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PROPOSAL

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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on combating violence against women and domestic violence

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for the proposal

The current proposal aims to **effectively combat violence against women and domestic violence throughout the EU**. It does so by proposing measures in the following areas: the criminalisation of and sanctions for relevant offences; protection of victims and access to justice; victim support; prevention; coordination and cooperation.

Violence against women is gender-based violence directed against a woman because she is a woman or that affects women disproportionately. It includes all acts of gender-based violence that result in or are likely to result in physical, sexual, psychological or economic harm or suffering, including threats of such acts. It encompasses offences such as sexual violence, including rape, female genital mutilation, forced marriage, forced abortions or sterilisation, human trafficking for the purposes of sexual exploitation, stalking, sexual harassment, femicide, hate speech and crimes on the basis of sex and various forms of online violence ('cyber violence'), including non-consensual sharing or manipulation of intimate material, cyber stalking and cyber harassment. Such violence is rooted in gender inequality being a manifestation of structural discrimination against women. **Domestic violence** is a form of violence against women as it disproportionately affects women. It occurs in the family or domestic unit, irrespective of biological or legal family ties, either between intimate partners or between other family members, including between parents and children. Women are disproportionately represented as victims of both forms of violence due to the underlying patterns of coercion, power and/or control. However, anyone can be a potential victim of such violence, regardless of their sex or gender. In the case of domestic violence, in particular, it can affect any person, including men, younger or older people, children and LGBTIQ[1] persons.

Violence against women and domestic violence are matters of criminal law, violations of human rights and forms of discrimination. Combating them is part of the European Commission's action to protect the core EU values and to ensure that the EU Charter on Fundamental Rights is upheld[2].

Violence against women and domestic violence are pervasive throughout the EU and are estimated to affect **1 in 3 women in the EU**. Looking at the more specific types of violence, in 2014, 1 in 10 women reported that they had been victim of sexual violence and 1 in 20 had been raped. More than 1 in 5 women have suffered domestic violence[3]. Cyber violence is just as prevalent: in 2020, it was estimated that 1 in 2 young women experienced gender-based

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1 Lesbian, gay, bisexual, trans, non-binary, intersex, queer.

2 Violence against women and domestic violence can affect numerous of the fundamental rights enshrined in the Charter of Fundamental Rights of the European Union. These rights include the right to human dignity (Article 1), the right to life (Article 2), the prohibition of torture and inhuman or degrading treatment (Article 4), the right to freedom from discrimination, including on the grounds of sex (Article 21) and the right to access justice (Article 47).

3 European Union Agency for Fundamental Rights (FRA), *Violence against women: an EU-wide survey. Main results report*, 2014; The FRA survey on violence against women is based on face-to-face interviews with 42,000 women across the EU. The survey presents the most comprehensive survey worldwide on women's experiences of violence.

cyber violence[4]. Women in general, more frequently experience cyber violence based on their sex or gender, in particular sexual forms of cyber violence. Women are systematically targeted online by violent right wing extremist groups and terrorist groups intending to spread hatred against them. The so-called 'incel' (involuntary celibate) movement, for instance, incites to violence against women online and promotes such violence as heroic acts. Cyber violence particularly impacts women active in public life, such as politicians, journalists and human rights defenders. This can have the effect of silencing women, hindering their societal participation and undermining the principle of democracy as enshrined in the Treaty on European Union.

Women also experience violence at work: about a third of women in the EU who have faced sexual harassment experienced it at work.

President von der Leyen's political guidelines highlighted the need to prevent and combat violence against women, protect victims and punish offenders as a key priority for the Commission. The Gender Equality Strategy 2020-2025[5] announced EU measures to prevent these forms of violence, protecting victims, prosecuting offenders, and implementing related comprehensive and coordinated policies. The European Pillar of Social Rights Action Plan reiterates the commitment to combat gender-based violence and propose legislation to this effect[6].

The European Parliament has repeatedly called on the Commission to propose legislation on violence against women and domestic violence, and on gender-based cyber violence. The European Parliament most recently has adopted two own-initiative legislative reports based on Article 225 Treaty on the Functioning of the European Union (TFEU), requesting the Commission[7] to submit proposals on combating gender-based violence and cyberviolence[8] and on adding gender-based violence as a new area of crime listed in Article 83(1) of the TFEU[9], respectively.

- **Objectives of the proposal**

This proposal aims to prevent and combat violence against women and domestic violence to ensure a high level of security and the full enjoyment of fundamental rights within the Union, including the right to equal treatment and non-discrimination between women and men. The proposal thus contributes to the establishment of an **area of freedom security and justice (Title V TFEU)**. To achieve these objectives, the proposal:

- makes the current EU legal instruments relevant to combating violence against women and domestic violence more effective;
- creates upwards convergence and fills gaps in protection, access to justice, support, prevention and coordination and cooperation; and

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4 European Parliamentary Research Service (EPRS), Combating gender-based violence: Cyberviolence, European added value assessment, 2021.

5 COM/2020/152 final.

6 COM/2021/102 final.

7 Referring to Article 225 TFEU.

8 Resolution of 14 December 2021 with recommendations to the Commission on combating gender based violence: cyber violence, (2020/2035(INL)).

9 Resolution of 16 September 2021 with recommendations to the Commission on identifying gender-based violence as a new area of crime listed in Article 83(1) TFEU (2021/2035(INL)).

- aligns EU law with established international standards.

The proposal criminalises certain forms of violence that disproportionately affect women and strengthens victims' rights, using the existing legal bases as set out in Articles 82(2) and 83(1) TFEU. It thereby ensures such offences are effectively prosecuted and contributes to the elimination of violence against women and domestic violence and to better support and protection for victims. By increasing trust in the judicial schemes of other Member States, it will aid mutual recognition of judgments and decisions in criminal matters and improve judicial cooperation in criminal matters.

An important point of reference for the proposal is the 2014 Council of Europe Convention on preventing and combating violence against women and domestic violence ('**Istanbul Convention**')[10] . The Istanbul Convention is the most extensive international framework to comprehensively address violence against women and domestic violence.

This proposal aims to achieve the objectives of the Convention within the EU's remit by complementing the existing EU acquis and Member States' national legislation in the areas covered by the Convention. The need for action appears both in Member States that have ratified the Istanbul Convention and in those that have not[11]. The preparatory work has identified a need for action in the areas of access to justice, including minimum rules on definitions and sanctions relating to certain criminal offences, the rights and protection of victims in connection with criminal proceedings, specialised victim support, prevention of such violence and strengthening closer coordination and cooperation at EU and national level. Relevant EU standards are fragmented across several legal instruments and have not led to effective monitoring and enforcement. While action at national level has been mainly triggered by the Istanbul Convention, the monitoring of the Convention's implementation[12] shows that gaps persist. Given the way in which violence against women and domestic violence have evolved in the past decades, these types of crimes are unlikely to significantly decrease without additional EU action.

In addition, this proposal takes into account recent phenomena such as **cyber violence against women,** which is not specifically addressed by the Istanbul Convention. Cyber violence has been growing in the wake of the use of the internet and IT tools. It is often an extension of violence experienced by victims offline. Despite cyber violence's wide prevalence, regulation has been highly fragmented to date, and significant legal gaps have been identified at both EU and Member State level.

Currently, no specific piece of EU legislation comprehensively addresses violence against women and domestic violence. This Directive will be the first **act specifically addressing this type of violence.** The measures are based on the **recommendations** of the Group of Experts on Action against Violence against Women and Domestic Violence ('GREVIO')[13], the independent expert body responsible for monitoring the Istanbul Convention's

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10 Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210); COM/2016/111

11 The Member States that have not ratified the Istanbul Convention are BG, CZ, HU, LT, LV, and SK.

12 See the mid-term horizontal review of Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) baseline evaluation reports at:https://www.coe.int/en/web/istanbul-convention/-/mid-term-horizontal-review-provides-a-panoramic-view-of-the-implementation-of-the-istanbul-convention.

13 Supra 9.

implementation. They also take into account recommendations by international experts and bodies in the field, including under the auspices of the United Nations, and their reflections on internationally accepted good practices in combating violence against women and domestic violence. The targeted measures on criminal offence and victims' rights lay down **minimum rules that enable the Member States to set higher standards** and leave **flexibility** for the Member states to take into account country-specific situations.

In particular, the following measures are proposed:

- **Criminalising certain forms of violence** that disproportionately affect women and that are not sufficiently addressed at national level and fall within the EU's remit, based on existing legal bases. This concerns the **criminalisation of rape based on lack of consent** (in some Member States, the use of force or threats is required), **female genital mutilation**, and **certain forms of cyber violence**.

- **Strengthening victims' access to justice and rights to appropriate protection** responding directly to the specific needs of victims of violence against women and domestic violence. Such measures include:

    - ensuring that national authorities are appropriately equipped to address violence against women and domestic violence;

    - ensuring that national authorities treat victims in a gender-sensitive manner;

    - providing for an individual needs assessment for protection and support tailored to the specific needs of victims of violence against women or domestic violence;

    - providing for specific safeguards for child victims of violence against women or domestic violence;

    - ensuring protection through emergency barring and protection orders;

    - ensuring that victims can effectively claim compensation from the offender;

    - ensuring the removal of online content in relation to offences of cyber violence, and a possibility of judicial redress for the affected users; and

    - ensuring that government bodies exist to assist, advise and to represent victims in court proceedings in matters of violence against women or domestic violence.

- Providing **victim support** tailored to the specific needs of victims of violence against women or domestic violence. This includes specific support in cases of sexual violence and female genital mutilation, access to national helplines, increased accessibility of shelters and comprehensive support for victims of sexual harassment at work. It also entails targeted support for victims with specific needs and groups at risk, including women fleeing armed conflict.

– **Preventing** violence against women and domestic violence, including by raising awareness, training professionals who are likely to come in contact with victims, and working with offenders.

– **Strengthening coordination and cooperation at national and EU-level** by ensuring a multi-agency approach and enhanced data collection on violence against women and domestic violence.

- **Consistency with existing policy provisions in the policy area**

No specific EU legal instrument addresses violence against women and domestic violence particularly. However, there are several EU legal instruments, which are relevant for victims of violence against women and domestic violence. They either establish general rules applicable also to this category of victims, or lay down specific rules on certain forms of such violence. Below are the most relevant ones:

– **Directive 2012/29/EU** (the 'Victims' Rights Directive')[14]:

The Victims' Rights Directive applies to all victims of crime. It lays down minimum standards on the rights, protection and support of victims of crime in the EU. It also makes reference to victims of gender-based violence, victims of sexual violence and victims of violence in a close relationship. However, the Directive does not prescribe specific rules tailored to victims of these types of crime. The current proposal complements the rules of the Victims' Rights Directive to cater for the specific needs of victims of violence against women and domestic violence. In addition to the more specific measures, covered by the current proposal, victims will continue to benefit from the general provisions of the Victims' Rights Directive.

– **Directive 2011/99/EU** (the 'European Protection Order Directive')[15] and **Regulation (EU) No 606/2013** (the 'Mutual Recognition Regulation')[16] – EU rules on European protection orders:

These two instruments enable cross-border recognition of protection orders issued under national law. The current initiative requires that Member States provide for emergency barring and protection orders under their national legislation, thus providing the basis for the European Protection Order Directive and the Mutual Recognition Regulation.

– **Directive 2011/93/EU** ('Child Sexual Abuse Directive')[17] and **Directive 2011/36/EU** (the 'Anti-Trafficking Directive')[18]:

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14 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012, p. 57–73.

15 Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order, OJ L 338, 21.12.2011, p. 2–18.

16 Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, OJ L 181, 29.6.2013, p. 4–12.

17 Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335, 17.12.2011, p. 1–14.

The Child Sexual Abuse Directive and the Anti-Trafficking Directive provide for measures of prevention, protection, support and access to justice to specific categories of victims, namely of sexual abuse and sexual exploitation of children and child pornography, as well as trafficking in human beings. These more specific Directives' standards on criminalisation of such violence and corresponding sanctions will continue to apply. The Anti-Trafficking Directive combats trafficking in human beings for the purpose of sexual exploitation. It is currently under review to assess the possible need for future amendments, taking into account the EU-level criminalisations and corresponding penalties introduced by this Directive.

The Child Sexual Abuse Directive will continue to apply to sexual abuse of children. Article 24 of the European Charter of Fundamental Rights sets out that children shall have the right to such protection and care as is necessary for their well-being, and that in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. It is evident that the protection of a specific framework to criminalise rape based on the notion of consent should also be extended to children inasmuch as they are able to consent validly. This is determined by the age of sexual consent, which is regulated at Member State level and differs across Member States. Given that the Child Sexual Abuse Directive already provides a dedicated framework for all children, the present proposal introduces the necessary changes to ensure coherence by way of a targeted modification of that directive. This modification introduces penetration as a further aggravating circumstance, and the notion of lack of consent for children above the age of sexual consent. In parallel, the Child Sexual Abuse Directive is also undergoing evaluation, which may result in a proposal for a recast in 2023. This will provide an opportunity to ensure the overall coherence of the dedicated framework to protect children against all forms of sexual abuse and sexual exploitation with the current proposal.

The provisions under the current proposal relating to the rights, protection and support of victims, and prevention of violence against women or domestic violence (Chapters 3-5) will also apply to victims falling under the Child Sexual Abuse Directive and the Anti-Trafficking Directive, where such acts are also classified as amounting to violence against women or domestic violence.

– **Council Directive 2004/80/EC** (the 'Compensation Directive')[19]:

The Compensation Directive enables persons who have fallen victim to violent intentional crime to apply for state compensation. The current initiative further strengthens victims' rights to access to compensation by reinforcing the right to compensation from the offender, including by setting up minimum rules on providing such compensation.

– The **'Gender Equality Directives'**[20] stipulate that sex-based and sexual harassment at work and in access to goods and services are contrary to the principle of equal

[18] Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011, p. 1–11.

[19] Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, OJ L 261, 6.8.2004, p. 15–18.

treatment between men and women. The Directives require Member States to prohibit such conduct, ensure remedies (including compensation), and provide for effective, proportionate and dissuasive penalties. The current directive complements these instruments by setting minimum standards on support and access to justice of victims of such harassment.

– **Proposal for a Regulation on a Single Market for Digital Services** (the 'Digital Services Act' or 'DSA')[21]: With the DSA proposal, the Commission aims to protect fundamental rights online and address risks in the online space, including the risk to women's safety online. The DSA proposal sets out a horizontal framework for regulatory oversight, accountability and transparency of online service providers. The current proposal makes the DSA more effective in two crucial aspects:

  – The DSA contains due-diligence obligations for certain intermediary service providers to address illegal online content. It does not provide an EU-level definition of what constitutes such illegal content. The current proposal complements the DSA proposal by including minimum rules for offences of cyber violence.

  – The current proposal ensures that national judicial authorities have the power to issue orders to providers of intermediary services to act against certain types of illegal content amounting to cyber violence as covered by this proposal.

– **Proposal to accede to the Istanbul Convention**

In 2016, the Commission proposed the EU's accession to the Istanbul Convention[22], after which the Commission and the Presidency of the Council signed the Convention on behalf of the EU in 2017. To date, the EU accession process has not been finalised as the Council has not yet adopted the final conclusion decision. Finalisation of the EU's accession to the Convention remains a priority for the Commission. The measures of the current proposal seek to attain the objectives of the Convention within the areas of EU competence, thus strengthening the protection granted by the Convention. Once the EU accedes to the Convention, the current initiative will constitute an implementation of the Convention within such areas.

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20 Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, (OJ L 373, 21.12.2004, p. 37–43); Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), (OJ L204, 26.7.2006, p. 23–36); Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, (OJ L 180, 15.7.2010, p. 1–6).

21 European Commission, *Proposal for a Regulation of the European Parliament and of the Council on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC,* COM (2020)825 final, 15 December 2020.

22 European Commission, *Proposal for a Council Decision on the signing, on behalf of the European Union, of the council of Europe Convention on preventing and combating violence against women and domestic violence*, COM(2016) 111 final, 4 March 2016; European Commission, *Proposal for a Council Decision* on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence, COM(2016) 109 final, 4 March 2016.

The Commission has assessed all EU legal instruments relevant to combating violence against women and domestic violence and relevant to victims' rights against the objectives of this proposal. The Commission has taken into account the outcome of this assessment when preparing this proposal (see Annex 8 to the impact assessment report). Therefore, this proposal is consistent with the relevant provisions of existing EU legislation.

