Council of the
European Union

Brussels, 9 March 2022
(OR. en)

7042/22
ADD 3

Interinstitutional File:
2022/0066(COD)

JAI 316
FREMP 55
COHOM 18
COPEN 82
EDUC 80
MIGR 78
SOC 141
ANTIDISCRIM 10
GENDER 18
JEUN 27
CODEC 263

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	9 March 2022
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2022) 61 final
Subject:	COMMISSION STAFF WORKING DOCUMENT Follow-up to the second opinion of the Regulatory Scrutiny Board and additional information Accompanying the document PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating violence against women and domestic violence

Delegations will find attached document SWD(2022) 61 final.

Encl.: SWD(2022) 61 final

EUROPEAN
COMMISSION

Strasbourg, 8.3.2022
SWD(2022) 61 final

COMMISSION STAFF WORKING DOCUMENT

Follow-up to the second opinion of the Regulatory Scrutiny Board and additional information

Accompanying the document

PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on combating violence against women and domestic violence

{COM(2022) 105 final} - {SEC(2022) 150 final} - {SWD(2022) 60 final} - {SWD(2022) 62 final} - {SWD(2022) 63 final}

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1. INTRODUCTION

The present document has been compiled to ensure an optimal transparency and tractability of the lawmaking process preparing the proposal for the Directive on combating violence against women and domestic violence. It presents and explains additional evidence and clarifications and thus demonstrates that the comments and observations of the Regulatory Scrutiny Board, hereafter "the Board", on the impact assessment of the proposal have been adequately addressed.

The impact assessment supporting the legal proposal for the Directive was submitted to the Board on 15 September 2021. A hearing of the Board took place on 13 October 2021. On 18 October 2021, the Board issued a negative opinion on the draft impact assessment. A revised version of the impact assessment was submitted on 1 December 2021. The Board issued a second negative opinion on 12 January 2022, based mainly on the insufficient quality of the evidence base as presented in this second submission.

This document complements the regular and standard documents that are submitted with the Commission proposal to the co-legislators, namely the Impact assessment report[1], the subsidiarity grid[2], and the Explanatory Memorandum[3]. With the same aim of ensuring the highest possible level of transparency and tractability, the Impact assessment report has not been changed compared to the version that was re-submitted for scrutiny by the Board. In this manner, the Impact assessment report is preserved, as a document, in the form that has triggered the observations and comments by the Board in its final opinion of 12 January 2022[4].

It is important to note 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, which was presented for adoption at a later stage.

The presented proposal has benefited from the further substantiated evidence, presented in this document. Reflections on the issues raised by the Board and changes that have been made to the proposal are also explained below.

The remainder of the document is structured as follows: Section 2 summarises the outcomes of the scrutiny by the Board. Section 3 presents additional evidence in the form of a head-to-head comparison of the main structural elements of the proposed directive with the gap analysis carried out for existing rules in this important policy area at both the level of EU Member States and EU level. Section 4 recalls the objectives and provides additional clarifications as to why, as also confirmed by the additional gap analysis, a comprehensive approach was retained for legislating in this policy area. Section 5 groups a number of replies to the more technical observations of the Board on the dimensions of the expected impacts, estimated costs and benefits, subsidiarity and proportionality considerations. The latter two aspects of subsidiarity and proportionality are also presented in the so-called subsidiarity grid

[1] Which includes the opinion of the Regulatory Scrutiny Board [Reference to be added]

[2] [Reference to be added]

[3] The Explanatory Memorandum is an extensive cover note of the Commission legislative proposal; while it has no legal value and is not published with the legal act in the Official Journal, it remains available as a document on the Eur-lex website.

[4] The Board's opinion published at the same time as the Commission's proposal carries the standard warning: "This opinion concerns a draft impact assessment which may differ from the final version." In the present case the published impact assessment is the document submitted to the Board with minor editorial changes.

that is published as a separate staff working document accompanying the directive. The document also contains two annexes: Annex 1 compares the proposed legislative measures (provision by provision) with the findings of the gap analysis. Annex 2 contains the detailed data on estimated costs and benefits.

2. FINDINGS OF THE SECOND OPINION OF THE REGULATORY SCRUTINY BOARD

After submission of the first impact assessment to the Board, a hearing took place on 13 October 2021. On 18 October 2021, the Board issued a negative opinion on the draft impact assessment. A revised version of the impact assessment was submitted on 1 December 2021, that responded to the comments given by the Board. In particular, the revised impact assessment clarified the scope of the initiative, presented a more focused problem description showing the specificities related to violence against women and domestic violence, inserted a gap analysis at EU and at Member State level and highlighted the limitations in the evidence concerning the impact of the existing measures taken at Member State and EU level. The revised impact assessment also clarified the content of the policy options, inserted options that were discarded at an early stage, and presented the expected impacts in a clearer manner (going from prevalence reduction to strengthening of victims' rights). It also contained detailed information on the estimated costs and benefits of the options discussed.

While noting the efforts made to improve the draft impact assessment in response to its initial comments, the Board nevertheless maintained its negative final opinion on 12 January 2022, referring to the following significant shortcomings:

1. the *baseline* not sufficiently reflecting the impact of several actions at EU and Member State level;
2. the overall *objective* of the proposal not being sufficiently clear, and the need for a comprehensive approach not sufficiently justified;
3. the concrete *measures*, as well as the combination of specific measures in different options being unclear; as a result, an uncertainty whether the structure of the options ensures that the best possible set of measures is selected as the preferred option;
4. the revised *analysis of costs and benefits* not fully incorporating the revised set of options; *comparison of options* being unclear including in terms of the criteria and scoring methods used;
5. *proportionality* of the preferred option, including the chosen lex specialis approach.

In addition to these five negative comments, the Board provided thirteen suggestions for improvement that are summarised in the following:

- In addition to the gap analysis, to bring out more clearly where individual Member States still lack measures to comply with the standards of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), including the 6 Member States that have not yet ratified the Istanbul Convention. In addition, the Board asked to identify best practices observed in some Member States and going beyond the Istanbul Convention's requirements to allow a proper assessment of the scale of the problem and its evolution under the baseline. Also in relation to the baseline, the future impacts of recent measures at Member State level should be better taken into account, both in terms of known time lags of expected impacts

and in terms of cost estimates. These suggestions are addressed in section 3 and in Annex 1.

- A number of other points in the opinion recommend using more precise language and clarifications with regard to the instrument of minimum harmonisation and the precise content of options. The opinion also points out that additional options could have been developed, including by combining selective soft and hard law measures. In response to this, the questioned reasoning of the impact assessment that only a comprehensive approach can deliver on the stated policy objectives is revisited and made more precise in section 4 below.
- The remainder of the recommendations for improvement tackle a number of diverse and technical methodological issues. These include the request to increase the SMARTness[5] of objectives, to reconsider the scoring methodology used and to better explain the data used (including its limitations), missing dimensions in the cost tables, missing stakeholder views at the Member State level, and a better link of evidence with the dimensions of proportionality and subsidiarity. These shortcomings identified by the Board are addressed in section 5 below, together with the improved cost table in the annex and the subsidiarity grid, submitted as a staff working document, published at the same time as the legal proposal.

3. BASELINE – WHAT HAS BEEN ACHIEVED AT MEMBER STATE LEVEL SO FAR

As suggested in the Board's opinion, this section highlights the findings of what has been achieved in this policy area at Member State level so far and is therefore taken up in the **baseline**[6]. In doing so, the section 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 the lack of response to the evolution stemming – among others - from developments in the digital sphere.

