional assistance. Where children report acts of violence against women to the competent authorities, Member States should ensure that reporting

procedures are safe, confidential, accessible, secure and accessible to children, and that they are accessible to adults. Where they report a crime committed by a holder of parental authority, the authorities should take measures to protect the safety of the child before informing the alleged perpetrator;

- ensure that victims have access to **specialised support services**, whether or not they have made a formal complaint (e.g. information on access to housing, education, childcare, training, financial assistance and help to keep or find a job; information on access to legal advice, including the possibility of legal aid, on services providing medical and forensic examinations and on women's support services);

- set up adequately equipped and easily accessible **rape and sexual violence crisis centres** to provide effective support to victims of sexual violence and to ensure clinical management in cases of rape, including assistance with the preservation and documentation of evidence;

- ensure that **nationwide helplines** are available free of charge, 24 hours a day, seven days a week, to provide information and advice to victims.

In order to protect a victim's privacy and to avoid repeat victimisation, Member States should also ensure that the **use of evidence** concerning the victim's past sexual behaviour is allowed in criminal proceedings only where relevant and necessary.

Member States should also ensure that a **child receives adequate specific support** as soon as the competent authorities have reasonable grounds to believe that the child may have suffered or witnessed violence against women or domestic violence.

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, the victim's specific protection needs should be identified by means of an **individual assessment**. The individual assessment should focus on the risk emanating from the offender or suspect.

Shelters and other appropriate interim accommodation

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.

Preventive measures

Member States should take appropriate measures to prevent violence against women and domestic violence by adopting a comprehensive multi-level approach. Preventive measures aim to **raise awareness** of the root causes of violence against women and domestic violence, and to highlight the **central role of consent** in sexual relationships.

ENTRY INTO FORCE: 13.6.2024.

TRANSPOSITION: no later than 14.6.2027.