- **Consistency with other EU policies**

This proposal is in line with the Treaty goals of ensuring a high level of security in the EU's area of freedom, security and justice as laid down in Title V TFEU, and the enjoyment of fundamental rights in the EU. It is also consistent with numerous EU policies that have highlighted the need to tackle gender-based violence. This goal figures prominently in the EU Comprehensive Strategy on the Rights of the Child[23], the EU Strategy on victims' rights (2020-2025)[24], the LGBTIQ Equality Strategy 2020-2025[25], the Strategy for the Rights of Persons with Disabilities 2021-2030[26], and the European Pillar of Social Rights Action Plan[27]. The Gender Action Plan III[28] makes the fight against gender-based violence one of the priorities of the EU's external action.

The Commission adopted a communication 'A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime'[29] to elicit a Council decision to extend the list of EU crimes in Article 83(1) TFEU to include hate speech and hate crime (the 'EU crime initiative'). Hate speech and hate crime undermine the very foundations of a democratic and pluralistic society and the common values enshrined in Article 2 of the TEU. The particular gravity of these conducts, given their impacts on the fundamental rights and values, and their cross-border nature call for common action at Union level. To address in particular the stark increase of public incitement to violence and hatred online based on sex or gender, in particular misogynous incitement to hatred or violence, this Directive sets minimum rules for the definition and the penalties of the offence of this type of cyber violence. Following the adoption of the Council Decision adding hate speech and hate crime as a new legal basis to Article 83(1) TFEU, the Commission will be able to propose additional legislation to harmonise hate speech and hate crime by adding protected grounds.

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23 European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. EU strategy on the rights of the child,* COM(2021) 142 final, 24 March 2021.

24 European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. EU Strategy on victims' rights (2020-2025)*, COM(2020) 258 final, 24 June 2020.

25 European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Union of Equality: LGBTIQ Equality Strategy 2020-2025,* COM(2020) 698 final, 12 November 2020.

26 European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030,* COM(2021) 101 final, 3 March 2021.

27 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The European Pillar of Social Rights Action Plan, COM/2021/102 final, 4 March 2021, at 19, 21. Gender equality is also the second principle of the European Pillar of Social Rights, which aims to ensure and foster equality of treatment and opportunities between women and men in all areas, including in tackling gender-based violence.

28 European Commission, *Joint Communication to the European Parliament and the Council. EU Gender Action Plan (GAP) III – An ambitious agenda for gender equality and women's empowerment in EU external action*, JOIN(2020) 17 final, 25 November 2020.

29 Communication from the Commission to the European Parliament and the Council - A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime, 9.12.2021 COM(2021) 777 final.

- **Conformity of the proposal with the climate consistency principle**

As established in the impact assessment, no environmental impacts are expected.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

This proposal is based on the combined legal bases of Article 82(2) and Article 83(1) TFEU.

Article 83(1) TFEU provides the legal basis for minimum rules on the definition of criminal offences and sanctions in relation to the sexual exploitation of women and children and computer crimes.

The term 'sexual exploitation' in Article 83(1) TFEU can be understood as any actual or attempted abuse of a position of vulnerability, differential power or trust, including, but not limited to, profiting monetarily, socially or politically from a sexual act with another person. The exploitative element can refer to the achievement of power or domination over another person for the purpose of sexual gratification, financial gain and/or advancement. The criminal offences of rape and female genital mutilation presuppose these elements. Female genital mutilation is an exploitative practice performed for the purpose of preserving and asserting domination over women and girls and to exert social control over girls and women's sexuality. It is sometimes performed in the context of child or forced marriage or domestic violence. This reflects the typical power-imbalance between women and men in such cases, which is also prevalent in the case of rape.

The term 'computer crime' in Article 83(1) TFEU covers offences against or intrinsically linked to the use of information and communication technologies. Using such technologies as a means of attack can amplify the severity of the offence in terms of quantity, quality, intensity, target selection and duration, to an extent that cannot be achieved by other means. The minimum rules on crimes amounting to cyber violence against women under this proposal address such offences, which are intrinsically linked to the online environment and the use of such technologies.

Article 82(2) TFEU provides the legal basis for laying down minimum rules on the rights of victims of crime to the extent necessary to facilitate mutual recognition of judgments and judicial decisions, and police and judicial cooperation in criminal matters with a cross-border dimension.

- **Subsidiarity (for non-exclusive competence)**

Violence against women and domestic violence are widespread in the EU and the COVID-19 pandemic has exacerbated the situation. This violence has an impact on millions of people in the EU, leads to violations of fundamental rights and causes considerable costs. This creates a special need to combat violence against women and domestic violence on a common basis at EU level.

Cyber violence against women, including in the context of domestic violence, has emerged as a new form of such violence, spreading and amplifying beyond individual Member States via the internet. Given cyber violence's inherent cross-border dimension, action by Member States acting individually will be insufficient to solve this problem.

All Member States address violence against women and domestic violence in legislation and policies, but to different degrees. The multitude of approaches creates legal uncertainty about rights of such victims across the EU. There is even more fragmentation at regional and local levels.

The EU already supports the Member States in addressing this kind of violence, using funding, policy measures and relevant horizontal legal instruments. However, targeted legislative action at EU level is necessary to make the existing measures more effective and to further strengthen the Union's instruments to combat violence against women and domestic violence by laying down minimum rules. For the Member States that are parties to the Istanbul Convention, the EU measures would support the Convention's implementation. The current proposal would enable further, coordinated measures across the EU and enable EU-level enforcement. The current proposal aims to strike the balance between ensuring that the obligations it lays down are effective, and leaving flexibility for the Member States to take into account national specificities and needs when implementing its rules.

To ensure equal treatment of victims throughout the EU, the initiative will ensure upward convergence by laying down minimum rules on the rights of victims of violence against women and domestic violence. These rules aim to support and protect victims of such violence before, during or after criminal proceedings, and introduce minimum rules on definitions of and penalties on conduct where gaps in criminalisation exist. The proposal lays down the minimum level of the maximum penalties applicable to the offences listed in the proposal. The proposal therefore leaves it to Member States to set minimum penalties.

- **Proportionality**

This proposal aims at combating violence against women and domestic violence comprehensively. This means that action is taken from various angles, aiming to prevent such violence; protecting and supporting victims, and ensuring access to justice, if violence occurs anyway; and ensuring coordination among all relevant actors.

Numerous studies (e.g. an extensive study by the European network of legal experts in gender equality and non-discrimination[30] and an in-depth study by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs[31]) show that only a comprehensive approach, targeting all components of the problem in a single EU act imposing minimum rules on the Member States can effectively contribute to the elimination of violence against women and domestic violence and to ensuring more effective, targeted support and protection responding to the specific needs of victims of this type of violence. Action scattered throughout a patchwork of various pieces of EU legislation, each targeting a goal of its own, would not achieve such results.

The Commission considered several policy options to achieve the objectives of this proposal:

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30 European network of legal experts in gender equality and non-discrimination. *Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence. A special report*, 2021, available at https://www.equalitylaw.eu/downloads/5535-criminalisation-of-gender-based-violence-against-women-in-european-states-including-ict-facilitated-violence-1-97-mb (EELN 2021).

31 Tackling violence against women and domestic violence in Europe – The added value of the Istanbul Convention and remaining challenges, 2020, available at https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf .

- the first option mainly consists of measures implementing the Istanbul Convention standards in EU law in areas within the EU's remit; and

- a second policy option, which builds on the measures outlined in the first option and introduces more comprehensive and detailed measures to ensure higher minimum standards, facilitates their enforceability and addresses additional gaps, including on cyber violence, taking into account recommendations made by the Group of Experts on Action against Violence against Women and Domestic Violence in the context of its monitoring of the Convention.
  This option was further divided in two sub-options (2A and 2B), with sub-option 2B consisting of further-reaching obligations on sexual harassment, access to justice, victim protection and data collection.

This proposal is based on policy option 2A since it provides for the most effective set of measures, while respecting the principle of proportionality. This choice is based on a prior in-depth analysis of the impact of the various policy options on fundamental rights, and social and economic impact. It is also based on a careful analysis of the effectiveness, efficiency and consistency of the policy options. Overall, option 2A proved to perform better in contributing to these areas and provides a higher net benefit. It is expected to provide extensive **protection of fundamental rights** and improve **the social situation of victims and society at large** thanks to its comprehensive set of obligations.

In line with the principle of proportionality and necessity of EU action, this proposal will establish minimum rules enhancing the actions taken by Member States in the areas of prevention, victim protection and support, access to justice and coordination. The proposal will enhance legal certainty, effective enforcement and protection of victims. For the first time, it draws up a targeted and coordinated EU approach to tackle violence against women and domestic violence. This approach is based on a set of minimum rules that add value to existing national, EU and international rules, while leaving Member States flexibility for implementation.

- **Choice of the instrument**

Under the legal basis chosen for the proposal, the appropriate instrument is a directive adopted in accordance with the ordinary legislative procedure. This proposal aims to deliver simplification benefiting the professionals and victims concerned, by compiling relevant EU rules in a single instrument in a transparent manner.

A specific directive on violence against women and domestic violence is chosen over an amendment of existing instruments. The rules of this Directive will apply in addition to the rules laid down in the Victims' Rights Directive, the EU's general legal framework on victims' rights. Some provisions of this directive lay down specific measures complementing the general rules, in a similar manner as this is done for victims of other specific types of crime such as victims of trafficking in human beings, of child sexual abuse and of terrorism.

3. RESULTS OF *EX-POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- ***Ex-post* evaluations/fitness checks of existing legislation**

When preparing the impact assessment report, the Commission assessed the effects of the relevant provisions of existing EU law on preventing and combating violence against women and domestic violence. This was accompanied by a mapping of the Member States' policy and legislative measures.

The preparatory work also drew on the recent monitoring reports of the Victims' Rights Directive[32] and European Protection Order Directive[33]. The Commission conducted this work in coordination with the upcoming general evaluations of the Victims' Rights Directive, the Child Sexual Abuse Directive and the Anti-Trafficking Directive.

The analysis shows that the relevant EU legislation has provided rights for victims of violence against women and domestic violence very selectively. This has happened under legislation that does not primarily cover these types of violence (see above on the interplay with existing EU-legislation for an overview of the current situation). EU measures do not explicitly address victims of violence against women and domestic violence. The relevant obligations are not specific enough for victims of violence against women and domestic violence, or leave wide discretion to the Member States. Furthermore, the relevant EU legislation is over 10 years old on average. During this time, the needs of victims have not been met sufficiently and should be addressed accordingly.

- **Stakeholder consultations**

The Commission consulted extensively with stakeholders to inform the preparations of this legislative initiative. In doing so, the Commission aimed to gather up-to-date information and expertise, and to develop effective measures to counter violence against women and domestic violence, as indicated in the stakeholder strategy underpinning the initiative. The Commission has also taken into account relevant results from previous consultations. In 2016, the Commission conducted a Eurobarometer survey on gender-based violence with a sample of over 27 000 respondents from all EU Member States[34]. This has helped design and test the policy options.

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32 Report from the Commission to the European Parliament and the Council on the implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA COM/2020/188 final, available at : EUR-Lex - 52020DC0188 - EN - EUR-Lex (europa.eu).

33 Report from the Commission to the European Parliament and the Council on the implementation of Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order, COM/2020/187 final, available at: EUR-Lex - 52020DC0187 - EN - EUR-Lex (europa.eu)

34 European Commission, Eurobarometer 449: Gender-based violence, 2016, available at: (https://europa.eu/eurobarometer/surveys/detail/2115). Also European Commission, Eurobarometer 428: Gender Equality, 2015, available at: (https://europa.eu/eurobarometer/surveys/detail/2048), where violence against women (especially sexual violence), was considered one of the two areas that the EU should address the most urgently.

Many **stakeholders** have called for increased EU legislative and non-legislative action on violence against women and domestic violence. Details on the individual consultations are provided in the following section.

An **open public consultation: "protecting victims and punishing offenders"** was held on the Commission's consultations website from 8 February until 10 May 2021. Questions to the public addressed various aspects of preventing and combating violence against women and domestic violence. In particular, the questions concerned the relevant Member State measures, the need for further regulation, and preferred policy options. The main results were:

- The survey showed that a problem was that the public is not sufficiently aware of this kind of violence or sees it as a private matter. In addition, the survey showed that there are not enough services and activities to empower victims and encourage them to speak up. On **possible further prevention measures**, most found it important to tackle harmful gender stereotypes.

- 60% of the respondents believed that it is necessary to improve the current structures for providing **information to victims of violence against women and domestic violence** about their rights, the **services** they can turn to, and the follow-up given to their **complaints**. On the timeliness of this information and its accessibility, respondents predominantly found that information was not provided quickly enough (43%), was difficult to find (42%), and was inconsistent and spread over different sources (42%).

- 73% of the respondents believed that **further measures to improve access to justice** in matters of violence against women and domestic violence are needed at both national and EU level.

- In response to whether **support services** systemically account for the needs of victims of violence against women and domestic violence, about half (48%) did not believe they did. Responses on whether victims receive information on support services in a timely manner and in a language they understand showed diverging views, but with a higher proportion of people not knowing (41%).

- On specific forms of violence against women, most respondents believed that the primary gaps in protection against sex-based and sexual harassment resulted from the perception that such harassment was not considered a real problem by the general public (66%), that sanctions were insufficient (66%), and that provisions were ineffectively enforced (62%).

The Commission conducted comprehensive **targeted consultations** jointly for the impact assessment and the gap analysis of the existing legislative framework.

The Commission consulted the Member States in writing and at a workshop. The Member States expressed their openness on EU action and found the envisaged measures relevant. Targeted consultations of non-governmental and international organisations showed large support for the most ambitious measures. In particular, non-governmental organisations stressed the need to enhance prevention and protection measures by setting minimum rules at the EU level, improve data collection and accessibility for specialised services and provide targeted **training programmes for professionals across sectors**. International organisations

highlighted the need for additional prevention measures such as **early intervention, prevention programmes** and trainings for relevant professionals.

On **protection and support services**, the international organisations identified a **lack of a gendered understanding of violence**, which can lead to secondary and repeat victimisation, intimidation and retaliation. They identified one-stop-shop approaches to seek assistance as best practice. On access to justice, they highlighted shortcomings on access to compensation from the state or the offender in particular on too short timeframes to claim **compensation** and limitations to claims for moral damages (for certain types of crimes).

In the targeted workshop held with social partners, trade unions and employers supported the objective of combating sexual harassment at work and welcomed further measures. Employers were, however, wary of obligations that would be imposed on them. In particular, social partners stressed the relevance of **risk assessments** in preventing and combating violence against women. Trade unions and employers insisted on the importance of the role of social partners in this field.

- **Collection and use of expertise**

To facilitate the preparatory work, the Commission contracted a supporting study by an external consultancy firm. Furthermore, it commissioned the European network of legal experts in gender equality and non-discrimination to carry out a comparative analysis of the criminal law provisions that apply to gender-based violence against women, including domestic violence and cyber violence, at national level in Europe. Additionally, the European Institute for Gender Equality (EIGE) updated its 2014 study on the cost of violence against women. These materials were complemented by substantial information drawn from other existing sources, as indicated in Annex 1 of the impact assessment report.

- **Impact assessment**

In accordance with better regulation requirements, a Commission inter-service steering group chaired by the Secretariat-General was set up in September 2020 to support the preparation of this initiative. This group met four times between September 2020 and October 2021, and participated in several written consultations.

The draft impact assessment considered a range of non-legislative and legislative measures to attain the objectives of the initiative. It assessed the effectiveness, efficiency and consistency of each selected option and concluded that the combination of measures in the preferred option was the most proportionate and consistent in light of the general and specific objectives of this initiative.

On the expected impact of the preferred option, the quantitative analysis showed positive economic impacts. The reduced prevalence of violence against women and domestic violence, in particular, could have economic benefits of around EUR 53.1 billion, potentially reaching around EUR 82.7 billion in the long term. The greatest potential for economic benefits is due to the reduction of the cost of physical and emotional harm to victims (an estimated reduction ranging from EUR 32.2 billion to EUR 64.5 billion). Social impacts would affect various stakeholders, namely victims, witnesses, offenders, companies, national authorities and the wider society. The preferred option would improve victims' health, safety and quality of life (especially due to the measures on protection and support). It would also increase victims and witnesses' awareness of and access to information on protection and support services. Measures on intervention programmes for offenders are expected to have a positive impact on

offenders' attitudes and behaviour. For employers, awareness and better understanding of and support for workers who are victims of sex-based harassment at work would enable the development of a safe work environment. This would also have a positive impact on productivity. National authorities would benefit from measures addressing legal uncertainties and data collection, allowing a better design of national policies to prevent and combat violence against women and domestic violence. Increased recognition of harmful gender stereotypes and norms among the general public would have a positive impact on society as a whole.

The draft impact assessment report was submitted to the Commission's Regulatory Scrutiny Board on 15 September 2021 and discussed on 13 October 2021. Following a negative opinion by the Board, a revised version of the report was submitted on 1 December 2021. While noting the efforts made to improve the impact assessment report in response to its initial comments, the Board nevertheless on 12 January 2022 maintained its negative opinion.