The following elements have been developed to address the comments on the baseline and comprehensiveness of assessing the level of achievements in this policy area before introducing the proposed new set of measures:

An additional analysis summarises the main **gaps** in implementation at EU and Member States level (Annex 1)[7]. It further demonstrates the intended impact and added value at EU level for each of the draft directive's provisions and explains how the draft directive adds value to the already existing rules at national level (both in those Member States that have ratified the Convention and those that have not) and at EU level. By means of a comparison table, the additional analysis makes it easier to see and understand how the draft directive (i) responds with more targeted actions where the current rules have proven to be insufficient (such as in the area of victims' support), (ii) adds consistency to the currently uneven level of prevention and access to justice at national level (including via criminalization of certain forms of crime), and (iii) strengthens coordination at national and EU level. It further demonstrates how the provisions of the draft directive reflect best practices gathered through the monitoring of the Istanbul Convention.

[5] S.M.A.R.T. standing for "specific", "measureable", "achievable", "realistic", and "time-bound".
[6] Pt. 1 of the summary points, (1) of the detailed points.
[7] Addressing pt. 1 of the summary comments, pt. (1) and (3) of the specific comments.

In relation to the Board's comment that the it has not been justified why the problem analysis has not followed an all victims' inclusive approach (including men and non-binary people)[8], the text of the proposal explains that the initiative focuses on the specificity of women's experiences of violence as distinct from those of men and proposes measures to respond to these specific experiences[9]. It also takes into account that women present the vast majority of victims of these types of violent acts. At the same time, it clarifies that the draft directive **does not exclude men and non-binary people from its scope**. The only exception is the criminalisation of female genital mutilation and rape, which had to be limited to women because the legal basis only refers to women. All **other criminal offences apply to all victims**, not only women. Moreover, the **provisions** concerning victim support and protection, access to justice, prevention and coordination, while being tailored to this kind of violence which mainly affects women, do not exclude men and non-binary people, who can also become victims of the forms of violence covered by the Directive. This choice also reflects the outcomes of comprehensive targeted consultations among the Member States, non-governmental and international organizations, in support of the impact assessment and of the gap analysis of the existing legislative framework.

In relation to the Board's request to better demonstrate why the existing problems cannot be tackled by amending the existing EU instruments (e.g. Victims' Rights Directive, Gender Equality Directives, etc.)[10], further explanations are provided in section 4 below.

In relation to the Board's specific comments about the insufficient consideration of the development of the **baseline** scenario[11], it is important to note that the present estimates have taken into account lower costs for Member States that have already introduced measures at national level. Even if very little data are available on the efficiency of the measures at national level, whether for the implementation of the Istanbul Convention or otherwise, it may be anticipated that these, and any further measures Member States would take, will continue to produce a positive long-term impact at the national level. It has to be acknowledged though that difficulties in the comparability of data available at national level continue, and will continue, to cause problems in the quantification of estimates. The measures relating to data gathering and the production of official statistics by Eurostat in the proposed directive are important to address this in the longer term.

Table 1[12] provides a summary overview of the gap analysis at EU level, whereas the detailed comparison between the proposed Directive and the existing measures in this policy area at EU Member State level is provided in Annex 1. Table 1 summarises to what extent the 14 instruments at EU level containing legally binding provisions have addressed the five relevant policy areas - prevention, protection, access to justice, victim support and policy coordination. The new analysis in Annex 1 draws a much more comprehensive picture, also addressing the Board's observations of not having documented the status quo at Member State level sufficiently.

[8] Pt. (2) of the specific comments.
[9] Explanations as to the proposed measures are provided in section 4 and Annex I.
[10] Pt. (2) of the specific comments.
[11] Pt. (3) of the specific comments.
[12] This table was already submitted as part of the revised impact assessment of 1 December in its Annex 8.

		Victim rights				Sexual exploitation and abuse		International protection and international standards instruments				Equal treatment and anti-discrimination instruments			International instruments
Problem areas	Subareas	Victims' Rights Directive (2012)	European Protection Order Directive (2011)	Mutual Recognition Regulation (EU) No 606/2013	Compensation to Crime Victims Directive (2004)	Child Sexual Abuse Directive (2011)	Anti-Trafficking Directive (2011)	Reception Conditions Directive (2013)	Asylum Procedures Directive (2013)	Return Directive (2008)	Qualification Directive (2011)	Equal Treatment Directive (2004)	Equal Treatment Directive Recast (2006)	Equal Treatment Self-Employed Directive (2010)	Article 16 of the UNCRPD
1. Prevention	Awareness-raising	-	-	-	-	✓	✓	-	-	-	-	✓	✓	-	✓
	Provision of information	✓	-	✓	✓	✓	✓	✓	✓	-	-	-	✓	-	✓
	Training of professionals	✓	-	-	-	✓	✓	✓	✓	-	✓	-	✓	-	✓
	Harassment-specific prevention measures	-	-	-	-	-	-	-	✓	-	-	-	✓	-	-
	Work with perpetrators	-	-	-	-	✓	-	-	-	-	-	-	-	-	-
2. Protection	Protection from secondary victimization	✓	-	-	-	-	-	-	-	-	✓	✓	✓	-	✓
	Protection orders, emergency barring orders	✓	✓	✓	-	-	-	-	-	-	✓	-	-	-	✓
	Special child protection measures in the context of domestic violence	✓	-	-	-	✓	-	✓	✓	✓	✓	-	-	-	✓
	Risk assessment and management	✓	-	✓	-	✓	✓	✓	-	-	-	-	-	-	-
3. Access to justice	Criminalisation	-	-	-	-	✓	✓	-	-	-	-	-	-	-	-
	Right to Information	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓
	Violence reporting	✓	-	-	✓	✓	-	✓	-	-	-	-	-	-	-
	Public prosecution	-	-	-	-	✓	✓	-	-	-	-	-	-	-	-
	Victim compensation	✓	-	-	✓	✓	✓	✓	-	-	-	✓	✓	✓	-
	Role of Equality Bodies	-	-	-	-	-	✓	-	-	-	-	✓	✓	✓	-
	Effective remedies in cases of gender-based work harassment	-	-	-	-	-	-	-	-	-	-	-	✓	✓	-
4. Victim support	General support	✓	-	-	✓	✓	✓	✓	✓	✓	✓	-	-	-	✓
	Specialized support (including shelters)	✓	-	-	-	✓	✓	✓	-	-	-	-	-	-	✓
	Specialized support for children	✓	-	-	-	✓	✓	-	✓	✓	✓	-	-	-	✓
	Specialized support for vulnerable groups	✓	-	-	-	✓	-	✓	✓	✓	✓	-	-	-	✓
	Support for victims of gender-based work harassment	-	-	-	-	-	-	-	-	-	-	-	✓	✓	-
	OVAW-specific prevention measures	-	-	-	-	✓	-	-	-	-	-	-	-	-	-
5. Coordination	Data collection	✓	✓	-	-	-	-	✓	✓	-	-	-	-	-	-
	Multi-agency cooperation (at national level)	✓	-	✓	-	✓	✓	-	✓	-	✓	-	✓	-	-
	Coordination of harassment-specific measures	-	-	-	-	-	-	-	✓	✓	-	-	-	-	-

Table 1: mapping 14 instruments at EU level onto the relevant policy areas

As this overview table indicates visibly, and as is even clearer from the detailed analysis that has additionally been provided in Annex 1, the existing measures have overall proven insufficient to achieve the objectives of an adequate protection of victims of violence against women and domestic violence (see also next section). In this regard, the gap analysis has clearly demonstrated the need for action and potential for the comprehensive approach that is further explained in the next section.

