Importance of consent-based rape legislation in the EU

2025/2040(INI) - 28/04/2026 - Text adopted by Parliament, single reading

The European Parliament adopted by 447 votes to 160, with 43 abstentions, a resolution on the importance of consent-based rape legislation in the EU.

A new legal framework

Parliament called on the Commission to propose, without delay, legislation establishing an **EU-wide definition of rape that is based on the requirement of freely given, informed consent** that can be withdrawn, in line with Article 36 of the Istanbul Convention. Member States that still use definitions of rape based on the assumption of violence should commence legislative changes to bring the definition into line with the latest international standards.

Members reiterated that legislation based on the absence of consent is the only adequate, comprehensive, trauma-informed and evidence-based framework that allows access to justice for survivors of rape. They reiterated their call on the Commission to submit, on the basis of the third subparagraph of Article 83(1) TFEU, a proposal for a Council decision **identifying gender-based violence as a new area of EU crime**.

Clear, explicit and free consent

Members stressed that only a clear, affirmative, free, and unambiguous indication of consent is valid, and that **silence, the lack of verbal or physical resistance, or the absence of a "no" cannot be interpreted as consent**. They also stressed:

- that prior consent, past sexual conduct or any past or present relationship with an offender, including marital or any other partnership status, does not imply ongoing or future consent for any sexual acts;

- that consent can be withdrawn at any time before or during a sexual act; consent can be expressed in any way as long as it is given voluntarily as a result of the person’s free will and is assessed in the context of the surrounding circumstances, it being understood that consent cannot be given where there is violence, threat, an abuse of power, intimidation, unconsciousness, intoxication, chemical submission, sleep, illness, disability or vulnerability.

Members stressed the importance of recognising **trauma responses** occurring during rape such as tonic immobility or the ‘freeze response’ and the ‘fawn response’, which is a survival strategy that develops under coercion and involves appeasing the perpetrator in an attempt to avoid escalation or harm. Such trauma responses must therefore be reflected in legislation and judicial practice to ensure a trauma-informed, survivor-centred approach, thus legally recognising that the absence of resistance does not equal consent. Consent-based rape legislation must also apply in digital and virtual environments.

Victim-centred approach

Parliament called on Member States to ensure that victims and survivors of rape have full and immediate access to **comprehensive, safe, confidential, and specialized medical care and services** for as long as necessary, complemented by access to long-term trauma care and psychological and psychosocial support to help victims recover. Victims and survivors of sexual violence should have access to 24-hour **emergency support centres** where they can receive medical care, psychological support, and legal advice

without having to file a formal complaint. Member States should ensure that victims and survivors of sexual violence have access to **legal aid**.

Members urged that **public services** be made available at all stages of the reparation process, including the provision of essential psychological and legal support as well as assistance in seeking employment.

Training, education and awareness

Parliament called on the Member States to ensure that **professionals** who are likely to come into contact with rape victims, including law enforcement officers, forensic medical personnel, court staff, judges and prosecutors, lawyers, healthcare professionals, social services employees, educational and other relevant staff and frontline professionals, receive mandatory, **regular, adequate, effective and tailored training.** This training should be aimed at preventing the secondary victimisation of the survivors in order to avoid and eliminate victim-blaming behaviours and attitudes.

Members called on the Commission to present, by 2026 and in all 24 EU languages, **guidelines** on consent-based sexuality and relationship education. Stressing the crucial role of **public awareness campaigns** and prevention programmes in combating misconceptions about rape, Members urged the Commission to launch campaigns to combat anti-gender content and incel propaganda online, which particularly target young men, normalise sexual violence, and perpetuate harmful gender stereotypes.

Lastly, Parliament invited Member States to:

- adapt their legislation relating to the **limitation** periods applicable to rape offences;

- ensure that all victims of gender-based violence obtain **effective redress**;

- take appropriate measures to ensure that **programmes** for offenders are available to those who are referred or self-refer, including outside of the criminal justice system.