The Board considered that the impact assessment report (1) did not sufficiently present the impact of several actions at EU and Member State level in the baseline scenario; (2) was not sufficiently clear on the overall objectives and did not sufficiently justify the need for a comprehensive approach; (3) did not sufficiently clearly present the concrete envisaged measures as well as the combinations of specific measures in the different options; (4) did not fully incorporate the revised set of options in the revised analysis of costs and benefits and remained unclear in the comparison of options, including in terms of criteria and scoring methodology used; and (5) did not sufficiently assess the proportionality of the preferred option, including the chosen lex specialis approach.

The current proposal is based on a further assessment of some of the issues raised. The measures taken to address the identified shortcomings are explained in the Commission staff working document *Follow-up to the second opinion of the Regulatory Scrutiny Board and additional information* (SWD(2022) 61, hereinafter "the Staff Working Document). In particular, the Staff Working Document explains how the baseline takes into account what has been achieved in this policy area at Member State level so far. In doing so, it responds also to the Board's recommendation to present a more comprehensive analysis of the gaps in Member States' implementation of the Istanbul Convention and in the lack of response to the evolution stemming – among others - from developments in the digital sphere.

To address the comments regarding the lack of clear objectives, the Staff Working Document clarifies that the objective of the proposal is to prevent and combat violence against women and domestic violence as criminal acts. The text of the proposed directive further outlines its main objectives, explaining that these objectives shall be achieved by criminalising certain forms of violence against women (including rape, female genital mutilation and offences concerning various forms of cyber violence) and by strengthening protection, access to justice and support of victims of violence, as well as violence prevention and coordination.

With regard to the choice of the policy option, the Staff Working Document provides evidence, based on the evaluation of relevant EU acts and the mapping and gap analysis of Member State legislation, that further explains why a comprehensive approach – a specific directive on violence against women and domestic violence – was chosen rather than an amendment of existing horizontal instruments.

The working methods under the Better Regulation rules of the European Commission empower the Vice President for Inter-Institutional Relations and Foresight to approve the

continuation of an initiative that has been subject to a second negative opinion by the Regulatory Scrutiny Board. It is important to flag also that the opinions of the Regulatory Scrutiny Board are an assessment of the quality of the impact assessment and not an assessment of the related legislative proposal.

The Commission, also in the light of the agreement by the Vice-President for Inter-Institutional Relations and Foresight, has considered it opportune to proceed with the initiative for the following reasons:

(1) the *political importance* of this initiative for the Commission as highlighted in the political guidelines;

(2) the *urgency of action* in order to make progress on preventing and combating violence against women and domestic violence as well as gender-based cyber violence, as also called for by the European Parliament;

(3) the *additional clarifications and evidence* provided satisfactorily addressed the shortcomings identified by the Regulatory Scrutiny Board and were considered in the adapted legal proposal.

The current proposal is thus based on a further assessment of some of the issues raised by the Board.

- **Fundamental rights**

The proposed Directive will strengthen the protection of a number of fundamental rights, in particular:

– **the right to life** (Article 2 of the Charter of Fundamental Rights of the European Union – 'the Charter'), **the right to integrity** (Article 3 of the Charter), **the prohibition of inhuman or degrading treatment** (Article 4 of the Charter), and **the right to private and family life** (Article 7 of the Charter), **the right to personal data protection** (Article 8 of the Charter), for example because it provides measures to protect victims, their private life and personal data and prevent violence by introducing criminalisations, ensuring protection of persons at risk (based on a risk assessment and following support measures) and training relevant professionals to recognise this kind of violence and respond appropriately;

– **the rights of the child** (Article 24 of the Charter), for example by recognising child witnesses as direct victims of violence against women and domestic violence and providing for specific measures to protect and support children, and that cases be handled in the best interests of the child;

– the victim's **right to an effective remedy and a fair trial** (Article 47 of the Charter), for example by ensuring more effective investigation and prosecution of violence against women and domestic violence (e.g. own-motion prosecution of certain offences and as a matter of public interest, enabling victims to report cases online and introducing guidelines for law enforcement, and judicial authorities) and ensuring the victim's right to claim for full compensation from the offender and to obtain a decision in one single procedure.

– **non-discrimination and equality between women and men** (Articles 21 and 23 of the Charter), for example by treating violence against women and domestic violence

as a severe form of prohibited discrimination between women and men, and mitigating the risk of this kind of violence for persons in vulnerable situations and groups at a heightened risk; by requiring targeted awareness-raising and information provision activities to reach out to groups at risk and to facilitate their access to support services.

– **the rights to social assistance and healthcare** (Article 34 and 35 of the Charter), for example by providing for specialist support services, notably to victims of sexual violence (e.g. immediate medical support, the collection of forensic medical evidence in cases of rape, psychological counselling and trauma care).

The proposed Directive duly takes into account the **presumption of innocence and right of defence (Article 48 of the Charter)** of suspects, and the **principles of legality and proportionality of criminal offences and penalties (Article 49 of the Charter)**. On the **right to freedom of expression (Article 11 of the Charter)**, the provisions on the removal or blocking of illegal content are limited to what is strictly necessary and proportionate to attain the objective of the Directive.

4. BUDGETARY IMPLICATIONS

The proposed Directive is expected to give rise to the following costs for the EU budget:

– development and deployment of a data collection tool – one-off cost incurred by the European Institute for Gender Equality ('EIGE');

– technical maintenance and operation of the data collection tool – recurring cost incurred by EIGE;

– development and deployment of common data disaggregations and methodology in cooperation with Member States – recurring cost incurred by EIGE;

– development of guidelines to harmonise and standardise crime statistics on violence against women and domestic violence, supporting Member States in the gathering of data – recurring cost incurred by EIGE.

The costs for EIGE are explained in detail in the accompanying legislative financial statement. In total, EIGE would require the following financial and human resources for the administrative data collection task:

– one-off set-up cost – EUR 200 000;

– annual maintenance and operation cost – EUR 750 000;

– staff – one (in full-time equivalents) temporary agent as of 2025 and two (in full-time equivalents) contract agents as of 2025 (three in total).

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Member States will be required to transpose the Directive 2 years after its entry into force. They will be required to communicate to the Commission their national implementation measures. Furthermore, Member States will have to report to the Commission on the Directive's implementation 7 years after its entry into force. After this period, reporting must be carried out at regular intervals in the form of a questionnaire to the Member States. The strengthened data collection requirements under this proposal will form the basis for monitoring and evaluation of the impact of the initiative against its specific objectives. The monitoring and evaluation of the proposal will primarily be based on the current harmonised indicators developed by EIGE. This work will be supported and supplemented by the planned harmonisation measures on the collection of disaggregated administrative data (including from law enforcement agencies, the judiciary, social and health services) and the obligation to conduct regular surveys on violence against women and domestic violence and send relevant data to the Commission (Eurostat). The details will be described in a monitoring and enforcement plan that the Commission will draw up.

- **Detailed explanation of the specific provisions of the proposal**

Chapter 1 sets out general provisions, including the subject matter (Article 1) and particular attention to be paid to victims of violence against women and domestic violence at an increased risk of such violence (Article 2). The scope of the current proposal covers criminal offences as defined therein, acts of violence against women or domestic violence as criminalised under Union law or under national laws (Article 3). This Chapter also provides definitions of key terms used in the Directive (Article 4).

Chapter 2 contains provisions on minimum rules on the definition of criminal offences and penalties based on Article 83(1) TFEU. These offences concern certain forms of violence against women or domestic violence that amount to sexual exploitation of women or to computer crime. Even though these offences disproportionately affect women, criminalisation under this chapter applies to all victims, including men and non-binary persons, except in the case of rape and female genital mutilation. These are criminalised at EU-level only where perpetrated against women or children due to the legal basis in Article 83(1) TFEU, which refers to sexual exploitation of women and children only. The chapter includes minimum harmonisation of the offences of rape against women (Article 5) and female genital mutilation (Article 6). In light of the fast pace of the current digital transformation and the increase of cyber violence, it also provides for minimum rules for certain computer crime offences: non-consensual sharing of intimate or manipulated material (Article 7), offences concerning cyber stalking (Article 8), offences concerning cyber harassment (Article 9), and cyber incitement to hatred or violence (Article 10). Article 11 contains provisions on the incitement, aiding and abetting and attempt of such offences. Article 12 sets the minimum level of the maximum sanction applicable to the offences defined in Articles 5 to 11, and Article 13 specifies the aggravating circumstances. The rules on jurisdiction and limitation periods are found in Articles 14 and 15.

Chapter 3 concerns the protection and access to justice of victims of all forms of violence against women or domestic violence. This chapter is applicable to all victims of offences of violence against women and domestic violence. While this proposal mainly focuses on types of violence disproportionately affecting women, it does not exclude men or non-binary

persons from benefitting from victims' rights if they become victims of such violence, including domestic violence.

This chapter includes rules on the reporting of violence against women and domestic violence to ensure that such offences can be easily brought to justice (Article 16). This entails the expedient processing of such reports and encouraging that such offences are reported, for example by removing in some cases obstacles imposed by confidentiality rules, ensuring that children can easily report offences and ensuring that undocumented persons and persons with uncertain residence status do not fear to report violence. In no way does this last aspect introduce under this Directive a right to a residence status for persons reporting violence. Article 17 ensures that offences are effectively investigated and prosecuted, that there are sufficient expertise and resources, and that offences amounting to rape are prosecuted *ex officio*. This chapter introduces an individual risk assessment to identify victims' protection and support needs (Articles 18 and 19). This assessment shall be understood as an integrated part of the existing individual assessment under the Victims' Rights Directive and is meant to be tailored to the specific needs of victims of violence against women and domestic violence. Article 20 sets out obligations to ensure that victims are referred to appropriate support services, for example ensuring that support services reach out to victims proactively. At the same time, this Article aims to ensure compliance with data protection rules. Furthermore, this chapter lays down that Member States provide for emergency barring and protection orders to ensure that victims are effectively protected (Article 21). Article 22 provides that potential questions concerning the victim's sexual past conduct are excluded in the criminal investigations and court proceedings, without prejudice to the rights of the defence. This chapter also contains the obligation to provide law enforcement and judicial authorities with guidelines to ensure that victims are treated appropriately throughout the proceedings and that cases of violence against women and domestic violence are handled appropriately (Article 23). This chapter also provides that national bodies, such as equality bodies, are competent to, for example, assist and give advice to victims of violence against women and domestic violence – both severe forms of discrimination against women (Article 24). Such bodies are also granted legal standing to act on behalf of victims in criminal proceedings where they deem so appropriate. Article 25 ensures the removal of online content in relation to offences of cyber violence, and a possibility of judicial redress for affected users. The right of victims to claim compensation from the offender is covered by Article 26.

Chapter 4 contains the provisions on victim support, which victims must receive before, during and for an appropriate time after criminal proceedings. Article 27 lays down the specific services, arrangements and specific resources of support services that provide specialist services for victims of violence against women and domestic violence. This chapter further provides for specific and immediate support in rape crisis or sexual violence referral centres (Article 28) and specialist support for victims of female genital mutilation (Article 29). Member States should also ensure victims of sexual harassment at work can make use of counselling services external to the work place, including advice for employers on how to address such offences appropriately (Article 30). Member States must set up national helplines for victims and ensure their operation under a harmonized EU level number (Article 31). Specialised shelters or other interim accommodations are to be made available to victims indiscriminately to ensure they are assisted in returning to independent living after they have experienced violence (Article 32). Furthermore, Member States must provide appropriate protection and support to child victims, taking into account the child's best interests (Article 33). This includes providing safe places for children visiting with parent offenders, who have rights of access (Article 34). Article 35 provides victims who belong to groups at risk with safeguards, for example easier access for victims with disabilities.

The provisions in **Chapter 5** focus on effectively preventing violence against women and domestic violence. This includes the obligation to conduct awareness-raising campaigns and research and education programmes, and to broadly distribute relevant information (Article 36). Professionals that are most likely to come into contact with victims must receive training and targeted information. This aims to ensure that such professionals can respond in an appropriate manner and identify instances of violence, and that responsible organisations can effectively coordinate their actions (Article 37). Article 38 provides for intervention programmes available also for voluntary participation by persons who fear that they would commit such crimes.

Chapter 6 contains rules on the coordination of Member States' national policies on violence against women and domestic violence, but also provisions on EU-level coordination. To streamline national policies and ensure an effective multi-level response to these types of violence, Article 39 requires Member States to designate or set up an official body to coordinate and oversee policies in this area. This is complemented by the obligation under Article 40 to ensure the effective coordination and cooperation of all agencies involved in supporting victims. Non-governmental organisations are key players in providing support to victims and preventing violence. Under Article 41, Member States should cooperate with non-governmental organisations and consult them on relevant policies. To ensure cyber violence as defined in the current proposal is appropriately addressed, Member States are to facilitate the taking of self-regulatory measures by providers of intermediary services (Article 42). Article 43 aims to facilitate cooperation between Member States to ensure an exchange of best practice, aiming to implement this Directive as effectively as possible. Data collection and research are essential in formulating appropriate policy measures in the field of violence against women and domestic violence. In order to ensure the availability of comparable data at EU level, Article 44 provides for rules on data collection throughout the Member States. Given EIGE's expertise and ongoing work in the field, it is to support Member States in the development of a common methodology and the collection of data.

Chapter 7 contains the final provisions of this Directive. Article 45 amends the Child Sexual Abuse Directive to ensure coherence by introducing the crime of penetration for sexual purposes, and clarifying that the circumstances in which consent cannot be validly given by a child above the age of sexual consent include those referred to in Article 5 of this proposal. Article 46 concerns the level of protection and Article 47 the Member States' reporting obligations. Article 48 clarifies the relationship with other Directives and contains non-prejudice clauses. This Article clarifies that the provisions apply in addition to those of the Victims' Rights Directive, the Anti-Trafficking Directive, the Child Sexual Abuse Directive and [the proposal for a Digital Services Act]. This means that victims should benefit from the protection of all directives applicable to them. Article 49 includes a non-regression clause. Article 50 contains provisions on the transposition of this Directive. Article 51 stipulates when the Directive will enter into force and Article 52 stipulates to whom it is addressed.

2022/0066 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on combating violence against women and domestic violence

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2) and Article 83(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The purpose of this Directive is to provide a comprehensive framework to effectively combat violence against women and domestic violence throughout the Union. It does so by strengthening and introducing measures in the following areas: the definition of relevant criminal offences and penalties, the protection of victims and access to justice, victim support, prevention, coordination and cooperation.

(2) Equality between women and men and non-discrimination are core values of the Union and fundamental rights enshrined, respectively, in Article 2 of the Treaty on European Union and in Articles 21 and 23 of the Charter of Fundamental Rights of the European Union (the 'Charter'). Violence against women and domestic violence endanger these very principles, undermining women and girls' rights to equality in all areas of life.

(3) Violence against women and domestic violence violate fundamental rights such as the right to human dignity, the right to life and integrity of the person, the prohibition of inhuman or degrading treatment or punishment, the right to respect for private and family life, personal data protection, and the rights of the child, as enshrined in the Charter of Fundamental Rights of the European Union.

(4) This Directive should apply to criminal conduct which amounts to violence against women or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape, female genital mutilation, the non-consensual sharing of intimate or manipulated material, cyber

[1] OJ C , , p. .

stalking, cyber harassment, cyber incitement to violence or hatred and criminal conduct covered by other Union instruments, in particular Directives 2011/36/EU[2] and 2011/93/EU[3] of the European Parliament and of the Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of violence against women. This includes crimes such as femicide, sexual harassment, sexual abuse, stalking, early and forced marriage, forced abortion, forced sterilisation and different forms of cyber violence, such as online sexual harassment, cyber bullying or the unsolicited receipt of sexually explicit material. Domestic violence is a form of violence which may be specifically criminalised under national law or covered by criminal offences which are committed within the family or domestic unit or between former or current spouses.

(5) The measures under this Directive have been designed to address the specific needs of women and girls, given that they are disproportionately affected by the forms of violence covered under this Directive, namely violence against women and domestic violence. This Directive, however, acknowledges that other persons may also fall victim to these forms of violence and should benefit from the measures provided for therein. Therefore, the term 'victim' should refer to all persons, regardless of their sex or gender.

(6) Due to their vulnerability, children who witness violence against women or domestic violence suffer a direct emotional harm, which impacts their development. Therefore, such children should be considered victims and benefit from targeted protection measures.

(7) Violence against women is a persisting manifestation of structural discrimination against women, resulting from historically unequal power relations between women and men. It is a form of gender-based violence, which is inflicted primarily on women and girls, by men. It is rooted in the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men, generally referred to under the term 'gender'.