4. THE OBJECTIVES AND THE NEED FOR A COMPREHENSIVE APPROACH

The main **objective** of the proposed initiative is to prevent and combat violence against women and domestic violence, which are a daily reality in the EU. Concretely, the initiative aims to incorporate and enhance the standards of the Istanbul Convention[13] in the existing EU policy framework on violence against women and domestic violence, thus pursuing the objectives of the Istanbul Convention within the area of EU competences.

This is achieved by doing two things: first, by **filling legislative gaps** at the EU and national levels, and second, by **updating EU law in comparison to the standards of the Istanbul Convention** in the areas of digital transformation (in relation to cyber violence) and to those of more recent international developments (in relation to sexual harassment at work).

On the Board's specific comments regarding the lack of clear **objectives**[14], this document clarifies the objective of the proposal, which is to prevent and combat violence against women and domestic violence as criminal acts and as forms of discrimination. The text of the draft directive further clearly outlines its main objectives, explaining that these objectives shall be achieved by criminalising certain forms of violence against women (including rape 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.

In response to the suggestion of the Board to justify why a **comprehensive approach**[15] is necessary, the additional analysis in this document provides further evidence of the weaknesses of the current framework (including the gaps in legislation and practice at the national level) and of the patchwork of standards that only selectively responds to the specific needs of victims of violence against women and domestic violence at the EU level[16]. This additional analysis further corroborates the conclusion that such selective standards are insufficient to ensure adequate support and protection of victims of such forms of violence. It better explains that each of the measures envisaged by the directive responds to a gap in the national legal and policy framework, thereby justifying that comprehensive action in all these

[13] The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("**Istanbul Convention")** is recognized as the most far-reaching international legal instrument to set out binding obligations to prevent and combat violence against women. Thirty-four member states of the Council of Europe have ratified it. While the EU has signed it, the ratification process has only been concluded by 21 of its Member States, which leads to the situation that the Convention's standards are not binding for six Member States.

[14] Pt. 2 of the summary points, (4) of the specific comments.

[15] Pt. 2 of the summary points.

[16] This conclusion was already drawn from the evaluation of all 14 EU acts relevant for combating violence against women and domestic violence, supported by an external study, the results of which have been integrated into the Impact Assessment.

areas is indispensable to tackle effectively the complexity and prevalence of violence against women and domestic violence. The directive entails provisions which:

- criminalise certain forms violence,
- lay down preventive measures,
- strengthen the protection of and support to victims,
- ensure better access to justice, and
- improve coordination among the relevant actors including police, judiciary, support services and other services that come into contact with victims (such as health and social service staff).

The comprehensive approach is characterised, on the one hand, by the EU level criminalisation and, on the other hand, by the provision of specific protection, access to justice, support, prevention and coordination measures. It has been inspired by the EU rules in the areas of trafficking in human beings, sexual exploitation of children and countering terrorism. Implementation reports of the directives[17] in the above-mentioned areas demonstrate that comprehensive approaches taken by the EU legislator in these areas have proven their effectiveness with regard to this group of crime victims.

The proposed draft directive introduces **targeted minimum rules**[18], allowing Member States to provide higher standards under national law. The minimum rules are based on the best practices of those Member State that have transposed particular provisions of the Istanbul Convention effectively (thus directly addressing a recommendation by the Board). They take into account the requirements of the Istanbul Convention in the area of the EU competences and include them as benchmarks.

When it comes to those aspects of the draft proposal that are not explicitly regulated by the Istanbul Convention, such as cyber-crime and support for victims of sexual harassment at work, the minimum standards are built on the best practices stemming from the public consultations, other international standards and the gap analysis of the national and EU legislation that is documented here.

All the measures have been assessed against the overall objective of preventing and combating violence against women and domestic violence, as well as the other objectives that are intended to ensure:

- ⇨ that victims and potential victims of violence against women and domestic violence are effectively protected from (further) violence,

[17] European Commission, *Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*, COM(2020) 661 final {SWD(2020) 226 final}, 20 October 2020; European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: EU strategy for a more effective fight against child sexual abuse*, COM(2020) 607 final, 24 July 2020; European Commission, *Report from the Commission to the European Parliament and the Council assessing the extent to which the Member States have taken the necessary measures in order to comply with Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography*, COM(2016) 871 final, 16 December 2016.

[18] Pt. (4) of the specific comments.

- ⇨ the effective access to justice for victims of all forms of violence against women and domestic violence,
- ⇨ the effective availability of support for victims of all forms of violence against women and domestic violence,
- ⇨ that sexual harassment at work is effectively addressed, and
- ⇨ a more effective coordination in relation to violence against women and domestic violence, including gaps in data collection.

The impacts of the measures have been assessed in terms of their social dimension as well as how they ensure the respect of fundamental rights. The detailed findings of this assessment had already been included as Annex 5 of the revised Impact Assessment submitted on 1 December, which has not been changed and is published together with the legal proposal and the present document.

In response to the Board's suggestion to clarify **why existing horizontal instrument cannot tackle the specific problems**, it should be flagged that the Victims' Rights Directive and the EU rules on protection orders provide for general rules applicable to all victims of crime, including victims of gender-based violence and victims of domestic violence. In total, 14 EU instruments are relevant to various aspects of combating violence against women and domestic violence. However, the selective standards contained in these acts are insufficient to ensure adequate protection of and support to victims of violence against women and domestic violence, which is of a very specific nature and thus requires a specific approach. This is illustrated by the following Table 2, which provides a traffic light overview visualisation of how these instruments compare across the various dimensions used for the better law-making assessment.

Table 2.

Good	To some extent	To a limited extent	Poor

From the perspective of GBV/DV	**Effectiveness**	**Efficiency**	**Coherence**	**Relevance**	**EU added value**
Victims' Rights Directive (2012)		n/a			
EPO instruments		n/a			
Compensation to Crime Victims Directive (2004)		n/a			
Child Sexual Abuse Directive (2011)					
Anti-Trafficking Directive (2011)		n/a			

From the perspective of GBV/DV	Effectiveness	Efficiency	Coherence	Relevance	EU added value
Reception Conditions Directive (2013) (recast)		n/a			
Asylum Procedures Directive (2013)		n/a			
Return Directive (2008)		n/a			
Qualification Directive (2011)		n/a			
Equality Directives		n/a			
Article 16 of the UNCRPD		n/a			

Only the comprehensive approach of the present initiative effectively addresses the weaknesses of the current patchwork of measures, which are characterised by the identified gaps in legislation and practice at the national level (listed in the previous section and in Annex 1) and that only selectively respond to the specific needs of victims of violence against women and domestic violence at EU level.

Moreover, the mentioned acts do not criminalise offences of violence against women and domestic violence in general. The directives targeting specific criminal offences – such as the Anti-Trafficking Directive and the Child Sexual Abuse Directive – protect selective groups of victims from very specific forms of crimes. This results in the current situation where all EU acts, relevant for preventing and combating violence against women and domestic violence, as separate acts together do not provide the necessary basis for monitoring their implementation in a comprehensive and coherent manner from the perspective of victims of violence against women and domestic violence. At the level of Member States, this is even more hindered by a lack of uniform definitions that hamper the comparability of data collected for the purpose of monitoring. To allow a better monitoring and implementation of actions it is again a comprehensive approach with a targeted single EU act that can best deliver on this objective – rather than following an alternative option, such as amending all of the existing EU rules (e.g. Victims' Rights Directive, European Protection Order instruments, Gender Equality Directives).

Policy options

When addressing the Board's specific comments on the comparison of policy options[19], it is important to recall that four *alternative* options[20] have been considered:

- a recommendation (non-legislative option) ensuring a gender-sensitive application of the existing EU law to this group of victims;
- an instrument covering only one specific problem area, e.g. prevention;

[19] Pts. (5), (6), (8) of the specific comments.
[20] I.e. options which were not retained and evaluated in the impact assessment.

- an amendment of the 14 existing instruments of EU law that are considered relevant to combat violence against women; and
- the addition of Gender-based violence to the list of "EU crimes" in Art. 83 (1) of the TFEU.

The analysis contained in the resubmitted impact assessment aimed to demonstrate that **none** of these alternatives could achieve the objectives sought by the initiative. The additional analysis provided in this document, based on the evaluation of relevant EU acts and the mapping and gap analysis of Member State legislation, aims to further support this. It should have become much clearer why a comprehensive approach – a specific directive on violence against women and domestic violence – was chosen rather than an amendment of existing horizontal instruments.

In particular, a core measure, such as the criminalisation of certain behaviours, cannot be achieved by mere amendments of the existing EU rules, including those on victims' rights. The evaluation and the stakeholder consultations have shown support for combining criminalisation with specific protection, prevention, access to justice, support and coordination measures that respond more directly to the specific needs of victims of violence against women and domestic violence. The rules will apply in addition to the rules laid down in the Victims' Rights Directive, thus constituting a so-called *lex specialis* to that directive.

As regards the choice of the preferred policy option, and more specifically how it has been brought more in line with the principle of proportionality, the next section provides more details..

5. EXPECTED IMPACTS, COSTS AND BENEFITS, SUBSIDIARITY, AND PROPORTIONALITY CONSIDERATIONS

On the Board's specific comments on the analysis of **impacts**[21], the additional analysis in Annex I better acknowledges that some measures at Member State level may have an impact only in the years to come, and clarifies that this future impact has indeed been taken into account.

In addition, a **revised version of the cost table** is attached in annex 2 of this document (as an update of Annex 3 of the impact assessment), which now clearly separates the costs for businesses and public authorities.

The **impact** on national budgets and administrations is expected to amount to €4.9 – €6.5 billion per year. Nonetheless, the positive economic impacts regarding the reduced prevalence of violence against women and domestic violence, would bring benefits of €8.2 - €10.6 billion per year, clearly outweighing the costs. No special measures are provided for SMEs[22], but the potential costs for employers are limited to the participation of managers to a two-hour online training, estimated at €55 per SME and €5.750 per large company per year (the EU-27 average recurring cost of attending training for managers).

[21] Pt. (7).
[22] See annex 5 section 4.7 of the Impact Assessment.

On the **comparison methodology** applied to options[23], it is acknowledged that the scoring method assigns different weighs to the better regulation criteria of effectiveness, efficiency, and coherence. The effectiveness criterion was considered particularly important, considering that the main impact of the draft directive is linked to better safeguarding fundamental rights. As regards the Board's criticism regarding assigning the comprehensive approach option a higher qualitative score for total net benefits than for the moderate option, it should be noted that it is not a cardinal scoring method, i.e., it puts the focus on the order of the scoring of the options and does not allow the comparison of ratios which precludes a standard cost efficiency approach.

The comparison of **costs and benefits** of the **preferred option[24]** underlying the proposed directive has been complemented by the approach required since January 2022 under the revised Better Regulation Guidelines. This includes the overview of the administrative burden that needs to be offset in line with the *one in – one out principle* (OI-OO). The additional tables are included in Annex 2 to this document. However, the headline figures calculated for total estimated costs and benefits for the preferred policy option that underlies the proposal have not changed.[25] This lack of change stems from the fact that adjustments made to the preferred options have emerged from the additional subsidiarity analysis that has been carried out by Commission services (and that is reflected in a detailed manner in the separate subsidiarity grid). This analysis has identified that in light of existing measures at Member State level, the directive could be less prescriptive and leave more flexibility to Member States in the implementation of the new rules. The changes are also quite marginal in terms of costs and did not trigger a revision of the costing of options.

A subsidiarity assessment grid has been completed and is published as a separate document with the legal proposal. It explains in detail how the principle of subsidiarity has been respected.

On the principle of **proportionality**, it is important to clarify that the proposal presents a *lex specialis* to the Victims' Rights Directive. It has been carefully drafted in order to ensure that the proposed measures do not exceed what is necessary to achieve the objectives and to leave a maximum of flexibility to the Member States, allowing them to adjust the minimum rules to the specificities of their national judicial schemes. For instance:

- A separate provision specifies that the draft directive provides for minimum rules which can be surpassed by the Member States;
- The proposal limits criminalisation at EU level to those acts where gaps or deficiencies have been identified at the national level (rape, female genital mutilation and certain forms of cyber violence). It otherwise leaves it to Member States to criminalise at national level most types of crimes or offences falling within the remit of violence against women and domestic violence as defined in the directive;
- The provision on limitation periods has been reduced to focus on the specific problems that were highlighted in the studies and consultations, while leaving other elements to national law;

[23] Pt. (8).
[24] Pts. (8), (11).
[25] The full details on those calculations of costs and benefits are in Annex 4 of the impact assessment of 1 December 2021.

- Flexibility has been granted to Member States concerning the organisation of victim support. For instance, envisaged obligations to provide for free legal representation, access to legal aid, the right to free trial support, free psychosocial support during proceedings, the right to specific accessibility solutions for victims with disabilities, access to interpretation, one-stop shops for victims and standards on precise geographical availability and distribution of support services have been removed in the proposal as presented;
- A right to collective action for victims of violence against women was not included in order to limit the interference with existing judicial procedures in the Member States;
- The provisions on protection orders have been revised, leaving only the obligation of Member States to introduce emergency barring orders and long-term protection without setting minimum standards.

The draft directive streamlines and simplifies provisions relating to this group of crime victims to ensure a smooth interplay with the Victims' Rights Directive, and better clarifies (compared to the impact assessment) where new obligations come on top of those provided by the Victims' Rights Directive:

- With regard to sexual harassment, the obligation for Member States to criminalise sexual harassment was not included, leaving only the obligation to provide support and protection;
- The role of labour inspectorates has been highlighted while refraining from defining specific tasks and powers, thus leaving flexibility to Member States.

On the Board's specific comments on **data and evidence**[26], it can be clarified (as also done in the Explanatory Memorandum) that the existing EU acquis was evaluated to assess its impact on violence against women and domestic violence, and that the results of this analysis are included in the gap analysis. While no additional new data is available in comparison to what is included in the impact assessment report, the Commission services performed additional analyses to show how the measures presented in the draft directive address the established gaps in prevention, protection, victim support, access to justice, and coordination. The result of this analysis is presented in Annex 1 of this document. In order to provide for more robust data in the future, the draft directive also lays down the grounds for more convergence in the administration of data and survey data collection in the future.

On the Board's specific comments on the **stakeholder views**[27], the Explanatory Memorandum summarises these views in a succinct manner, including the contributions from the Member States. All 24 Member States that contributed in the consultations highlighted the need for further measures. In addition, during the workshop with Member States on 1 July 2021, during which all Member States participated, no particular concerns on the subsidiarity were expressed. Member States have repeatedly called for action at EU level, for instance, in the 2014 Council conclusions on "Preventing and combating all forms of violence against women and girls, including female genital mutilation".