(8) Domestic violence is a serious social problem which often remains hidden. It can lead to serious psychological and physical trauma with severe consequences because the offender typically is a person known to the victims, whom they would expect to be able to trust. Such violence can take on various forms, including physical, sexual, psychological and economic. Domestic violence may occur whether or not the offender shares or has shared a household with the victim.

(9) In light of the specificities related to these types of crime it is necessary to lay down a comprehensive set of rules, which addresses the persisting problem of violence against women and domestic violence in a targeted manner and caters to the specific needs of victims of such violence. The existing provisions at Union and national levels have proven to be insufficient to effectively combat and prevent violence against women

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[2] Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011, p. 1–11.

[3] Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335, 17.12.2011, p. 1–14.

and domestic violence. In particular, Directives 2011/36/EU and 2011/93/EU concentrate on specific forms of such violence, while Directive 2012/29/EU of the European Parliament and of the Council[4] lays down the general framework for victims of crime. While providing some safeguards for victims of violence against women and domestic violence, it is not set out to address their specific needs.

(10) This Directive supports the international commitments the Member States have undertaken to combat and prevent violence against women and domestic violence, in particular the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)[5] and, where relevant, the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention')[6] and the International Labour Organization's Convention concerning the elimination of violence and harassment in the world of work, signed on 21 June 2019 in Geneva.

(11) Violence against women and domestic violence can be exacerbated where it intersects with discrimination based on sex and other grounds of discrimination prohibited by Union law, namely nationality, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Member States should therefore pay due regard to victims affected by such intersectional discrimination, through providing specific measures where intersecting forms of discrimination are present. In particular, lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) women, women with disabilities and women with a minority racial or ethnic background are at a heightened risk of experiencing gender-based violence.

(12) Victims of violence against women and domestic violence are at an increased risk of intimidation, retaliation, secondary and repeat victimisation. Particular attention should thus be paid to these risks and to the need to protect the dignity and physical integrity of such victims.

(13) Rape is one of the most serious offences breaching a person's sexual integrity and is a crime that disproportionately affects women. It entails a power imbalance between the offender and the victim, which allows the offender to sexually exploit the victim for purposes such as personal gratification, asserting domination, gaining social recognition, advancement or possibly financial gain. Many Member States still require the use of force, threats or coercion for the crime of rape. Other Member States solely rely on the condition that the victim has not consented to the sexual act. Only the latter approach achieves the full protection of the sexual integrity of victims. Therefore, it is necessary to ensure equal protection throughout the Union by providing the constitutive elements of the crime of rape of women. .

(14) Rape should explicitly include all types of sexual penetration, with any bodily part or object. The lack of consent should be a central and constitutive element of the

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4 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).

5 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA, 1979.

6 Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Council of Europe, 2011.

definition of rape, given that frequently no physical violence or use of force is involved in its perpetration. Initial consent should be withdrawable at any given time during the act, in line with the sexual autonomy of the victim, and should not automatically imply consent for future acts. Non-consensual sexual penetration should constitute rape even where committed against a spouse or intimate partner.

(15) With regard to offences amounting to rape, offenders who have been previously convicted of offences of the same nature should be obliged to participate in intervention programmes to mitigate the risk of recidivism.

(16) In order to address the irreparable and lifelong damage female genital mutilation has on victims, this offence should be specifically and adequately addressed in the criminal laws. Female genital mutilation is an exploitative practice that pertains to the sexual organs of a girl or a woman and that is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over girls and women's sexuality. It is sometimes performed in the context of child forced marriage or domestic violence. Female genital mutilation may occur as a traditional practice which some communities perform on their female members. It should cover practices undertaken for non-medical reasons. The term "excising" should refer to the partial or total removal of the clitoris and the *labia majora*. "Infibulating" should cover the closure of the *labia majora* by partially sewing together the outer lips of the vulva in order to narrow the vaginal opening. The term "performing any other mutilation" should refer to all other physical alterations of the female genitals.

(17) It is necessary to provide for harmonised definitions of offences and penalties regarding certain forms of cyber violence. Cyber violence particularly targets and impacts women politicians, journalists and human rights defenders. It can have the effect of silencing women and hindering their societal participation on an equal footing with men. Cyber violence also disproportionately affects women and girls in educational settings, such as schools and universities, with detrimental consequences to their further education and to their mental health, which may, in extreme cases, lead to suicide.

(18) The use of information and communication technologies bears the risk of easy, fast and wide-spread amplification of certain forms of cyber violence with the effect of creating or enhancing profound and long-lasting harm for the victim. The potential for such amplification, which is a pre-requisite for the perpetration of several offences of cyber violence defined under this Directive, should be reflected by the element of making certain material accessible, through information and communication technologies, to a 'multitude' of end-users. The term 'multitude' should be understood as referring to reaching a significant number of end-users of the technologies in question, thus allowing for significant access to, and potential further distribution of that material. That term should be interpreted and applied having regard to the relevant circumstances, including the technologies used to make that material accessible and the means these technologies offer for amplification.

(19) Especially due to its tendency for easy, swift and broad distribution and perpetration, as well as its intimate nature, the non-consensual making accessible of intimate images or videos and material that depict sexual activities, to a multitude of end-users, by means of information and communication technologies, can be very harmful for the victims. The offence provided for in this Directive should cover all types of such

material, such as images, photographs and videos, including sexualized images, audio clips and video clips. It should relate to situations where the making accessible of the material to a multitude of end-users, through information and communication technologies, occurs without the victim's consent, irrespective of whether the victim consented to the generation of such material or may have transmitted it to a particular person. The offence should also include the non-consensual production or manipulation, for instance by image editing, of material that makes it appear as though another person is engaged in sexual activities, insofar as the material is subsequently made accessible to a multitude of end-users, through information and communication technologies, without the consent of that person. Such production or manipulation should include the fabrication of 'deepfakes', where the material appreciably resembles an existing person, objects, places or other entities or events, depicting sexual activities of another person, and would falsely appear to others to be authentic or truthful. In the interest of effectively protecting victims of such conduct, threatening to engage in such conduct should be covered as well.

(20) Cyber stalking is a modern form of violence which is often perpetrated against family members or persons living in the same household, but also perpetrated by ex-partners or acquaintances. Typically, technology is misused by the offender to proceed to intensify coercive and controlling behaviour, manipulation and surveillance, thereby increasing the victim's fear, anxiety and gradual isolation from friends and family. Therefore, minimum rules on cyber stalking should be established. The offence of cyber stalking should cover the continuous surveillance of the victim without their consent or legal authorisation by means of information and communication technologies. This might be enabled by processing the victim's personal data, such as through identity theft or the spying out of such data on their various social media or messaging platforms, their emails and phone, stealing passwords or hacking their devices to access their private spaces, via the installation of geo-localisation apps, including stalkerware, or via stealing their devices. Furthermore, stalking should cover the monitoring of victims, without that person's consent or authorisation, via technology devices connected through the Internet of Things, such as smart home appliances.

(21) Minimum rules concerning the offence of cyber harassment should be laid down to counter initiating an attack with third parties or participating in such an attack directed at another person, by making threatening or insulting material accessible to a multitude of end-users. Such broad attacks, including coordinated online mob attacks, may morph into offline assault or cause significant psychological injury and in extreme cases lead to suicide of the victim. They often target prominent (female) politicians, journalists or otherwise well-known persons, but they can also occur in different contexts, for instance on campuses or in schools. Such online violence should be addressed especially where the attacks occur on a wide-scale, for example in the form of pile-on harassment by a significant amount of people.

(22) The increase in internet and social media usage has led to a sharp rise in public incitement to violence and hatred, including based on sex or gender, over the past years. The easy, fast and broad sharing of hate speech through the digital word is reinforced by the online disinhibition effect, as the presumed anonymity on the internet and sense of impunity reduce people's inhibition to engage in such speech. Women are often the target of sexist and misogynous hate online, which can escalate into hate crime offline. This needs to be intercepted at an early stage. The language

used in this type of incitement does not always directly refer to the sex or gender of the targeted person(s), but the biased motivation can be inferred from the overall content or context of the incitement.

(23) The offence of cyber incitement to violence or hatred presupposes that the incitement is not expressed in a purely private context, but publicly through the use of information and communication technologies. Therefore, it should require dissemination to the public, which should be understood as entailing the making accessible, through information and communications technologies, of a given item of material inciting to violence or hatred to a potentially unlimited number of persons, namely making the material easily accessible to users in general, without requiring further action by the person who provided the material, irrespective of whether those persons actually access the information in question. Accordingly, where access to the material requires registration or admittance to a group of users, that information should be considered to be disseminated to the public only where users seeking to access the material are automatically registered or admitted without a human decision or selection of whom to grant access. In assessing whether material qualifies as amounting to incitement to hatred or violence, the competent authorities should take into account the fundamental rights to freedom of expression as enshrined in Article 11 of the Charter.

(24) Victims should be able to report crimes of violence against women or domestic violence easily without being subject to secondary or repeat victimisation. To this end, Member States should provide the possibility to submit complaints online or through other information and communication technologies for the reporting of such crimes. Victims of cyber violence should be able to upload materials relating to their report, such as screenshots of the alleged violent behaviour.

(25) In the case of domestic violence and violence against women, especially when committed by close family members or intimate partners, victims may be under such duress by the offender that they fear to reach out to the competent authorities, even if their lives are in danger. Therefore, Member States should ensure their confidentiality rules do not constitute an obstacle for relevant professionals, such as healthcare professionals, to report to the competent authorities, where they have reasonable grounds to believe that the life of the victim is at an imminent risk of serious physical harm. Similarly, instances of domestic violence or violence against women affecting children are often only intercepted by third parties noticing irregular behaviour or physical harm to the child. Children need to be effectively protected from such forms of violence and adequate measures promptly taken. Therefore, relevant professionals coming in contact with child victims or potential child victims, including healthcare or education professionals, should equally not be constrained by confidentiality where they have reasonable grounds to believe that serious acts of violence under this Directive have been committed against the child or further serious acts are to be expected. Where professionals report such instances of violence, Member States should ensure that they are not held liable for breach of confidentiality.

(26) In order to tackle underreporting in the cases when the victim is a child, safe and child-friendly reporting procedures should be established. This can include questioning by competent authorities in simple and accessible language.

(27) Delays in processing complaints of violence against women and domestic violence can bear particular risks to victims thereof, given that they might still be in immediate danger given that offenders might often be close family members or spouses. Therefore, the competent authorities should have the sufficient expertise and effective investigative tools to investigate and prosecute such crimes.

(28) Victims of domestic violence and violence against women are typically in need of immediate protection or specific support, for example in the case of intimate partner violence, where the rate of recidivism tends to be high. Therefore, an individual assessment to identify the victim's protection needs should be conducted upon the very first contact of competent authorities with the victim or as soon as suspicion arises that the person is a victim of violence against women or domestic violence. This can be done before a victim has formally reported an offence or proactively if a third party reports the offence.

(29) When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the victim's safety and providing tailored support, taking into account, among other matters, the individual circumstances of the victim. Such circumstances requiring special attention could include the victim's pregnancy or the victim's dependence on or relationship to the offender.

(30) In order to ensure comprehensive support and protection to victims, all competent authorities and relevant bodies, not limited to law enforcement and judicial authorities, should be involved in assessing the risks for victims and appropriate support measures on the basis of clear guidelines issued by the Member States. Such guidelines should include factors to be taken into consideration when assessing the risk emanating from the offender or suspect, including the consideration that suspects charged with minor offences are as likely to be dangerous as those charged with more severe offences, especially in cases of domestic violence and stalking.

(31) Due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation, and the fact that they suffer emotional harm that prejudices their development, the victim's children should receive the same protection measures as those accorded to the victim. Other persons dependant on the victim, such as adults with disabilities or older dependant adults for whom the victim provides care, may experience similar emotional harm and should thus be accorded the same protection measures.

(32) Victims of violence against women and domestic violence are often in need of specific support. To ensure they effectively receive offers of support, the competent authorities should refer victims to appropriate support services. This should in particular be the case where an individual assessment has found particular support needs of the victim. In that case, support services should be able to reach out to the victim even without the victim's consent. For the processing of related personal data by competent authorities, Member States should ensure that it is based on law, in accordance with Article 6(1)(c) read in conjunction with Article (6)(2) and (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council[7]. Such laws should include appropriate

[7] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of

personal data safeguards that respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the individuals. Where competent authorities transfer victims' personal data to support services for victims' referral, they should ensure that the data transferred is limited to what is necessary to inform the services of the circumstances of the case, so that victims receive appropriate support and protection.

(33) Member States should take the necessary measures to ensure the availability of emergency barring, restraining and protection orders to ensure effective protection of victims and their dependants.

(34) Member States should ensure that emergency barring orders may be issued in situations of immediate danger, such as where harm is imminent or has already materialised and is likely to be inflicted again.

(35) Protection orders may include prohibiting the offender or suspect to access certain localities; to approach the victim or dependant closer than a prescribed distance or to contact them, including through the use of online interfaces and to possess firearms or deadly weapons, where necessary.

(36) In order to safeguard the effectiveness of emergency barring, restraining and protection orders, breaches of such orders should be subject to penalties. Those penalties can be of a criminal law or other legal nature and may include prison sentences, fines or any other legal penalty that is effective, proportionate and dissuasive.

(37) Presenting evidence of past sexual behaviour to challenge the credibility and lack of consent of victims in sexual violence cases, especially rape cases, may reinforce the perpetuation of damaging stereotypes of victims and lead to repeat or secondary victimisation. Therefore, without prejudice to the rights of defence, questions, enquiries and evidence concerning past sexual conduct of the victim should not be permitted in criminal investigations and court proceedings.

(38) Given the complexities and gravity of offences of violence against women and domestic violence and specific support needs of victims, Member States should ensure additional support and prevention of such offences is provided by designated bodies. Given their expertise in matters of discrimination on grounds of sex, national equality bodies, set up in accordance with Directives 2004/113/EC[8], 2006/54/EC[9] and 2010/41/EU[10] of the European Parliament and of the Council, are well placed to fulfil these tasks. Such bodies should in addition have legal standing to act on behalf or in

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such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), (OJ L 119, 4.5.2016, p. 1–88).

8 Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, (OJ L 373, 21.12.2004, p. 37).

9 Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), (OJ L204, 26.7.2006, p. 23).

10 Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, (OJ L 180, 15.7.2010, p. 1).

support of victims of all forms of violence against women or domestic violence in judicial proceedings, including for the application for compensation and removal of online illegal content, with the victims' approval. This should include the possibility of acting on behalf or in support of several victims together. To enable these bodies to effectively carry out their tasks, Member States should ensure that they are provided with sufficient human and financial resources.

(39) Certain offences covered by this Directive involve the increased risk of repeated, prolonged or even continuous victimisation. That risk occurs especially in relation to offences involving the making accessible to a multitude of end-users, through information and communication technologies, of material, resulting from certain offences of cyber violence, considering the ease and speed with which such material can be distributed on a large scale and the difficulties that often exist when it comes to removing such material. That risk typically remains even after a conviction. Therefore, in order to effectively safeguard the rights of the victims of those offences, Member States should be required to take suitable measures aimed at the removal of the material in question. Considering that removal at the source may not always be feasible, for instance because of legal or practical difficulties relating to the execution or enforcement of an order to remove, Member States should also be allowed to provide for measures to disable access to such material.

(40) Those measures should include, in particular, empowering national judicial authorities to issue orders to providers of intermediary services to remove, or also to disable access to, one or more specific items of the material in question. Those orders should be issued upon a sufficiently reasoned and substantiated request of the victim. Considering the speed with which such material can spread online and the time it can take to complete criminal proceedings against the persons suspected of having committed the relevant offences, it is necessary for the effective protection of the victims' rights to provide for the possibility of issuing, subject to certain conditions, such orders by means of interim measures, even prior to the termination of such criminal proceedings.

(41) Any such measures to remove or disable access, including in particular such orders, are liable to affect the right and interests of other parties than the victims, such as the persons providing the material, the intermediary service providers whose services may be used and the end-users of those services, as well the general interest. Therefore, it should be ensured that those orders and other measures can only be taken in a transparent manner and that adequate safeguards are provided for, so as to ensure that they remain limited to what is necessary and proportionate, legal certainty is ensured, all affected parties can exercise their right to effective judicial redress in accordance with national law, and a fair balance is struck between all rights and interests involved, including the fundamental rights of all parties concerned in compliance with the Charter. A careful weighting of all rights and interests at stake on a case-by-case basis is particularly important in proceedings for interim measures. Those orders should, as a general rule, be addressed to the specific provider of intermediary services that is best placed to act, in particular so as to limit any possible negative effects for freedom of expression and information.