[26] Pt. (10).
[27] Pt. (12).

As to the clarity of **definitions and** the distinction between the **concepts**[28] of violence against women as a sub-category of gender-based violence and of domestic violence as the offence that affects all victims, the draft directive lays down clear definitions of the relevant concepts (cf. also the clarifications made above).

[28] Pt. (13).

ANNEX 1 DETAILED COMPARISON HOW THE PROPOSED MEASURES COMPARE WITH THE RESULTS OF THE GAP ANALYSIS OF EXISTING MEMBER STATES' AND EU LEGISLATION

EU Member States' are referred to below with the following country abbreviations

Belgium	(BE)	Greece	(EL)	Lithuania	(LT)	Portugal	(PT)
Bulgaria	(BG)	Spain	(ES)	Luxembourg	(LU)	Romania	(RO)
Czechia	(CZ)	France	(FR)	Hungary	(HU)	Slovenia	(SI)
Denmark	(DK)	Croatia	(HR)	Malta	(MT)	Slovakia	(SK)
Germany	(DE)	Italy	(IT)	Netherlands	(NL)	Finland	(FI)
Estonia	(EE)	Cyprus	(CY)	Austria	(AT)	Sweden	(SE)
Ireland	(IE)	Latvia	(LV)	Poland	(PL)		

Provisions	**Gaps at EU and Member States (MS) level**	**Intended impact of measures / EU added value**
Chapter II: Offences concerning sexual exploitation of women and computer crime		
Article 5 Rape	• 9 MS use definitions of rape that rely solely on the absence of consent of the victim without any reference to force or threats, in line with the Istanbul Convention and other international human rights norms (EELN 2021[29]). • Lack of consent is not a ground for rape. (CZ, EE, FI, FR, IT, LV, NL, NI, PL, PT, RO, SV, SI). • GREVIO noted that in some MS criminal offences of sexual violence (including rape) are not based on the notion of freely given consent (FI, FR, IT, NL, ES)	• Requiring all Member States to include lack of consent in the definition of rape.
Article 6 Female Genital Mutilation)	• Lack of specific criminalisation in 12 MS. • In the remaining MS, requirements for criminal liability differ (e.g. disabling consequences, incitement and consent, preparatory acts) (EELN 2021).	• Recognition of female genital mutilation as a form of violence against women at the EU level.

[29]Criminalisation of gender-based violence against women in European States, including ICT-facilitated Violence : https://www.equalitylaw.eu/downloads/5535-criminalisation-of-gender-based-violence-against-women-in-european-states-including-ict-facilitated-violence-1-97-mb

	• Gaps in victim support, protection and prevention (Open Public Consultation[30] - OPC-).	
Article 7 Non-consensual sharing of intimate or manipulated material	• Ten MS (BE, FR, EI, IT, MT, NL, PL, PT, ES, SE) have specifically criminalised the non-consensual dissemination/ publication/disclosure of intimate/private/sexual images. • It is not expressly stated in all criminal provisions that the images can be obtained with or without the consent of the victims. • Some national definitions include the element of intent to harm in the dissemination (EELN 2021).	• Introducing harmonised definitions and sanctions of non-consensual sharing of intimate images and content at the EU level. • Introducing harmonised definitions and sanctions of offences concerning non-consensual sharing regardless of the victim's initial consent or harm inflicted on the victim.
Article 8 Cyber stalking	• Shortcomings with regard to the constitutive elements of the offence and/or additional requirements (FI, ES). • GREVIO has noted inadequate guidance provided to criminal justice professionals on how to handle the complex nature of stalking and avoid placing a disproportionate weight on the victims' behavior (FI, MT, NL).	• Introducing harmonised definitions and sanctions of offences concerning cyber stalking at EU level.
Article 9 Cyber harassment	• A report commissioned by Women's Aid[31] shows that 45% of women victims of domestic violence reported experiencing some form of abuse online during their relationship. 48% reported harassment or abuse online from their ex-partner after they had left the relationship.	• Introducing harmonised definitions and sanctions of offences concerning cyber harassment at EU level.
• Chapter III: Protection of victims and access to justice		
Article 15 Reporting of violence against	• Reporting acts of violence and seeking assistance is particularly problematic for	• Introducing rules on the way victims can report criminal offences to the competent

[30] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12472-Violence-against-women-and-domestic-violence-fitness-check-of-EU-legislation_en.

[31] 4. Laxton C. and Women's Aid (2014), "Virtual World, Real Fear – Women's Aid report into online abuse, harassment and stalking", available at https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl. com/wp-content/uploads/2015/11/Women_s_Aid_Virtual_World_Real_Fear_Feb_2014-3.pdf.

women or domestic violence	women with disabilities and mothers of children with disabilities (BE, FI, IT, MT, NL, ES, SE). Response of law enforcement is deeply inadequate (EIGE contribution to open public consultation; FRA 2021). • Several MS consider lack of reporting as a serious problem in addressing violence against women and domestic violence (Question 43 of the MS targeted consultation (BE, BG, CY, DE, IE, RO)). • Reporting should be child-friendly (interview with Victim Support Europe). There should be a possibility for visits with family members suspected of this kind of violence to take place in a safe, surveyed place and in the best interest of the child (best practice in ES, FI, DE and MT). • EU acquis does not include obligations on reporting of violence against women and domestic violence. It does not oblige MS to ensure reporting by third parties, with the exception of the Child Sexual Abuse Directive[32]. • Underreporting affects victims of sex-based harassment at work, due to fear of career-related retaliation, high societal tolerance for sex-based harassment, lack of information on reporting mechanisms, and lack of awareness of employers (European Equality Law Review, Vol. 2, 2019, p. 19).	authorities: in an easy and accessible manner, including online or through other information and communications technologies, including the possibility to provide evidence concerning offences of cyber violence. • Confidentiality rules imposed by national law on professionals, such as healthcare professionals and teachers cannot constitute an obstacle to reporting situation where they have reasonable grounds to believe that there is an imminent risk of serious harm. • Child- friendly procedures for children (safe, confidential, designed and accessible in a child-friendly manner and language, age-appropriate and corresponding to their level of maturity).
Article 16 Investigation and prosecution	• The CSA Directive provides for protection of child victims of sexual abuse and	• Ensured expertise for those investigating and prosecuting these crimes, including in the