(42) The provisions of this Directive on orders and other measures for the removal and disabling access to relevant material should leave the relevant rules contained in Regulation XX/YYYY *[proposed DSA Regulation]* unaffected. In particular, those

orders should comply with the prohibition of imposing general obligations of monitoring or active fact-finding and with the specific requirements of that Regulation regarding orders to remove illegal content online.

(43) Considering the potential importance of material that may be the object of the orders or other measures taken under this Directive to remove or disable access thereto for investigating or prosecuting the relevant offences under criminal law, the necessary measures should be taken to allow the competent authorities to obtain or secure such material, where necessary. Those measures could consist, for example, of requiring relevant intermediary service providers to transmit the material to those authorities or to preserve the material for a limited period that does not go beyond what is necessary. Any such measures should ensure the security of the material, remain limited to what is reasonable and comply with the applicable rules on the protection of personal data.

(44) In order to avoid secondary victimisation, victims should be able to obtain compensation in the course of criminal proceedings. Compensation from the offender should be full and should not be restricted by a fixed upper limit. It should cover all harm and trauma experienced by victims and costs incurred to manage the damages, including among other things therapy costs, impact on the victim's employment situation, loss of earnings, psychological damages, and moral prejudice due to the violation of dignity. The amount of compensation should reflect that victims of domestic violence may have to uproot their lives in order to seek safety, entailing a possible change of employment or finding new schools for children or even creating a new identity.

(45) Assistance and support to victims of violence against women and domestic violence should be provided before, during and for an appropriate period after the criminal proceedings have ended, for example where medical treatment is still needed to address the severe physical or psychological consequences of the violence, or if the victim's safety is at risk in particular due to the statements made by the victim in those proceedings.

(46) Specialised support services should provide support to victims of all forms of violence against women and domestic violence, including sexual violence, female genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence.

(47) Specialist support should offer victims support tailored to their specific needs, and irrespective of any official complaint. Such services could be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support. Specialist support may be provided by national authorities, victims' support organisations, or other non-governmental organisations. They should be granted sufficient human and financial resources and, where the services are provided by non-governmental organisations, Member States should ensure that they receive appropriate funds.

(48) Victims of domestic violence and violence against women typically have multiple protection and support needs. In order to address these effectively, Member States should provide such services at the same premises, or have such services coordinated through a central contact point. To ensure also victims in remote areas or unable to physically reach such centres are reached, Member States should provide for online

access to such services. This should entail setting up a single and updated website where all relevant information on and access to available support and protection services is provided (one-stop online access). The website should follow accessibility requirements for persons with disabilities.

(49) Specialist support services, including shelters and rape crisis centres, should be considered essential during crises and states of emergency, including during health crises. These services should continue to be offered in these situations, where instances of domestic violence and violence against women tend to surge.

(50) The traumatic nature of sexual violence, including rape, requires a particularly sensitive response by trained and specialised staff. Victims of this type of violence need immediate medical care and trauma support combined with immediate forensic examinations to collect the evidence needed for prosecution. Rape crisis centres or sexual violence referral centres should be available in sufficient numbers and adequately spread over the territory of each Member State. Similarly, victims of female genital mutilation, who are often girls, typically are in need of targeted support. Therefore, Member States should ensure they provide dedicated support tailored to these victims.

(51) Harassment at work is considered as discrimination on grounds of sex by Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. Given that sexual harassment at work has significant negative consequences both for the victims and the employers, advice on adequately addressing such instances at the workplace, on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of early conciliation, if the victim so wishes, should be provided by external counselling services to both victims and employers.

(52) Member States should ensure that national helplines are operated under the EU-harmonised number [116016] and this number is widely advertised as a public number, free of charge and available round-the-clock. The support provided should include crisis counselling and should be able to refer to face-to-face services, such as shelters, counselling centres or the police.

(53) Shelters play a vital role in protecting victims from acts of violence. Beyond providing a safe place to stay, shelters should provide the necessary support concerning interlocking problems related to victims' health, financial situation and the well-being of their children, ultimately preparing victims for an autonomous life.

(54) To effectively address negative consequences for child victims, support measures to children should include age-appropriate psychological counselling, together with paediatric care where necessary, and be provided as soon as competent authorities have reasonable grounds to believe that children might have been victims, including child witnesses of violence. In the provision of support to child victims, the rights of the child, as laid down in Article 24 of the Charter, should be a primary consideration.

(55) In order to ensure the safety of children during possible visits with an offender or suspect who is a holder of parental responsibility with rights of access, Member States should ensure that supervised neutral places, including child protection or welfare offices, are made available so that such visits can take place there in the best interests of the child. If needed, the visits should take place in the presence of child protection

or welfare officials. Where it is necessary to provide for interim accommodation, children should as a priority be accommodated together with the holder of parental responsibility who is not the offender or suspect, such as the child's mother. The best interest of the child should be always taken into account.

(56) Victims with specific needs and groups at risk of violence against women or domestic violence, such as women with disabilities, women with dependant residence status or permit, undocumented migrant women, women applicants for international protection, women fleeing armed conflict, women affected by homelessness, with a minority racial or ethnic background, living in rural areas, women sex workers, detainees, or older women, should receive specific protection and support.

(57) Women with disability disproportionately experience violence against women and domestic violence and due to their disability often have difficulties in accessing protection and support measures. Therefore, Member States should ensure they can benefit fully from the rights set out in this Directive, on an equal basis with others, while paying due attention to the particular vulnerability of such victims and their likely difficulties to reach out for help.

(58) Member States should ensure that preventive measures, such as awareness-raising campaigns, are taken to counter violence against women and domestic violence. Prevention should also take place in formal education, in particular, through strengthening sexuality education and socio-emotional competencies, empathy and developing healthy and respectful relationships.

(59) Member States should take measures to prevent the cultivation of harmful gender stereotypes to eradicate the idea of the inferiority of women or stereotyped roles of women and men. This could also include measures aimed at ensuring that culture, custom, religion, tradition or honour is not perceived as a justification for, or a more lenient treatment of, offences of violence against women or domestic violence. Considering that from a very young age onwards, children are exposed to gender roles that shape their self-perception and influence their academic and professional choices as well as expectations of their roles as women and men throughout their life, it is crucial to address gender stereotypes as of early-childhood education and care.

(60) In order to ensure victims of violence against women and domestic violence are identified and receive appropriate support, Member States should ensure that professionals likely to come into contact with victims receive training and targeted information. Trainings should cover the risk and prevention of intimidation, repeat and secondary victimisation and the availability of protection and support measures for victims. To prevent and appropriately address instances of sexual harassment at work, persons with supervisory functions should also receive training. These trainings should also cover assessments regarding sexual harassment at work and associated psychosocial safety and health risks as referred to under Directive 89/391/EEC of the European Parliament and of the Council[11]. Training activities should also cover the risk of third party violence. Third party violence refers to violence which staff may

[11] Council Directive 89/391/EEC of the European Parliament and of the Council of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

suffer at the workplace, not at the hands of a co-worker, and includes cases, such as nurses sexually harassed by a patient.

(61) In order to counteract underreporting, Member States should also liaise with law enforcement authorities in the development of trainings in particular regarding harmful gender stereotypes, but also in the prevention of offences, given their typical close contact with groups at risk of violence and victims.

(62) Intervention programmes should be set up to prevent and minimise the risk of (repeated) offences of violence against women or domestic violence. The programmes should specifically aim at teaching offenders or those at risk of offending how to adopt non-violent behaviour in interpersonal relationships and how to counter violent behavioural patterns. Programmes should encourage offenders to take responsibility for their actions and examine their attitudes and beliefs towards women.

(63) In order to ensure that victims of the offences of cyber violence contained in this Directive can effectively realise their rights to have illegal material relating to such offences removed, Member States should encourage the cooperation between providers of intermediary services. To ensure that such material is detected early on and tackled effectively and that victims of those offences are adequately assisted and supported, Member States should also facilitate the establishment or use of existing self-regulatory measures of a voluntary nature, such as codes of conduct, including on the detection of systematic risks in relation to such cyber violence and the training of the providers' employees concerned by preventing such violence and assisting victims.

(64) Policies to adequately tackle violence against women and domestic violence can only be formulated on the basis of comprehensive and comparable disaggregated data. In order to effectively monitor developments in the Member States and fill the gaps of comparable data, Member States should regularly conduct surveys using the harmonised methodology of the Commission (Eurostat) to gather data and transmit these data to the Commission (Eurostat).

(65) Member States should ensure that the data collected are limited to what is strictly necessary in relation to supporting the monitoring of the prevalence and trends of violence against women and domestic violence and design new policy strategies in this field. When sharing the data collected, no personal data should be included.

(66) Any processing of personal data carried out pursuant to this Directive, including the exchange or transmission of personal data by the competent authorities, should be carried out in accordance with Regulation (EU) 2016/679, Directives 2016/680/EU[12] and 2002/58/EC[13] of the European Parliament and of the Council. Any processing of personal data by Union institutions, bodies, offices or agencies should be carried out in

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[12] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, (OJ L 119, 4.5.2016, p. 89).

[13] Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) OJ L 201, 31.7.2002, p. 37.

accordance with Regulations (EU) 2018/1725[14], 2018/1727[15] and 2016/794[16] of the European Parliament and of the Council, or any other applicable Union rules on data protection.

(67) Directive 2011/93/EU provides for criminal offences concerning the sexual abuse of children. In order to ensure coherence with this Directive as regards the criminal offence of rape, the same degree of protection for children who have reached the age of sexual consent should be ensured and a specific offence should be defined as regards children below the age of sexual consent. Therefore, Directive 2011/93/EU should be amended accordingly.

(68) Since the objective of this Directive, namely to prevent and combat violence against women and domestic violence across the Union on the basis of common minimum rules, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the envisaged measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.

(69) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.]
OR
[In accordance with Article 3 of Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of…,] its wish to take part in the adoption and application of this Directive.]

(70) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

(71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [XX XX 2022],

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14 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, (OJ L 295, 21.11.2018, p. 39).

15 Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA, (OJ L 295, 21.11.2018, p. 138).

16 Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, (OJ L 135, 24.5.2016, p. 53).

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER 1
GENERAL PROVISIONS

Article 1
Subject matter

This Directive lays down rules to prevent and combat violence against women and domestic violence. It establishes minimum rules concerning:

(a) the definition of criminal offences and penalties in the areas of sexual exploitation of women and children and computer crime;

(b) the rights of victims of all forms of violence against women or domestic violence before, during or after criminal proceedings;

(c) victims' protection and victims' support.

Article 2

Victims at an increased risk of violence and specific risks

1. When implementing the measures under this Directive, Member States shall take into consideration the increased risk of violence faced by victims experiencing discrimination based on a combination of sex and other grounds so as to cater to their enhanced protection and support needs, as set out in Article 18(4), Article 27(5) and Article 37(7).

2. Member States shall ensure that, in the application of this Directive, particular attention is paid to the risk of intimidation, retaliation, secondary and repeat victimisation and to the need to protect the dignity and physical integrity of victims.

Article 3
Scope

This Directive shall apply to the following criminal offences:

(a) criminal offences referred to in Chapter 2;

(b) acts of violence against women or domestic violence as criminalised under other instruments of Union law;

(c) any other acts of violence against women or domestic violence as criminalised under national law.

Article 4
Definitions

For the purposes of this Directive, the following definitions shall apply:

(a) "violence against women" means gender-based violence, that is directed against a woman or a girl because she is a woman or a girl or that affects women or girls disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

(b) "domestic violence" means all acts of violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, that occur within the family or domestic unit, irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a residence with the victim;

(c) "victim" means any person, regardless of sex or gender, unless specified otherwise, who has suffered harm, which was directly caused by acts of violence covered under this Directive, including child witnesses of such violence;

(d) "cyber violence" means any act of violence covered by this Directive that is committed, assisted or aggravated in part or fully by the use of information and communication technologies;

(e) "information and communication technologies" means all technological tools and resources used to digitally store, create, share or exchange information, including smart phones, computers, social networking and other media applications and services;

(f) "providers of intermediary services" means providers of the services as defined in Article 2 point (f) of Regulation (EU) YYYY/XXX *of the European Parliament and of the Council*[17] [*Regulation on a Single Market for Digital Services*];

(g) "sexual harassment at work" means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, where it occurs in the course of, linked with, or arising in matters of employment, occupation and self-employment, with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment;

(h) "child" means any person below the age of 18 years;

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[17] Regulation (EU) YYYY/XXX of the European Parliament and of the Council on a Single Market for Digital Services (OJ L …).

(i) "age of sexual consent" means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child;

(j) "dependant" means a child of the victim or any person, other than the offender or suspect, living in the same household as the victim, for whom the victim is providing care and support.

CHAPTER 2

OFFENCES CONCERNING SEXUAL EXPLOITATION OF WOMEN AND CHILDREN AND COMPUTER CRIME

Article 5
Rape

1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:

   (a) engaging with a woman in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;

   (b) causing a woman to engage with another person in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.

2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form a free will due to her physical or mental condition, thereby exploiting her incapacity to form a free will, such as in a state of unconsciousness, intoxication, sleep, illness, bodily injury or disability.

3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the woman's silence, verbal or physical non-resistance or past sexual conduct.

Article 6
Female genital mutilation

Member States shall ensure that the following intentional conduct is punishable as a criminal offence:

(a) excising, infibulating or performing any other mutilation to the whole or any part of the *labia majora*, *labia minora* or clitoris;

(b) coercing or procuring a woman or a girl to undergo any of the acts referred to in point (a).

Article 7

Non-consensual sharing of intimate or manipulated material

Member States shall ensure that the following intentional conduct is punishable as a criminal offence:

(a) making intimate images, or videos or other material depicting sexual activities, of another person without that person's consent accessible to a multitude of end-users by means of information and communication technologies;

(b) producing or manipulating and subsequently making accessible to a multitude of end-users, by means of information and communication technologies, images, videos or other material, making it appear as though another person is engaged in sexual activities, without that person's consent;

(c) threatening to engage in the conduct referred to in points (a) and (b) in order to coerce another person to do, acquiesce or refrain from a certain act.

Article 8

Cyber stalking

Member States shall ensure that the following intentional conduct is punishable as a criminal offence:

(a) persistently engaging in threatening or intimidating conduct directed at another person, by means of information and communication technologies, which causes that the person fears for own safety or that the person fears for safety of dependants;

(b) placing another person under continuous surveillance, without that person's consent or legal authorisation to do so, by means of information and communication technologies, to track or monitor that person's movements and activities;

(c) making material containing the personal data of another person, without that person's consent, accessible to a multitude of end-users, by means of information and communication technologies, for the purpose of inciting those end-users to cause physical or significant psychological harm to the person.

Article 9

Cyber harassment

Member States shall ensure that the following intentional conduct is punishable as a criminal offence:

(a) initiating an attack with third parties directed at another person, by making threatening or insulting material accessible to a multitude of end-users, by means of

information and communication technologies, with the effect of causing significant psychological harm to the attacked person;

(b) participating with third parties in attacks referred to in point (a).

Article 10

Cyber incitement to violence or hatred

Member States shall ensure that the intentional conduct of inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex or gender, by disseminating to the public material containing such incitement by means of information and communication technologies is punishable as a criminal offence.

Article 11

Incitement, aiding and abetting, and attempt

1. Member States shall ensure that inciting and aiding and abetting the commission of any of the criminal offences referred to in Articles 5 to 9 are punishable as criminal offences.

2. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles 5 and 6 is punishable as a criminal offence.

Article 12
Penalties

1. Member States shall ensure that the criminal offences referred to in Articles 5 to 11 are punishable by effective, proportionate and dissuasive criminal penalties.

2. Member States shall ensure that the criminal offence referred to in Article 5 is punishable by a maximum penalty of at least 8 years of imprisonment and at least 10 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.

3. Member States shall ensure that an offender of the criminal offence referred to in Article 5, who has previously been convicted of offences of the same nature, mandatorily participates in an intervention programme referred to in Article 38.

4. Member States shall ensure that the criminal offence referred to in Article 6 is punishable by a maximum penalty of at least 5 years of imprisonment and at least 7 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.

5. Member States shall ensure that the criminal offences referred to in Articles 8 and 10 are punishable by a maximum penalty of at least 2 years of imprisonment.

6. Member States shall ensure that the criminal offences referred to in Articles 7 and 9 are punishable by a maximum penalty of at least 1 year of imprisonment.