[32] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0093

	exploitation in the course of criminal investigations and proceedings. The Directive is limited to this specific form of violence. • Absence of a harmonised definition makes evidence assessment in the online environment and in cross-border investigations challenging (EPRS Study "Combating gender-based violence: Cyber violence"). • Guidance to prosecutors on how to approach and handle cases of violence against women and domestic violence with regard also to the difficulties in gathering and assessing evidence would be welcomed by many stakeholders • Only the CSA and Anti-Trafficking Directives ensure that prosecution is not dependent on the cooperation of the victim.	online sphere and reported offences are processed and transferred without delay to the competent authorities for investigation. • Ensuring that competent authorities promptly refer victims to relevant health care providers or support services.
Article 17 Individual assessment to identify victims' protection needs	• Risk assessment protocols are not sufficiently integrated with other protection measures, namely protection orders or temporary restraining orders (FR, NL).	• Introduction of a specific risk assessment to this group of victims to be conducted from first contact with authorities. • The assessment to contain an assessment of the lethality risk posed by the alleged perpetrator on the victim and dependents.
Article 18 Individual assessment of victims' support needs	• Individual assessments are not performed in seven Member States (CZ, BE, EE, LU, RO, SI and SK). • Lack of standardised procedures (IT, MT). • With regard to sex-based harassment at work, few risk assessments are carried out and do not include psychosocial risks (workshops with social partners).	• Introducing individual assessment to identify victims' and dependents' individual support needs.
Article 19 Referral to	• Referral mechanisms in place only for cases of domestic	• Obligatory referrals between domestic authorities and non-

support services	violence (in particular FI, MT, ES[33]). • Lack of effective multiagency approach to the protection and support of victims of domestic violence (IT, DK, PT, SE). • Inefficiencies in referrals to support services (interview with Victim Support Europe). • Uneven implementation of the existing multi-agency co-ordination structures and referral mechanisms at the local level (FR, ES).	governmental organisations to ensure that victims of all forms of Violence against Women and Domestic Violence are immediately contacted by support services. • Referrals to cover also child victims and child witnesses without the prior consent of the holder of parental responsibility.
Article 20 Emergency barring, restraining and protection orders	• Mutual recognition of protection orders pursuant to Directive 2011/99 or Regulation 606/2013 insufficient (COM/2020/187). • Lack of effective and immediate protection after reporting (AT, FE, DE, NL, PL, PT). • Lack of continuity between emergency barring orders and protection orders in the protection afforded to victims and lack monitoring and analysis of protection orders (ES, MT, IT, SE, NL).	• Member States to ensure that competent authorities can issue orders for the protection of victims or their dependents in situations of immediate danger. • MS to ensure that competent authorities can issue orders to provide long-term protection by prohibiting, restraining or prescribing dangerous behaviour of the offender. • Minimum rules on the content of the national orders facilitate their mutual recognition in cases where one of the parties moves between MS.
Article 21 Protection of victim's private life	• Gaps identified in the attitudes and / or knowledge of the judicial authorities and demonstrated by the high rate of secondary victimization[34]. • Protection from secondary victimization through limitations to unnecessary questioning on sexual history included in the Istanbul Convention (explanatory report, §§ 278-279).	• Evidence relating to the sexual history and conduct of the victim or their private life not permitted unless strictly relevant.
Article 22 Guidelines for law enforcement	• Lack of prosecutorial guidelines to encourage the effective and appropriate	• MSs requested to introduce guidelines for the competent authorities acting in criminal

[33] GREVIO contribution to the targeted consultation.

[34] Women as victims of partner violence Justice for victims of violent crime Part IV, FRA (2019), available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-justice-for-victims-of-violent-crime-part-4-women_en.pdf.

and judicial authorities	prosecution of domestic violence, (CY, IT, LV, MT; EL and HU have police guidelines). • Gender-neutral guidelines on domestic violence in all MS parties to IC except of ES). • Lack of prosecutorial guidelines on FGM in all MS.	proceedings on how to address all cases of violence against women or domestic violence. • These could include information on specificities of VAW /DV crime, as well as on how to conduct targeted individual assessments, avoid secondary or repeat victimisation and ensure that victims are treated in a trauma- and gender-sensitive manner and referred to support services.
Article 23 Role of national bodies and equality bodies	• National Equality Bodies can deal with claims on cases of sexual harassment but not with claims on other forms of Violence against Women and Domestic Violence(BG, HR, CY, CZ, DK, FI, FR, EL, HU, IE, IT, LT, LV, LU, MT, NL, PL, RO, SK, ES). • Certain equality bodies only have a mandate to work in the area of gender-based harassment and sexual harassment, which are explicitly mentioned as forms of discrimination in the EU acquis, however, equality body actions taken to prevent and combat gender-based harassment and sexual harassment are also actions contributing to preventing and combating other forms of violence against women (EQUINET). • If equality bodies had powers to address gendered online content, they should be empowered to provide legal advice to victims (83% of respondents).	• National bodies to be mandated to address all forms of violence against women and domestic violence, in particular to act on behalf or in support of victims in criminal proceedings, including for the application for compensation, with the victims' approval.
Article 24 Measures to remove certain online material	• Currently no specific measures on gender-based cyber violence in EU law ((EELN 2021). • Art. 8(2) of the upcoming	• National authorities to request removals of illegal gender-based online content (criminalised in Articles 5-7)

	Digital Services Act includes provisions on orders to act against illegal content from the perspective of intermediary service providers. • Stakeholders note the need to ensure redress and support to individuals in cases of illegal acts (Workshop on cyber violence against women, targeted consultations with international organisations, workshops with social partners).	by addressing legal orders to service providers. • If the removal order cannot be enforced, possibility for domestic authorities to block access to the illegal content towards the internet users within their territory. • Removals and blocking of content to be limited to what is strictly necessary. • Affected users to be informed of the reason for the removal or blocking and have access to judicial redress.
Article 25 Compensation from offenders	• Restrictive time limits to apply for compensation from perpetrators ((EELN 2021); Milquet report 'From compensation to reparation', 2019). • Concerning state compensation in a case of sexual violence, the seriousness of the consequences for the victims of the crime committed is not taken into account and the fixed rate compensation does not represent an appropriate contribution to the reparation of the harm suffered (IT; CJEU C-129/19 - Presidenza del Consiglio dei Ministri).	• Availability of full compensation from offenders (covering costs for healthcare, support services, rehabilitation, loss of income and other reasonable costs). • Availability of effective and dissuasive compensation from offenders for victims of all forms of violence against women or domestic violence in the course of criminal proceedings. • Minimum standards for the limitation period for bringing a claim for compensation (5 years and 10 years for sexual violence).
Chapter IV: Victim support		
Article 26 Specialist support to victims	• Inadequate number and/or distribution of specialist services (BE, DK, FI, FR, DK, IT, MT, DK, SE). • In most MS, specialist support is only available for victims of domestic violence. • Specialist support services for victims of other forms of violence such as sexual violence, FGM and sexual harassment are, if at all, available in a much lower	• Victims of all forms of violence against women and domestic violence to have access to specialist support services. • Victims of cyber violence against women to receive targeted support, such as receiving legal advice on how to remove illegal online content and stalkerware.

	number (AT, BE, FR, MT, PT, ES). • Specialist support services do not cater for the needs of specific groups of victims (AT, BE, IT, PT, SE). • In the majority of the MS, measures tackling specifically cyber harassment are lacking (AT, BE, BG, HR, CY, CZ, DK, EE, FI,DE,GR, HU, IR, IT, LV, LT, MT, NL, PL, PT, RO, SK, SL, ES, SE).	
Article 27 Specialist support for victims of sexual violence	• Lack of standardised protocols and guidelines that set clear procedures in the provision of treatment and care to victims of sexual violence (in particular MT, ES, NL). • The number of rape crisis centres and/or sexual violence referral centres are insufficient to ensure proper coverage and easy access by victims of sexual violence (AT, BE, FR, IT, NL, PT, ES, SE).	• Effective support to victims of sexual violence through rape crisis or sexual violence referral centres. • Covers gaps in several Member States by ensuring that rape crisis and sexual violence referral centres are appropriately equipped, free of charge and easily accessible every day of the week, and ensure the preservation and documentation of evidence.
Article 28 Specialist support for victims of female genital mutilation	• Different agencies providing support to victims of FGM do not cooperate (EL, LV, RO); open public consultation 2021. • Multi-agency cooperation to be strengthened to ensure coordinated cooperation between the actors in charge of prevention, protection and support services to tackle harmful practices against women in 14 MS (OPC 2021); • Lack of awareness of FGM and lack of cultural sensitivity among health professionals, insufficient information on available support, insufficient access or insurance coverage of reconstructive surgery, insufficient services for children, youth and migrants and insufficient funding identified as challenges in the EU (End FGM position paper).	• Member States to ensure support to victims of FGM, including gynaecological, sexological, psychological and trauma care and counselling tailored to the specific needs of such victims. • Provision of information on public hospital units where reconstructive surgery is performed. • Support service provision to be covered in further detail in the upcoming Recommendation on harmful practices.