Article 13
Aggravating circumstances

In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles 5 to 10, Member States shall ensure that they may be regarded as aggravating circumstances in relation to those offences:

(a) the offence, or another criminal offence of violence against women or domestic violence, was committed repeatedly;

(b) the offence was committed against a person made vulnerable by particular circumstances, such as a situation of dependence or a state of physical, mental, intellectual or sensory disability, or living in institutions;

(c) the offence was committed against a child;

(d) the offence was committed in the presence of a child;

(e) the offence was committed by two or more persons acting together;

(f) the offence was preceded or accompanied by extreme levels of violence;

(g) the offence was committed with the use or threat of using a weapon;

(h) the offence was committed with the use of force or threats to use force, or coercion;

(i) the offence resulted in the death or suicide of the victim or severe physical or psychological harm for the victim;

(j) the offender has previously been convicted of offences of the same nature;

(k) the offence was committed against a former or current spouse or partner;

(l) the offence was committed by a member of the family or person cohabiting with the victim;

(m) the offence was committed by abusing a recognised position of trust, authority or influence;

(n) the offence was filmed, photographed or recorded in another form and made accessible by the offender;

(o) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances.

Article 14
Jurisdiction

1. Member States shall take the necessary measures to establish their jurisdiction over the criminal offences referred to in Articles 5 to 11 where:

   (a) the offence is committed in whole or in part within their territory;

   (b) the offence is committed by one of their nationals.

2. A Member State shall inform the Commission where it decides to extend its jurisdiction to criminal offences referred to in Articles 5 to 11 which have been committed outside its territory in any of the following situations:

   (a) the offence is committed against one of its nationals or habitual residents in its territory;

   (b) the offender is a habitual resident in its territory.

3. Member States shall ensure that their jurisdiction established over the criminal offences referred to in Articles 7 to 10 includes situations where the offence is committed by means of information and communication technology accessed from their territory, whether or not the provider of intermediary services is based on their territory.

4. In cases referred to in paragraph 1, point (b), each Member State shall ensure that its jurisdiction is not subject to the condition that the acts are punishable as criminal offences in the country where they were performed.

5. In cases referred to in paragraph 1, point (b), Member States shall ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a report made by the victim in the place where the criminal offence was committed, or a denunciation from the State of the place where the criminal offence was committed.

Article 15
Limitation periods

1. Member States shall take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision concerning criminal offences referred to in Articles 5 to 11 for a sufficient period of time after the commission of those criminal offences.

2. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 5 of at least 20 years from the time when the offence was committed.

3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 6 of at least 10 years from the time when the offence was committed.

4. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Articles 7 and 9 of at least 5 years after the criminal offence has ceased or the victim has become aware of it.

5. Member States shall take the necessary measures to provide for a limitation period for the criminal offences referred to in Articles 8 and 10, of at least 7 years after the criminal offence has ceased or the victim has become aware of it.

6. If the victim is a child, the limitation period shall commence at the earliest once the victim has reached 18 years of age.

CHAPTER 3

PROTECTION OF VICTIMS AND ACCESS TO JUSTICE

Article 16

Reporting of violence against women or domestic violence

1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, Member States shall ensure that victims can report criminal offences of violence against women or domestic violence to the competent authorities in an easy and accessible manner. This shall include the possibility of reporting criminal offences online or through other information and communication technologies, including the possibility to submit evidence, in particular concerning reporting of criminal offences of cyber violence.

2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that offences of violence against women or domestic violence have occurred, or that further acts of violence are to be expected, to report this to the competent authorities.

3. Member States shall ensure that the confidentiality rules imposed by national law on relevant professionals, such as healthcare professionals, do not constitute an obstacle to their reporting to the competent authorities if they have reasonable grounds to believe that there is an imminent risk that serious physical harm will be inflicted on a person due to their being subject to any of the offences covered under this Directive. If the victim is a child, the relevant professionals shall be able to report to the competent authorities if they have reasonable grounds to believe that a serious act of violence covered under this Directive has been committed or further serious acts of violence are to be expected.

4. Where children report criminal offences of violence against women or domestic violence, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and language, in accordance with their age and maturity. If the offence involves the holder of parental responsibility, Member States should ensure reporting is not conditional upon this person's consent.

5. Member States shall ensure that the competent authorities coming in contact with a victim reporting offences of violence against women or domestic violence are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment referred to in Article 18.

Article 17

Investigation and prosecution

1. Member States shall ensure that persons, units or services investigating and prosecuting violence against women or domestic violence have sufficient expertise and effective investigative tools to effectively investigate and prosecute such crimes, especially to gather, analyse and secure electronic evidence in cases of cyber violence.

2. Member States shall ensure that reported offences of violence against women or domestic violence are processed and transferred without delay to the competent authorities for prosecution and investigation.

3. The competent authorities shall promptly and effectively record and investigate allegations of violence against women or domestic violence and ensure that an official complaint is filed in all cases.

4. The competent authorities shall promptly refer victims to relevant health care professionals or support services referred to in Articles 27, 28 and 29 to assist in securing evidence, in particular in cases of sexual violence, where the victim wishes to bring charges and make use of such services.

5. Investigations into or prosecution of offences referred to in Article 5 shall not be dependent on reporting or accusation by a victim or by their representative, and criminal proceedings shall continue even if the report or accusation has been withdrawn.

Article 18

Individual assessment to identify victims' protection needs

1. In the framework of the individual assessment which is to be carried out under Article 22 of Directive 2012/29/EU, Member States shall ensure that, as regards victims covered by this Directive, the additional elements as set out in paragraphs 2 to 7 of this Article are assessed.

2. This individual assessment shall be initiated upon the first contact of the victim with the competent authorities. The competent judicial authorities shall verify at the latest at the initiation of criminal proceedings whether an assessment has been conducted. If this has not been the case, they shall remedy the situation by undertaking an assessment as soon as possible.

3. The individual assessment shall focus on the risk emanating from the offender or suspect, including the risk of repeated violence, the risk of bodily harm, the use of

weapons, the offender or suspect living with the victim, an offender or suspect's drug or alcohol misuse, child abuse, mental health issues or behaviour of stalking.

4. The assessment shall take into account the victim's individual circumstances, including whether they experience discrimination based on a combination of sex and other grounds and therefore face a heightened risk of violence, as well as the victim's own account and assessment of the situation. It shall be conducted in the best interest of the victim, paying special attention to the need to avoid secondary or repeated victimisation.

5. Member States shall ensure that adequate protection measures are taken on the basis of the individual assessment, such as:

   (a) measures referred to in Articles 23 and 24 of Directive 2012/29/EU;

   (b) the granting of emergency barring and restraining or protection orders pursuant to Article 21 of this Directive;

   (c) further measures to manage the offender or suspect's behaviour, in particular under Article 38 of this Directive.

6. The individual assessment shall be undertaken in collaboration with all relevant competent authorities depending on the stage of the proceedings, and relevant support services, such as victim protection centres and women's shelters, social services and healthcare professionals.

7. Competent authorities shall update the individual assessment at regular intervals to ensure the protection measures relate to the victim's current situation. This shall include an assessment of whether protection measures, in particular under Article 21, need to be adapted or taken.

8. Victims' dependants shall be presumed to have specific protection needs without undergoing the assessment referred to in paragraphs 1 to 6.

Article 19

Individual assessment of victims' support needs

1. Member States shall ensure that, taking into account the individual assessment referred to in Article 18, the competent authorities assess the victim's and their dependant's individual needs for support as provided for under Chapter 4.

2. Article 18(4) and (7) shall apply to the individual assessment of support needs under paragraph 1 of this Article.

Article 20

Referral to support services

1. If the assessments referred to in Articles 18 and 19 have identified specific support or protection needs or if the victim requests support, Member States shall ensure that support services contact victims to offer support.

2. The competent authorities shall respond to requests for protection and support in a timely and coordinated manner.

3. Where needed, they shall be able to refer child victims, including witnesses, to support services without the prior consent of the holder of parental responsibility.

4. Member States shall ensure the transmission of relevant personal data concerning the victim and their situation to the relevant support services, where this is necessary to ensure that the victim receives appropriate support and protection. Such transmission shall be confidential.

5. Support services shall store personal data for as long as necessary for the provision of support services, and in any event for no longer than 12 months after the last contact between the support service and the victim.

Article 21

Emergency barring, restraining and protection orders

1. Member States shall ensure that, in situations of immediate danger for the victim's or their dependant's health or safety, the competent authorities issue orders addressed at an offender or suspect of violence covered by this Directive to vacate the residence of the victim or their dependants for a sufficient period of time and to prohibit the offender or suspect from entering the residence or to enter the victim's workplace or contacting the victim or their dependants in any way. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence.

2. Member States shall ensure that the competent authorities can issue restraining or protection orders to provide long-term protection for victims or their dependants against any acts of violence covered by this Directive, including by prohibiting or restraining certain dangerous behaviour of the offender or suspect.

3. Member States shall ensure that the competent authorities inform victims of the possibility to apply for emergency barring and restraining or protection orders, as well as the possibility to seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU or Regulation (EU) No 606/2013.

4. Any breaches of emergency barring or restraining and protection orders shall be subject to effective, proportionate and dissuasive criminal or other legal penalties.

5. This Article does not oblige the Member States to modify their national systems as regards the qualification of emergency barring orders and protection orders as falling under criminal, civil or administrative law.

Article 22

Protection of victim's private life

Without prejudice to the rights of defence, Member States shall ensure that, in criminal investigations and court proceedings, questions, enquiries and evidence concerning past

sexual conduct of the victim or other aspects of the victim's private life related thereto are not permitted.

Article 23

Guidelines for law enforcement and judicial authorities

Member States shall issue guidelines for the competent authorities acting in criminal proceedings, including prosecutorial and judicial guidelines, concerning cases of violence against women or domestic violence. Those guidelines shall include guidance on:

(a) how to ensure the proper identification of all forms of such violence;

(b) how to conduct the individual assessment under Articles 18 and 19;

(c) how to treat victims in a trauma-, gender- and child-sensitive manner;

(d) how to ensure the proceedings are conducted in a manner as to prevent secondary or repeat victimisation;

(e) how to cater to the enhanced protection and support needs of victims experiencing discrimination based on a combination of sex and other grounds;

(f) how to avoid gender stereotypes;

(g) how to refer victims to support services, to ensure the appropriate treatment of victims and handling of cases of violence against women or domestic violence.

Article 24

Role of national bodies and equality bodies

1. Member States shall designate and make the necessary arrangement for a body or bodies to carry out the following tasks:

   (a) provide independent assistance and advice to victims of violence against women and domestic violence;

   (b) publish independent reports and make recommendations on any issue relating to such forms of violence;

   (c) exchange available information with corresponding European bodies such as the European Institute for Gender Equality.

   Those bodies may form part of equality bodies set up pursuant to Directives 2004/113/EC, 2006/54/EC and 2010/41/EU.

2. Member States shall ensure that the bodies referred to in paragraph 1 can act on behalf or in support of one or several victims of violence against women or domestic violence in judicial proceedings, including for the application for compensation referred to in Article 26 and removal of online content referred to in Article 25, with the victims' approval.

Article 25

Measures to remove certain online material

1. Member States shall take the necessary measures to ensure the prompt removal of material referred to in Article 7, points (a) and (b), Article 8, point (c), and Articles 9 and 10. Those measures shall include the possibility for their competent judicial authorities to issue, upon application by the victim, binding legal orders to remove or disable access to such material addressed to relevant providers of intermediary services.

2. Member States shall ensure that orders referred to in paragraph 1 can be issued in interim proceedings, even prior to the termination of any criminal proceedings regarding the offences referred to in Article 7, points (a) and (b), Article 8, point (c), Article 9 or Article 10 where the judicial authority seized considers that:

   (a) it has been presented with sufficient evidence to justify the conclusion that the conduct referred to in Article 7, points (a) and (b), Article 8, point (c), Article 9 or Article 10 likely took place in respect of the applicant and that the material that is the object of the application constitutes material as referred to in those articles;

   (b) the removal of that material is necessary to prevent or limit significant harm to the victim;

   (c) the rights and interests of other parties involved associated with the potential removal are not such as to outweigh those of the victim associated with removal.

3. Member States shall ensure that orders referred to in paragraph 1 and 2 are valid for an appropriate time period not exceeding one year, subject to renewal for an additional appropriate time period, upon application by the victim, where the judicial authority seized considers that the conditions of paragraph 2 continue to be met. However, Member States shall ensure that, where criminal proceedings regarding the offences referred to in Article 7, point (a) and (b), Article 8, point (c), Article 9 or Article 10 are terminated without leading to the finding of such an offence having been committed, the orders are invalidated and the provider of intermediary services concerned is informed thereof.

4. Member States shall ensure that the orders and other measures referred to in paragraphs 1 and 2 are taken following transparent procedures and are subject to adequate safeguards, in particular to ensure that those orders and other measures are limited to what is necessary and proportionate and that due account is taken of the rights and interests of all parties involved.

5. Member States shall ensure that the end-users of the relevant services are informed, where appropriate by the intermediary service providers concerned, of the reasons for the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 and that those end-users have access to judicial redress.

6. Member States shall ensure that the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 does not prevent the competent authorities from obtaining or securing the evidence necessary for the investigation and prosecution of the offences referred to in Article7, points (a) and (b), Article 8, point (c), Article 9 or Article 10.

Article 26

Compensation from offenders

1. Member States shall ensure that victims have the right to claim full compensation from offenders for damages resulting from all forms of violence against women or domestic violence.

2. Member States shall ensure that victims are able to obtain a decision on compensation in the course of criminal proceedings.

3. The compensation shall place victims in the position they would have been in had the offence not taken place, taking into account the seriousness of the consequences for the victim. Compensation shall not be restricted by the fixing of an upper limit.

4. The damage shall include costs for healthcare services, support services, rehabilitation, loss of income and other reasonable costs that have arisen as a result of the offence or to manage its consequences. The amount of the damages awarded shall also compensate for physical and psychological harm and moral prejudice.

5. The limitation period for bringing a claim for compensation shall be no less than 5 years from the time the offence has taken place.

   In cases of sexual violence, the limitation period shall be no less than 10 years.

   The limitation period for bringing a claim for compensation of criminal offences referred to in Article 7 shall commence with the victim's knowledge of the offence.

   The limitation period shall not commence as long as the offender and the victim share the same domestic unit. In addition, if the victim is a child, the limitation period shall not commence before the victim has reached 18 years of age.

   The limitation period shall be interrupted or suspended for the duration of pending legal proceedings concerning the offence.

CHAPTER 4

VICTIM SUPPORT

Article 27
Specialist support to victims

1. Member States shall ensure that specialist support services referred to in Article 9(3) of Directive 2012/29/EU are available for victims of acts of violence covered by this Directive. The specialist support services shall provide:

   (a) advice and information on any relevant legal or practical matters arising as a result of the crime, including on access to housing, education, training and assistance to remain in or find employment;

   (b) referrals to medical forensic examinations;

   (c) support to victims of cyber violence, including advice on judicial remedies and remedies to remove online content related to the crime.

2. Specialist support referred to in paragraph 1 shall be offered in-person and shall be easily accessible, including online or through other adequate means, such as information and communication technologies, tailored to the needs of victims of violence against women and domestic violence.

3. Member States shall ensure sufficient human and financial resources to provide the services referred to in paragraph 1, especially those referred to in point (c) of that paragraph, including where such services are provided by non-governmental organisations.

4. Member States shall provide the protection and specialist support services necessary to comprehensively address the multiple needs of victims at the same premises, or have such services coordinated through a central contact point, or through one-stop online access to such services. Such combined offering of services shall include at least first hand medical care and social services, psychosocial support, legal, and police services.

5. Member States shall issue guidelines and protocols for healthcare and social service professionals on identifying and providing appropriate support to victims of all forms of violence against women and domestic violence, including on referring victims to the relevant support services. Such guidelines and protocols shall also indicate how to address the specific needs of victims who are at an increased risk of such violence as a result of their experiencing discrimination based on a combination of sex and other grounds of discrimination.

6. Member States shall ensure that specialist support services remain fully operational for victims of violence against women and domestic violence in times of crisis, such as health crises or other states of emergency.

7. Member States shall ensure that specialist support services are available to victims before, during and for an appropriate time after criminal proceedings.

Article 28

Specialist support for victims of sexual violence

1. Member States shall provide for appropriately equipped, easily accessible rape crisis or sexual violence referral centres to ensure effective support to victims of sexual violence, including assisting in the preservation and documentation of evidence. These centres shall provide for medical and forensic examinations, trauma support and psychological counselling, after the offence has been perpetrated and for as long as necessary thereafter. Where the victim is a child, such services shall be provided in a child-friendly manner.

2. The services referred to in paragraph 1 shall be available free of charge and accessible every day of the week. They may be part of the services referred to in Article 27.

3. Member States shall ensure a sufficient geographical distribution and capacity of these services across the Member State.