Article 29 Specialist support for victims of sexual harassment at work	• Social partners highlight that very few risk assessments are carried out and when they are, they do not include psychosocial risks (targeted consultation workshops). • Gaps identified in protection, support and prevention of sex-based harassment (EELN 2021).	• Victims of sexual harassment at work to be provided effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support and dedicated remedies, including through services external to the workplace. • Relevant national inspection bodies, or other relevant authorities to inspect and investigate cases of sexual harassment at work. • This can include the suspension of work activities of the victim and/or offender.
Article 31 Shelters and other interim accommodations	• Insufficient availability of shelters to victims of violence against women and domestic violence (all MS reviewed by GREVIO according to GREVIO contribution to the targeted consultation). • Barriers in accessing shelters for women whose children include boys above a certain age (AT, BE, PT), or children, or to women from certain risk backgrounds (GREVIO contribution to the targeted consultation).	• Access to shelters and other interim accommodation to be ensured to victims of violence against women and domestic violence regardless of nationality, citizenship, place of residence or residence status. • Shelters to address the specific needs of women victims and assist them in their recovery, providing adequate and appropriate living conditions with a view on a return to independent living. • Shelters or interim accommodations shall be equipped to accommodate the specific needs of children, including child victims.
Article 32 Support for child victims	• Shortcomings identified in the provision of specialist support services catered to the needs of children and women experiencing intersectional discrimination (AT, BE, IT, PT, SE). • Risk assessments are not carried out for children experiencing domestic	• Children to be provided adequate protection and specialised and age-appropriate support as soon as the competent authorities have reasonable grounds to believe that they might have been subject to or witnessed violence against women and domestic violence.

	violence (in particular IT, RO).	• Children in need of temporary accommodation to be placed in permanent or temporary housing. Placement in shelters to be a last resort. • Provision of support services to be conducted in a child-friendly manner.
Article 33 Safety of children	• Lack of awareness among professionals (social workers, legal and health professionals, and psychologists) of the harmful effects of witnessing domestic violence on children. Barriers in access to age-appropriate support services paying due regard to the best interests of the child (including in FR, IT). • Lack of necessary resources/infrastructure to ensure safe supervised visitation. Meeting spaces more equipped to deal with conflictual relationships than cases involving violence (FR, MT). • Lack of sufficiently trained personnel for supervised visitation (AT, MT, ES).	• Establishment of safe places to organise possible contact between a child and its parent offender of violence against women or domestic violence who has a right of access, where needed under supervision by trained professionals.
Article 34 Targeted support for victims at an increased risk of violence	• Limited support available for migrant and asylum seeking women to report violence or access services (BE, DK, IT, MT, NL, ES, SE). • Inaccessibility of police premises for women with disabilities / mothers of children with disabilities (BE, FR, IT, PT). • Barriers in accessing safe accommodation for victims belonging to vulnerable groups such as women with disabilities or older women. In AT, PT, women with mental health issues are not admitted to shelters. • Exclusion of migrant and	• Specific protection and support to victims with specific needs, such as women with disabilities, women with dependant residence status or permit, women affected by homelessness, with a minority racial or ethnic background, living in rural areas, women sex workers, detainees, and older women. • Possibility to report occurrences of violence against women or domestic violence in reception and detention centres to the relevant staff. • Support services available for third-country national victims of violence against women and

	asylum-seeking women from sheltered accommodation (AT, BE - with regards to women present in the country unlawfully, who have no income and no entitlement to public assistance – FR, PT, ES, MT – indirectly).	domestic violence, including for applicants of international protection and for persons subject to return procedures in detention centres.
Chapter V: Prevention		
Article 35 Preventive measures	• Lack of awareness-raising initiatives to tackle underlying patriarchal and stereotypical attitudes (BE, IT, NL, PT). • Insufficient teaching material on issues such as equality between women and men, gender roles, etc. (FI, IT, MT, SE). • Prevention strategies and awareness raising campaigns are limited to domestic violence (BG, HU). • Absence of sustained and long-term efforts to raise awareness through regular and long term awareness-raising campaigns and activities to help all members of society recognise violence against women and support its victims (including in AT, BE, FI, MT). • Campaigns are limited in geographic scope instead of being implemented at all levels of the state (i.e., national, regional, local) (BE, DK, FI, IT, PT).	• All Member States, including the 6 Member States which did not ratify the Istanbul Convention to develop awareness-raising campaigns, research and education programmes, on all forms of violence against women and domestic violence, including sexual harassment at work with the aim to challenging harmful gender stereotypes and promoting equality between women and men. • This will include targeted action addressed to groups at risk, including children.
Article 36 Training and information for professionals	• Lack of initial and in-service trainings for professionals and lack of guidelines based on a gendered understanding of violence against women and domestic violence (AT, BE, DK, FI, FR, IT, MT, NL, PT, ES, SE). • Lack of training of social workers and relevant court appointed professionals (FR, IT, MT, PT) • Need to expand training on	• Professionals likely to come into contact with victims to receive training and targeted information to identify cases of violence against women or domestic violence and to treat victims in a gender- and trauma-sensitive manner and to facilitate reporting.

	different manifestations of violence against women, their detection and root causes (AT, BE, FI, FR, IT, MT, PT) • Insufficient training or lack of sensitivity of professionals involved in providing medical care and forensic examinations in the area of sexual violence (IT, MT, NL)	
Article 37 Intervention programmes	• Intervention Programmes are insufficiently available or the attendance by perpetrators of domestic violence is very low (DK, IT, PT, AT, FI, MT, NL). • Referrals to perpetrator programmes are not integrated into the criminal justice system as a tool to reduce recidivism (FI, MT, NL).	• Effective intervention programmes to be established to prevent and minimise the risk of committing offences of violence against women or domestic violence, or reoffending.
Chapter VI: Coordination and cooperation		
Article 38 Coordinated policies and coordinating body	• Member States who did not ratify the Istanbul Convention did not set up a national coordination mechanism for violence against women and domestic violence (CZ, SK, BG, HU, LV, LT).	• All Member States to establish or maintain comprehensive and co-ordinated policies approach to prevent and combat all forms of violence against women and domestic violence. • Member States to ensure the monitoring and policies evaluation including a coordinated collection of data at central, regional and local levels.
Article 39 Multi-agency coordination and cooperation	• Multiagency cooperation limited to cases of domestic violence (FI, MT,ES) • Lack of effective co-operation and multiagency approach to the protection and support of victims in the area of domestic violence (IT, DK, PT, SE).	• Appropriate mechanisms to ensure effective coordination and cooperation at the national level between all 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.
Article 40 Cooperation with non-governmental organisations	• Insufficient involvement of stakeholders, in particular women's support services and women's non-governmental organisations in the design and implementation of awareness-raising campaigns and lack of financial support and to give them the financial means to do so (DK, FI, FR, IT, MT, ES).	• Enhanced cooperation among Member States and civil society organisations working with victims of violence against women and domestic violence. The cooperation to cover support to victims, policymaking initiatives, information and awareness-raising campaigns, research and education programmes and training, as well as monitoring and evaluating the impact of measures to support and protect victims.
Article 42 Union level cooperation	• The Commission organises Mutual Learning Seminars on Gender Equality and exchanges information with Member States and stakeholders through the High-Level Group on Gender Equality and Advisory Committee on Gender Equality. • No specific coordination structure on violence against women and domestic violence exists at EU level.	• Member States to cooperate to improve the implementation of EU and national law on violence against women and domestic violence by: - exchanging best practices and consulting each other in individual cases; - exchanging information and best practices with relevant European agencies; - providing assistance to European networks working on relevant matters.
Article 43 Data collection and research	• Justice sector authorities do not collect sex disaggregated data on victims/perpetrators of violence against women (BE, DK, MT, NL). • Several Member States do not collect and transmit relevant administrative data from one	• Administrative data on violence against women and domestic violence to be collected and published regularly, including data disaggregated at least by sex, age of the victim and of the offender, relationship between