4. Article 27(3) and (6) shall apply to the provision of support for victims of sexual violence.

Article 29

Specialist support for victims of female genital mutilation

1. Member States shall ensure effective, age-appropriate support to victims of female genital mutilation, including by providing, gynaecological, sexological, psychological and trauma care and counselling tailored to the specific needs of such victims, after the offence has been perpetrated and for as long as necessary thereafter. This shall also include the provision of information on units in public hospitals that perform clitoral reconstructive surgery. Such support may be provided by the referral centres referred to in Article 28 or any dedicated health centre.

2. Article 27(3) and (6) and Article 28(2) shall be applicable to the provision of support for victims of female genital mutilation.

Article 30

Specialist support for victims of sexual harassment at work

Member States shall ensure external counselling services are available for victims and employers in cases of sexual harassment at work. These services shall include advice on adequately addressing such instances at the workplace, on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of early conciliation, if the victim so wishes.

Article 31

Helplines for victims

1. Member States shall set up state-wide round-the-clock (24/7) telephone helplines, free of charge, to provide advice for victims of violence against women and domestic violence. Advice shall be provided confidentially or with due regard for their anonymity. Member States shall ensure the provision of such service also through other information and communication technologies, including online applications.

2. Member States shall take appropriate measures to ensure the accessibility of services referred to in paragraph 1 for end-users with disabilities, including providing support in easy to understand language. Those services shall be accessible in line with the accessibility requirements for electronic communications services set in Annex I to Directive 2019/882/EU of the European Parliament and of the Council[18].

3. Article 27(3) and (6) shall apply to the provision of helplines and support through information and communication technologies under this Article.

4. [Member States shall ensure that the service under paragraph 1 for victims of violence against women is operated under the harmonised number at EU level "116 016" and that the end-users are adequately informed of the existence and use of such number.]

Article 32

Shelters and other interim accommodations

1. The shelters and other appropriate interim accommodations as provided for in Article 9(3), point (a), of Directive 2012/29/EU shall address the specific needs of women victims of domestic violence and sexual violence. They shall assist them in their recovery, providing adequate and appropriate living conditions with a view on a return to independent living.

[18] Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ L 151, 7.6.2019, p. 70–115.

2. The shelters and other appropriate interim accommodations shall be equipped to accommodate the specific needs of children, including child victims.

3. The shelters and other appropriate interim accommodations shall be available to victims regardless of their nationality, citizenship, place of residence or residence status.

4. Article 27(3) and (6) shall apply to shelters and other appropriate interim accommodations.

Article 33
Support for child victims

1. Member States shall ensure that children are provided specific adequate support as soon as the competent authorities have reasonable grounds to believe that the children might have been subject to, including having witnessed, violence against women or domestic violence. Support to children shall be specialised and age-appropriate, respecting the best interests of the child.

2. Child victims shall be provided with age-appropriate medical care, emotional, psychosocial, psychological and educational support, as well as any other appropriate support tailored in particular to situations of domestic violence.

3. Where it is necessary to provide for interim accommodation, children shall as a priority be placed together with other family members, in particular with a non-violent parent in permanent or temporary housing, equipped with support services. Placement in shelters shall be a last resort.

Article 34
Safety of children

Member States shall establish and maintain safe places which allow a safe contact between a child and a holder of parental responsibilities who is an offender or suspect of violence against women or domestic violence, to the extent that the latter has rights of access. Member States shall ensure supervision by trained professionals, as appropriate, and in the best interests of the child.

Article 35
Targeted support for victims with specific needs and groups at risk

1. Member States shall ensure the provision of specific support to victims at an increased risk of violence against women or domestic violence, such as women with

disabilities, women living in rural areas, women with dependant residence status or permit, undocumented migrant women, women applying for international protection, women fleeing from armed conflict, women affected by homelessness, women with a minority racial or ethnic background, women sex workers, women detainees, or older women.

2. The support services under Articles 27 to 32 shall have sufficient capacities to accommodate victims with disabilities, taking into consideration their specific needs, including personal assistance.

3. The support services shall be available for third-country nationals who are victims of violence against women and domestic violence, including for applicants for international protection, for undocumented persons and for persons subject of return procedures in detention. Member States shall ensure that victims who request so may be kept separately from persons of the other sex in detention facilities for third-country nationals subject of return procedures, or accommodated separately in reception centres for applicants for international protection.

4. Member States shall ensure that persons can report occurrences of violence against women or domestic violence in reception and detention centres to the relevant staff and that protocols are in place to adequately and swiftly address such reports in accordance with the requirements in Article 18, 19 and 20.

CHAPTER 5

PREVENTION

Article 36
Preventive measures

1. Member States shall take appropriate actions to prevent violence against women and domestic violence.

2. Preventive measures shall include awareness-raising campaigns, research and education programmes, where appropriate developed in cooperation with relevant civil society organisations, social partners, impacted communities and other stakeholders.

3. Member States shall make information on preventive measures, the rights of victims, access to justice and to a lawyer, and the available protection and support measures available to the general public.

4. Targeted action shall be addressed to groups at risk, including children, according to their age and maturity, and persons with disabilities, taking into consideration

language barriers and different levels of literacy and abilities. Information for children shall be formulated in a child-friendly way.

5. Preventive measures shall in particular aim at challenging harmful gender stereotypes, promoting equality between women and men, encouraging all, including men and boys, to act as positive role models to support corresponding behaviour changes across society as a whole in line with the objectives of this directive.

6. Preventive measures shall develop and/or increase sensitivity about the harmful practice of female genital mutilation.

7. Preventive measures shall also specifically address cyber violence. In particular, Member States shall ensure that education measures include the development of digital literacy skills, including critical engagement with the digital world, to enable users to identify and address cases of cyber violence, seek support and prevent its perpetration. Member States shall foster multidisciplinary and stakeholder cooperation, including intermediary services and competent authorities to develop and implement measures to tackle cyber violence.

8. Member States shall ensure that sexual harassment at work is addressed in relevant national policies. Those national policies shall identify and establish targeted actions referred to in paragraph 2 for sectors where workers are most exposed.

Article 37

Training and information for professionals

1. Member States shall ensure that professionals likely to come into contact with victims, including law enforcement authorities, court staff, judges and prosecutors, lawyers, providers of victim support and restorative justice services, healthcare professionals, social services, educational and other relevant staff, receive both general and specialist training and targeted information to a level appropriate to their contacts with victims, to enable them to identify, prevent and address instances of violence against women or domestic violence and to treat victims in a trauma-, gender- and child-sensitive manner.

2. Relevant health professionals, including paediatricians and midwives, shall receive targeted training to identify and address, in a cultural-sensitive manner, the physical, psychological and sexual consequences of female genital mutilation.

3. Persons with supervisory functions in the workplace, in both the public and private sectors, shall receive training on how to recognise, prevent and address sexual harassment at work, including on risk assessments concerning occupational safety and health risks, to provide support to victims affected thereby and respond in an adequate manner. Those persons and employers shall receive information about the effects of violence against women and domestic violence on work and the risk of third party violence.

4. The training activities referred to in paragraphs 1 and 2 shall include training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence against women or domestic violence.

5. Without affecting media freedom and pluralism, Member States shall encourage and support the setting up of media training activities by media professionals' organisations, media self-regulatory bodies and industry representatives or other relevant independent organisations, to combat stereotypical portrayals of women and men, sexist images of women, and victim-blaming in the media, aimed at reducing the risk of violence against women or domestic violence.

6. Member States shall ensure that the authorities competent for receiving reports of offences from victims are appropriately trained to facilitate and assist in the reporting of such crimes.

7. Training activities referred to in paragraphs 1 and 2 shall be regular and mandatory, including on cyber violence, and built on the specificities of violence against women and domestic violence. Such training activities shall include training on how to identify and address the specific protection and support needs of victims who face a heightened risk of violence due to their experiencing discrimination based on a combination of sex and other grounds.

8. The measures under paragraphs 1 to 6 shall be implemented without affecting judicial independence, the self-organisation of regulated professions and differences in the organisation of the judiciary across the Union.

Article 38

Intervention programmes

1. Member States shall take the necessary measures to ensure that targeted and effective intervention programmes are established to prevent and minimise the risk of committing offences of violence against women or domestic violence, or reoffending.

2. The intervention programmes shall be made available for participation including to persons who fear they might commit any offence of violence against women or domestic violence.

CHAPTER 6

COORDINATION AND COOPERATION

Article 39
Coordinated policies and coordinating body

1. Member States shall adopt and implement state-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence.

2. Member States shall designate or establish an official body responsible for coordinating, implementing, monitoring and evaluating policies and measures to prevent and combat all forms of violence covered under this Directive.

3. That body shall coordinate the collection of data referred to in Article 44, and analyse and disseminate its results.

4. It shall be responsible for coordinating policies at the central, regional and local levels.

Article 40
Multi-agency coordination and cooperation

1. Member States shall put in place appropriate mechanisms to ensure effective coordination and cooperation, at the national level, of relevant authorities, agencies and bodies, including local and regional authorities, law enforcement agencies, the judiciary, public prosecutors, support service providers as well as non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities.

2. Such mechanisms shall in particular pertain to the individual assessments under Articles 18 and 19, and the provision of protection and support measures under Article 21 and Chapter 4, the guidelines for law enforcement and judicial authorities under Article 23, and in the trainings for professionals as referred to in Article 37.

Article 41
Cooperation with non-governmental organisations

Member States shall cooperate with and consult civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence, in particular in providing support to victims, concerning policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in

training, as well as in monitoring and evaluating the impact of measures to support and protect victims.

Article 42
Cooperation between intermediary service providers

Member States shall facilitate the taking of self-regulatory measures by providers of intermediary services in connection to this Directive, in particular to reinforce internal mechanisms to tackle the online material referred to in Article 25(1) and to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein.

Article 43
Union level cooperation

Member States shall take appropriate action to facilitate cooperation between each other to improve the implementation of this Directive. Such cooperation shall aim at least at:

(a) exchanging best practices and consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters;

(b) exchanging information and best practices with relevant Union agencies;

(c) providing assistance to Union networks working on matters directly relevant to violence against women and domestic violence.

Article 44
Data collection and research

1. Member States shall have a system in place for the collection, development, production and dissemination of statistics on violence against women or domestic violence, including the forms of violence referred to in Articles 5 to 10.

2. The statistics shall include the following data disaggregated by sex, age of the victim and of the offender, relationship between the victim and the offender and type of offence:

   (a) the number of victims who experienced violence against women or domestic violence during the last 12 months, last five years and lifetime;

   (b) the annual number of such victims, of reported offences, of persons prosecuted for and convicted of such forms of violence, obtained from national administrative sources.

3. Member States shall conduct a population-based survey every 5 years using the harmonised methodology of the Commission (Eurostat) to gather the data referred to

in paragraph 2, point (a), and on this basis assess the prevalence of and trends in all forms of violence covered by this Directive.

Member States shall transmit those data to the Commission (Eurostat) [3 years after the entry into force of the directive] at the latest.

4. In order to ensure administrative data comparability across the Union, Member States shall collect administrative data on the basis of common disaggregations developed in cooperation with and according to the methodology developed by the European Institute for Gender Equality in accordance with paragraph 5. They shall transmit this data to the European Institute for Gender Equality on a yearly basis. The transmitted data shall not contain personal data.

5. The European Institute for Gender Equality shall support Member States in the data gathering referred to in paragraph 2, point (b), including by establishing common standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of criminal offences.

6. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data.

7. The Member States shall support research on root causes, effects, incidences and conviction rates of the forms of violence covered by this Directive.

CHAPTER 7

FINAL PROVISIONS

Article 45

Amendment to Directive 2011/93/EU

In Article 3 of Directive 2011/93/EU, the following paragraphs are added:

"7. Member States shall ensure that the following intentional conduct shall be punishable by a maximum term of imprisonment of at least 12 years:

(a) engaging with a child below the age of sexual consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object;

(b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object.

8. Where the child is above the age of sexual consent and does not consent to the act, Member States shall ensure that the conduct set out in paragraph 7 is punishable by a maximum term of imprisonment of at least 10 years.

9. For the purpose of paragraph 8, Member States shall ensure that a non-consensual act is understood as an act which is performed without the child's consent given voluntarily, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, including the child's physical or mental condition such as a state of unconsciousness, intoxication, sleep, illness or bodily injury.

   Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the child's silence, verbal or physical non-resistance or past sexual conduct."

Article 46
Level of protection

This Directive establishes minimum rules. Member States may introduce or maintain provisions with higher standards, including such which provide a higher level of protection and support for victims.

Article 47
Reporting

1. By [*seven years after the entry into force of this Directive*] at the latest, Member States shall communicate to the Commission all relevant information concerning the application of this Directive necessary for the Commission to draw up a report on the application of this Directive.

2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive.

Article 48
Relationship with other Union acts

1. This Directive shall not affect the application of the following legal acts:

   (a) Directive 2011/36/EU,

   (b) Directive 2011/93/EU,

   (c) Directive 2011/99/EU,

   (d) Directive 2012/29/EU,

   (e) Regulation (EU) No 606/2013,

(f) [Regulation (EU) …/… on a Single Market for Digital Services].

2. The specific measures of prevention, protection of and support to victims under this Directive shall apply in addition to measures laid down in Directives 2011/36/EU, 2011/93/EU and 2012/29/EU.

Article 49
Non-regression clause

Nothing in this Directive shall be construed as lowering, limiting or derogating from any of the rights and procedural safeguards that are guaranteed under the law of any Member State which provides a higher level of protection. Member States shall not lower that higher level of protection guaranteed at the time of entry into force of this Directive.

Article 50
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [*two years after entry into force*] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

   When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 51
Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 52
Addressees

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Strasbourg,

For the European Parliament	*For the Council*
The President	*The President*

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

1.2. Policy area(s) concerned

1.3. The proposal/initiative relates to:

1.4. Objective(s)

1.4.1. General objective(s)

1.4.2. Specific objective(s)

1.4.3. Expected result(s) and impact

1.4.4. Indicators of performance

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

1.5.2. Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.

1.5.3. Lessons learned from similar experiences in the past

1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

1.5.5. Assessment of the different available financing options, including scope for redeployment

1.6. Duration and financial impact of the proposal/initiative

1.7. Management mode(s) planned

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

2.2. Management and control system(s)

2.2.1. Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)

2.3. Measures to prevent fraud and irregularities

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

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3.2.4. Compatibility with the current multiannual financial framework

3.2.5. Third-party contributions

3.3. Estimated impact on revenue

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence

1.2. Policy area(s) concerned

Policy area: Justice and home affairs

Activity: Equality

1.3. The proposal/initiative relates to:

☐ **a new action**

☐ **a new action following a pilot project/preparatory action**[53]

☑ **the extension of an existing action**

☐ **a merger of one or more actions towards another/a new action**

1.4. Objective(s)

1.4.1. General objective(s)

The proposal for a Directive will oblige all Member States to collect administrative data on violence against women and domestic violence (annual number of women victims of violence against women, of victims of domestic violence, of reported offences, of persons prosecuted and of persons convicted for all forms of violence against women or domestic violence) on the basis of common disaggregations by sex, age of the victim and of the offender, relationship between the victim and the offender, type of offence and other relevant variables.

A common methodology shall be developed for the data collection task and support shall be provided by the European Institute for Gender Equality (EIGE), which will gather the data on a yearly basis (see 1.4.2). The administrative data collection task will extend the data collection activities EIGE has already conducts on a voluntary basis with some Member States (see 1.5.2). The extension will permit the EU to ensure comparability of national data, monitor the implementation of the directive and obtain comprehensive statistical information on the prevalence of violence against women and domestic violence.

[53] As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

1.4.2. *Specific objective(s)*

The proposal will task the European Institute for Gender Equality (EIGE) to:

1) develop common disaggregations and methodology in cooperation with Member States in order to ensure administrative data comparability across the Union;

2) support Member States in the data gathering by establishing common standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of offenses. This may include promoting collaboration and exchanges of practices.

1.4.3. *Expected result(s) and impact*

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

The proposal is expected to increase the effectiveness of comparable administrative data collection across the Union on all forms of violence against women and domestic violence.

Since 2012, EIGE has supported Member States in strengthening their administrative data collection procedures and developing statistics on various forms of VAW. The analysis of the data available in each Member State has revealed challenges in data collection stemming from the legal context, institutional practice and acute technical limitations.

There is no systematic and standardised method of data collection on acts of violence against women and domestic violence across the EU, particularly when it comes to the types of criminal offences covered and the victim–perpetrator relationship. Across Member States, great discrepancies exist in relation to the methods employed to collect data, the quality of the data collected and how it is stored, shared between the relevant authorities (law enforcement, judicial, health and social services etc.) and internationally, and made publicly available. Differences in practice and a lack of mandatory recording principles hinder methodical data recording on victims and perpetrators, specifically regarding their sex and the relationship between them. As a result, the data available is still far from complete and comparable, which undermines efforts to analyse the criminal trends and assess the effectiveness of measures in place.