	public body to another (AT, BE, DK, FI, FR, IT, MT, SE). • The difficulties in collecting data were noted by several MS, international organisations and non-governmental organisations in the targeted consultations. • Lack of availability and regular collection of comparable EU-wide administrative data. • The only available, comparable survey data at the EU level is the FRA survey from 2014. Currently, Eurostat is coordinating the follow-up survey on gender-based violence and other forms of interpersonal violence. Member State participation is voluntary.	the victim and the offender and type of offence. • Population-based EU-wide survey to be conducted regularly to assess the prevalence of and trends in all forms of violence against women and domestic violence.

ANNEX 2 TABLES ON COSTS AND BENEFITS, INCLUDING THE OI-OO VIEW

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	***Amount***	***Comments***
	Direct benefits	
Reduction in costs of violence against women and domestic violence (Lost economic output)	Cost reductions are estimated to be **EUR 8.1 billion** in the shorter-term i.e. 5 years after implementation and **EUR 12.2 billion** in the longer-term i.e. 10 years after implementation.	These reductions in costs would accrue to **individual victims of violence against women and domestic violence** as a result of a reduction in lost earnings and productivity due to lower prevalence of GBV.
Reduction in costs of violence against women and domestic violence (Health services)	Cost reductions are estimated to be **EUR 2.5 billion** in the shorter-term i.e. 5 years after implementation and **EUR 3.8 billion** in the longer-term i.e. 10 years after implementation.	These reduction in costs would accrue to **national authorities** as a result of a reduction in healthcare costs due to lower prevalence of violence against women and domestic violence and hence, cases that require services/treatment.
Reduction in costs of violence against women and domestic violence (Criminal justice system)	Cost reductions are estimated to be **EUR 7.2 billion** in the shorter-term i.e. 5 years after implementation and **EUR 13.7 billion** in the longer-term i.e. 10 years after implementation. This reduction is proportionally lower than in the other categories as it takes into account an increase workload and therefore costs for implementing the measures.	These reductions in costs would accrue to **national authorities** as a result of a reduction in criminal justice system costs due to lower prevalence of violence against women and domestic violence.
Reduction in costs of violence against women and domestic violence (Civil justice system)	Cost reductions are estimated to be **EUR 0.2 billion** in the shorter-term i.e. 5 years after implementation and **EUR 0.4 billion** in the longer-term i.e. 10 years after implementation. This reduction is proportionally lower than in the other categories as it takes into account an increase workload and therefore costs for implementing the measures.	These reductions in costs would accrue to **national authorities** as a result of a reduction in civil justice system costs due to lower prevalence of violence against women and domestic violence.
Reduction in costs of violence against women and domestic violence (Social welfare)	Cost reductions are estimated to be **EUR 2.1 billion** in the shorter-term i.e. 5 years after implementation and **EUR 3.1 billion** in the longer-term i.e. 10 years after implementation.	These reductions in costs would accrue to **national authorities** as a result of a reduction in social welfare costs due to lower prevalence of violence against women and domestic violence
Reduction in costs of Gender-based violence (Personal costs)	Cost reductions are estimated to be **EUR 0.6 billion** in the shorter-term i.e. 5 years after implementation and **EUR 1.0 billion** in the	These reductions in costs would accrue to **individual victims of violence against women and domestic violence** as a result

	longer-term i.e. 10 years after implementation.	of a reduction in personal costs due to lower prevalence of violence against women and domestic violence.
Reduction in costs of Gender-based violence (Physical/emotional impacts)	Cost reductions are estimated to be **EUR 32.2 billion** in the shorter-term i.e. 5 years after implementation and **EUR 48.4 billion** in the longer-term i.e. 10 years after implementation.	These reductions in costs would accrue to **individual victims of violence against women and domestic violence** as a result of a reduction in physical and emotional harms of crime due to lower prevalence of violence against women and domestic violence.
Indirect benefits		
None estimated		
Administrative cost savings related to the 'one in, one out' approach*		
	NA – administrative costs are negligible	

II. Overview of costs – Preferred option							
		Citizens/Consumers		**Businesses**		**Administrations**	
		One-off	**Recurrent**	**One-off**	**Recurrent**	**One-off**	**Recurrent**
PREFERRED OPTION (Costs per measure are presented in the table below)	Direct adjustment costs	n/a	n/a	n/a	**1.89 billion**	**16.3 million**	**4.9 – 6.5 billion**
	Direct administrative costs	n/a	n/a	n/a	n/a	n/a	n/a
Costs related to the 'one in, one out' approach							
Total	Direct adjustment costs	n/a	n/a	n/a	**1.89 billion**		
	Indirect adjustment costs	n/a	n/a	n/a	n/a		
	Administrative costs (for offsetting)	n/a	n/a	n/a	n/a		

II. Overview of direct costs of the preferred option			
Measure	**Recurring**		**One-off**
	Minimum	***Maximum***	
1.1 Awareness-raising, provision of information and training of professionals	€29,862,000	€34,403,000	€1,816,000
1.2 OVAW - Self-regulatory standards	negligible	negligible	negligible
1.4 Work with perpetrators	€134,000	€134,000	0
2.1 Protection orders, emergency barring orders	€3,696,000	€25,175,000	0
2.2 Violence reporting and transmission of personal data between services	negligible	negligible	negligible
2.3 Special measures for the protection of children in the context of domestic violence	€718,971,000	€1,942,604,000	0
2.4 Risk assessment and management	€46,855,000	€46,855,000	0
3.1 Criminalisation	n/a	n/a	n/a
3.2 Measures against illegal gender-based content online	€326,459,000	€326,459,000	0
3.3 National coordination	€2,027,000	€2,027,000	0
4.1 Specialised support	€117,643,000	€117,643,000	0
4.2 Support to victims of OVAW	€1,159,566,000	€1,159,566,000	0
4.3 Support to victims of gender-based work harassment	€627,091,000	€ 627,091,000	0
4.4 Shelters	€20,486,000	€379,746,000	€12,630,000
4.5 Helplines	€461,000	€4,656,000	€ 946,000
4.7 Coordination of measures against gender-based work harassment	n/a	n/a	n/a
5.1 Monitoring, incl. data collection	€20,769,000	€20,769,000	€152,000
5.2 One-stop-shop information access	€357,000	€357,000	n/a
(Cost for employers) 1.3 Specific prevention measures against gender-based work harassment	€1,893,919,000	€1,893,919,000	€605,000
Total costs for preferred policy option	€4,968,296,000	€6,581,404,000	€16,149,000