Increasing the effectiveness of the collection processes of comparable administrative data has ground-breaking potential to solve the current lack of evidence on the prevalence of violence against women and domestic violence. Currently, no score is given to the EU in the domain of violence in the Gender Equality Index (GEI), due to a lack of comparable EU-wide data. As a result, violence against women, one of the main forms of gender-based discrimination, is only considered as an additional domain in the GEI. The collection of comparable administrative data across the EU can allow for a systematic measurement of violence against women and domestic violence and their different impacts on victim's lives. Only by collecting quantitative and qualitative data on the motives, forms and impacts of violence against women, the Member States will able to design fully effective measures to protect and support victims. Better safeguarding the fundamental rights of victims of violence is

therefore at the core of this effort and victims will be the main beneficiaries of this major EU-wide improvement.

1.4.4. Indicators of performance

Specify the indicators for monitoring progress and achievements.

1. Development / deployment of common disaggregations and methodology to ensure administrative data comparability across the Union, to be developed in cooperation with Member States;

2. Establishment of a data collection tool and its deployment with accompanying guidelines issued by EIGE and approved by Member States in full alignment with the Directive;

3. Development of guidelines for harmonisation and standardisation of crime statistics on violence against women and domestic violence, in cooperation with relevant stakeholders such as Eurostat and UNODC

4. Number of Member States supported in the data gathering by establishing common standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of offenses;

5. Number of Member States able to report data on all forms of violence included in the Directive every year (data availability);

6. Number of Member States able to report data in full compliance with the data provision requirements of the Directive every year (data comparability);

7. Number of Member States complying with European Union standards for statistical metadata reporting every year;

8. Number of visits to the data portal.

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

The main requirements following entry into force of the proposal are as follows:

- Established capacity at EIGE (human and financial resources ensured), in 2025/2026[54];

- Coordination system for data collection at EU level set up (EIGE as coordination body, network of researchers and data providers at MS level), in 2025-2026;

- Requirements gathering and procurement initiation by EIGE in 2025/2026;

[54] The presumed year of entry into force of the obligations. Depending on the exact year, the information mentioned in the LFS related to following years may need to be adapted.

- Agreed Standard Operating Procedures (SOPs) for data management, including data collection, entry and validation, support standardization of VAW administrative data, in 2025-2026;

- Data collection tool designed, tested and hosted on a suitable online platform established and managed by EIGE, in 2026;

- Web-based platform to submit data with a secure data transfer operating, in 2027;

- Maintenance and troubleshooting of the web-based platform, from 2027 onwards;

- Regular publication and dissemination of collected statistics through EIGE's gender statistics database, regularly from 2027 onwards.

1.5.2. Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.

The administrative data collection obligation is the only way to enable administrative data collection across the EU on a standardised basis. Since Member States currently apply different methodologies for the collection of administrative data in this policy field, the availability of comparable data in Europe therefore remains limited.

EIGE's involvement is the most feasible way of structuring the data collection, since this task builds on the work already undertaken by EIGE on a voluntary basis with a limited number of Member States and data. It extends the task set out in Article 3(1) (a) and (b) of EIGE's Founding Regulation (No 1922/2006) on "collecting, analysing and disseminating relevant objective, comparable and reliable information as regards gender equality, including results from research and best practice communicated to it by Member States" and "developing methods to improve the objectivity, comparability and reliability of data at European level by establishing criteria that will improve the consistency of information and take into account gender issues when collecting data". It will make the existing data collection obligatory and regular, as well as broaden its scope to cover all Member States.

The extended task would be fully aligned with the rules and policies of Eurostat: improving administrative data collection systems complies with the European Union strategy for modernising social statistics, namely through re-engineering a production method where statistics are produced as parts of an integrated model.

The data collection is crucial for monitoring the implementation of the future directive, which is set to take place at regular intervals after its entry into force. Stakeholders active in the field of data collection (Council of Europe, FRA, also European Parliament) strongly call on the Commission to enable the creation of more reliable data on the topic in this manner.

1.5.3. Lessons learned from similar experiences in the past

While the impact on national data recording systems might have been limited so far, the work carried out by EIGE since 2017 together with some Member States on a voluntary basis has brought about some considerable improvements. In particular, their work in assessing Member States' statistical capability to provide data on three major forms of violence against women (intimate partner violence, rape and femicide) has served to:

- Raise awareness about the importance of collecting and analysing data on these forms of violence;

- Improve the data collection and data analyses in some Member States (DE, EL);

- Develop new databases devoted to the collection of specific data on domestic violence and the integration of different systems (administrative data collection from prosecutors, judiciary, police) that currently provide a fragmented picture. This has led to the establishment of integrated systems in some Member States (PT, EL).

The current voluntary-based work has also highlighted the following needs and key areas of improvement:

- The need to share good practices and discuss with the national data providers, in order to improve their data collection systems;

- The need to work in partnership with other agencies to align the data collection requirements, such as Eurostat, CoE (GREVIO), UNODC;

- The importance of clear definitions and concepts, free from any gender bias, to shed light on the forms of this kind of violence that remain invisible, underreported and underrecorded;

- The need for capacity building and training for national data providers;

- The importance of the data collection to accurately assess the risks of repeated victimisation and to develop better prevention measures.

1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

Administrative data collection on violence against women and domestic violence is a crucial part of creating an area of freedom, security and justice and a key part of the Gender Equality Strategy 2020-2025. It enables Union-wide monitoring of the prevalence of the criminal acts that constitute violence against women or domestic violence. It creates new knowledge on the depth of the problem and would allow to monitor trends and shape policies for effective action against such violence.

This aim is explicitly mentioned in the EU Gender Equality Strategy, the EU Strategy on the Rights of the Child (2021-2024), the EU Strategy on Victims' Rights (2020-2025), the LGBTIQ Equality Strategy 2020-2025, the Strategy for the Rights of Persons with Disabilities 2021-2030 and the European Pillar of Social Rights Action Plan. The Gender Action Plan III makes the fight against gender-based

violence also one of the priorities of the Union's external action. This proposal is included in the Commission's Work Programme for 2021, and figures prominently in the political guidelines and both the State of the Union 2021 and 2022 speeches of the President.

1.5.5. Assessment of the different available financing options, including scope for redeployment

The costs concerning the development of a common framework for administrative data collection should be borne by the Union budget and should be reflected in the budget of the concerned agency – EIGE. Withing the scope of this proposal, the increase in the EU contribution to EIGE will be financed from the Citizens, Equality, Rights and Values (CERV) Programme for the period 2025-2027. From 2028 onwards (see section 1.6), these costs will become an integral part of the EU contribution to EIGE to be adopted by the budget authority via the annual budgetary procedure.

1.6. Duration and financial impact of the proposal/initiative

☐ **limited duration**

– ☐ in effect from [DD/MM]YYYY to [DD/MM]YYYY

– ☐ Financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

☑ **unlimited duration**

– Implementation with a start-up period from 2025/26 to 2027,

– followed by full-scale operation.

1.7. Management mode(s) planned[55]

☐ **Direct management** by the Commission

– ☐ by its departments, including by its staff in the Union delegations;

– ☐ by the executive agencies

☐ **Shared management** with the Member States

☑ **Indirect management** by entrusting budget implementation tasks to:

– ☐ third countries or the bodies they have designated;

– ☐ international organisations and their agencies (to be specified);

– ☐ the EIB and the European Investment Fund;

– ☑ bodies referred to in Articles 70 and 71;

– ☐ public law bodies;

– ☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees;

– ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees;

– ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

[55] Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: https://myintracomm.ec.europa.eu/budgweb/EN/man/budgmanag/Pages/budgmanag.aspx

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

Monitoring and evaluation of the development and functioning of the data collection is crucial and will be applied by following the principles outlined in the common approach on decentralised agencies.

EIGE must send each year to the Commission, the European Parliament and the Council a Single Programming Document (SPD) containing multi-annual and annual work programmes and resources programming. The SPD sets out the objectives, expected results and performance indicators to monitor the achievement of the objectives and the results.

Once the extended administrative data collection is set in motion, EIGE would submit a report to the European Parliament and to the Council explaining how the objectives, in particular relating to planning and costs, have been achieved.

Two years after the start of operations and every year thereafter, EIGE would submit to the Commission a report on the technical functioning of the data collection activities.

This activity will be regularly evaluated in the context of subsequent evaluations of EIGE, which are conducted in accordance with Article 20 of Regulation (EC) No 1922/2006.

2.2. Management and control system(s)

2.2.1. Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

Considering that the proposal impacts the annual EU contribution to EIGE, the Union budget will be implemented via indirect management.

Pursuant to the principle of sound financial management, the budget of the agency shall be implemented in compliance with effective and efficient internal control.

Regarding ex-post controls, the agency is subject to:

- internal audit by the Internal Audit Service of the Commission;

- annual reports by the European Court of Auditors, giving a statement of assurance as to the reliability of the annual accounts and the legality and regularity of the underlying transactions;

- annual discharge granted by the European Parliament;

- possible investigations conducted by OLAF to ensure, in particular, that the resources allocated to agencies are put to proper use;

- a further layer of control and accountability by the European Ombudsman.

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

No specific risks have been identified at this stage.

2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)

The ratio of "control costs/payment of the related funds managed" is reported on by the Commission. The 2020 AAR of DG JUST reports 0.74% for this ratio in relation to Indirect Management Entrusted Entities and Decentralized Agencies, including EIGE.

The European Court of Auditors (ECA) confirmed the legality and regularity transactions and the reliability of EIGE's annual accounts for 2020, which implies an error rate below 2%. There are no indications that the error rate will worsen in the coming years. The reliability of 2020 accounts is also confirmed based on the verification by an independent external auditor.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.

The measures related to combating fraud and irregularities are outlined, inter alia, in EIGE's Anti-fraud Strategy 2021-2023. EIGE participates in fraud prevention activities of the European Anti-fraud Office and is obliged to inform the Commission without delay on cases of presumed fraud and other financial irregularities.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.[56]	from EFTA countries [57]	from candidate countries[58]	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
Heading 2	07.100500 European Institute for Gender Equality	Diff.	NO	NO	NO	NO
Heading 2	07.0603 - Daphne	Diff.	NO	Yes	NO	NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

56 Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.
57 EFTA: European Free Trade Association.
58 Candidate countries and, where applicable, potential candidates from the Western Balkans.

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

– ☐ The proposal/initiative does not require the use of operational appropriations

– ☐ The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

EUR million (to three decimal places)

Heading of multiannual financial framework	Number	Heading 2: Cohesion, Resilience and Values

Body: EIGE			Year **N**[59]	Year **N+1**	Year **N+2**		Enter as many years as necessary to show the duration of the impact (see point 1.6)	**TOTAL**
Title 1: Staff expenditure[60]	Commitments	(1)	0,200	0,200	0,200			**0,600**
	Payments	(2)	0,200	0,200	0,200			**0,600**
Title 2: Infrastructure and operating expenditure	Commitments	(1a)	0,050	0,250	0,050			**0,350**
	Payments	(2a)	0,050	0,250	0,050			**0,350**

[59] The activity is presumed to start in 2025/2026 (depending on the date of entry into force of the directive) and has no end date.
The estimation for the following years is the same, taking into account the correction coefficient and increase of salaries for Title 1, inflation for Titles 2 and 3.

[60] Staff expenditure as calculated by the Agency (i.e. expected real costs / not standard average cost).

Title 3:Operational expenditure	Commitments	(3a)	**0,500**[61]	**0,500**[62]	**0,500**[63]			**1,500**
	Payments	(3b)	**0,500**	**0,500**	**0,500**			**1,500**
TOTAL appropriations for EIGE	Commitments	=1+1a +3a	0,750	0,950	0,750			**2,450**
	Payments	=2+2a +3b	0,750	0,950	0,750			**2,450**

Heading of multiannual financial framework	**7**	'Administrative expenditure'

EUR million (to three decimal places)

		Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)			**TOTAL**
DG: <…….>									
• Human Resources									
• Other administrative expenditure									
TOTAL DG <…….>	Appropriations								

TOTAL appropriations under HEADING 7	(Total commitments = Total payments)								

61 Estimation based on similar projects; subject to market prices.
62 Estimation based on similar projects; subject to market prices.
63 Estimation based on similar projects; subject to market prices.

of the multiannual financial framework									

EUR million (to three decimal places)

		Year N[64]	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework	Commitments								
	Payments								

3.2.2. Estimated impact on EIGE's appropriations

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs			Year N		Year N+1		Year N+2		Year N+3		Enter as many years as necessary to show the duration of the impact (see point 1.6)						**TOTAL**	
	OUTPUTS																	
⇩	Type[65]	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1[66] Develop disaggregations and methodology in cooperation with Member States in order to ensure administrative data comparability																		

64 Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

65 Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

66 As described in point 1.4.2. 'Specific objective(s)…'

across the European Union																		
- Output	Develop tool for data disaggregation			0,071		0,071		0,071										
- Output	Develop methodology for data comparability			0,071		0,071		0,071										
Subtotal for specific objective No 1				0,142		0,142		0,142										
SPECIFIC OBJECTIVE No 2 Support Member States in the data gathering by establishing common standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of offenses																		
- Output	Reporting format integrated in the platform and implemented by Member States			0,071		0,071		0,071										
	Operating Procedures adopted by all EU Member States			0,071		0,071		0,071										
	Relevant data securely received from Member States to EIGE			0,071		0,071		0,071										

	Data transferred in a structured semi automated way			0,071		0,071		0,071										
	Data made publicly available on the web, ensuring compliance with GRDP			0,074		0,074		0,074										
Subtotal for specific objective No 2				0,358		0,358		0,358										
TOTAL COST				0,500		0,500		0,500										

3.2.3. *Estimated impact on EIGE's human resources*

– ☐ The proposal/initiative does not require the use of appropriations of an administrative nature

– ☑ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

– EUR million (to three decimal places)

	Year **N** [67]	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)			**TOTAL**
–								
Temporary agents (AD Grades)[68]	0,070	0,070	0,070					
Temporary agents (AST grades)								
Contract staff[69]	0,130	0,130	0,130					
Seconded National Experts								
–								
TOTAL								
–								

– Staff requirements (FTE):

	Year **N** [70]	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)			**TOTAL**
–								
Temporary agents (AD Grades)	1	1	1					
Temporary agents (AST grades)								

67 The activity is presumed to start in 2025/2026 (depending on the date of entry into force of the directive) and has no end date.

68 Staff expenditure as calculated by the Agency (i.e. expected real costs / not standard average cost).

69 Staff expenditure as calculated by the Agency (i.e. expected real costs / not standard average cost).

70 The activity is presumed to start in 2025/2026 (depending on the date of entry into force of the directive) and has no end date.

Contract staff	2	2	2					
Seconded National Experts								

–

TOTAL								

3.2.3.1. Estimated requirements of human resources

– ☑ The proposal/initiative does not require the use of human resources.

– ☐ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

		Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
• Establishment plan posts (officials and temporary staff)								
20 01 02 01 (Headquarters and Commission's Representation Offices)								
20 01 02 03 (Delegations)								
01 01 01 01 (Indirect research)								
01 01 01 11 (Direct research)								
Other budget lines (specify)								
• External staff (in Full Time Equivalent unit: FTE)[71]								
20 02 01 (AC, END, INT from the 'global envelope')								
20 02 03 (AC, AL, END, INT and JPD in the delegations)								
XX 01 xx **yy zz** [72]	- at Headquarters							
	- in Delegations							
01 01 01 02 (AC, END, INT - Indirect research)								
01 01 01 12 (AC, END, INT - Direct research)								
Other budget lines (specify)								
TOTAL								

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	
External staff	

[71] AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

[72] Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

3.2.4. *Compatibility with the current multiannual financial framework*

– ☐ The proposal/initiative is compatible the current multiannual financial framework.

– ☑ The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

This proposal will required reprogramming of the relevant heading in the multiannual financial framework. The source for redeployment is the Citizens, Equality, Rights and Values Programme (CERV) programme -– Daphne strand (07.0603) to increase EIGE budget line (07.1005) for the period 2025-2027.

– ☐ The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework[73].

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. *Third-party contributions*

The proposal/initiative:

– ☑ does not provide for co-financing by third parties

– ☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year **N**[74]	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

[73] See Articles 12 and 13 of Council Regulation (EU, Euratom) No 2093/2020 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027.

[74] Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

3.3. Estimated impact on revenue

– ☑ The proposal/initiative has no financial impact on revenue.

– ☐ The proposal/initiative has the following financial impact:

☐ on own resources

☐ on other revenue

☐ please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative[75]						
		Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article …….								

For assigned revenue, specify the budget expenditure line(s) affected.

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

[75] As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.