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IMPACT ASSESSMENT REPORT

Accompanying the document

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

on combating violence against women and domestic violence

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Contents

Glossary

Term or acronym	*Meaning or definition*
Asylum-seeking women and girls	A woman or a girl who has left her country of origin to seek international protection.
Child	Any person below 18 years of age.
Coercive control	Oppressive conduct that is typically characterised by tactics to intimidate, degrade, isolate and control the victim. Can be combined with physical abuse and sexual coercion.
Domestic violence	All acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit, or between former or current spouses or partners, regardless of whether the perpetrator shares or has shared the same residence with the victim. Domestic violence can target anyone in the family unit and covers for instance women, men, children, older people and same-sex partners.
Female genital mutilation (FGM)	Procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.
Forced abortion	Intentional termination of a pregnancy without the prior and informed consent of the victim (woman or girl).
Gender	Socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women, men, girls and boys. This includes the relationship among and between these socially constructed norms, behaviours and roles.
Gender bias	Prejudiced actions or thoughts based on the perception that women are not equal to men in rights and dignity.
Gender stereotype	A generalised view about attributes or characteristics, or the roles that should be performed by women and men in a given society. A gender stereotype is harmful when it limits individuals' capacities to develop personal abilities, pursue careers or make other life choices.
Gender-sensitive policies	Policies that take into account the particularities pertaining to the lives of women and men, in all their diversity, while aiming to eliminate inequalities and promote gender equality, including an equal distribution of resources, thus taking into account the gender dimension.
General support services	Help offered through for instance social services, health

	services and employment services. General support services provide short and long-term help and are not exclusively designed for victims of violence against women or domestic violence, but serve the public at large.
Secondary victimisation	When the victim suffers further harm due to the manner in which institutions and individuals approach the victim. Secondary victimisation may be caused, for instance, by repeated exposure of the victim to the perpetrator, repeated interrogation about the same facts or the use of inappropriate or insensitive language by those who come into contact with the victim.
Sexual harassment	Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.
So-called "honour crimes" against women and girls	Acts of violence that are disproportionately, though not exclusively, committed against girls and women, because family members consider that certain suspected, perceived or actual behaviours bring dishonour to the family or community.
Specialist support services	Support services targeted to victims of violence against women and domestic violence. Specialist support services can include social, emotional, psychological and financial support, as well as practical and legal support.
Trafficking in human beings	A crime which consists of the recruitment, transportation, transfer, harbouring or reception of persons. Control over the victim is attained through the threat of force or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person. The purpose is the exploitation of the trafficked person. Exploitation includes, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation.
Victim	A natural person who has suffered harm, including physical, mental or emotional harm or economic loss, as a result of violence against women or domestic violence, including child witnesses of such violence.
Violence against women	All acts of violence that are directed against a woman because she is a woman or that affect women disproportionately, which result or are likely to result in physical, sexual, psychological or economic harm or suffering to women, including threats of such acts,

	coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.
Women	Women and girls under the age of 18, in all their diversity.

Term or acronym	***Meaning or definition***
CEDAW	Convention on the Elimination of Discrimination against Women
CFR	Charter of Fundamental Rights
CJEU	Court of Justice of the European Union
DSA	Digital Services Act
DV	Domestic violence
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
EIGE	European Institute for Gender equality
EPRS	European Parliamentary Research Service
FGM	Female genital mutilation
FRA	Fundamental Rights Agency of the European Union
GREVIO	Council of Europe's Group of Experts on Action against Violence Against Women and Domestic Violence
Istanbul Convention	Council of Europe Convention on preventing and combating violence against women and domestic violence
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
VaW	Violence against women

VRD	Victims' Rights Directive
WHO	World Health Organization

1. 1. Introduction: Political and legal context

Violence against women and domestic violence are widespread across the European Union and worldwide. When taking office, Commission President von der Leyen announced that the EU should do all it can to prevent violence against women and domestic violence, protect victims and punish offenders.[1] The **EU Gender Equality Strategy 2020-2025**[2] announces key actions for preventing and combatting violence against women and domestic violence in Europe and, in particular, a legislative proposal tackling such violence. The need to tackle violence against women and domestic violence also figures prominently in the **EU Strategy on the Rights of the Child (2021-2024)**[3], the **EU Strategy on Victims' Rights (2020-2025)**[4], the **LGBTIQ Equality Strategy 2020-2025**[5], and the **Strategy for the Rights of Persons with Disabilities 2021-2030**[6]. The **Gender Action Plan III**[7] makes the fight against gender-based violence one of the priorities of the Union's external action. Gender equality is also the second principle of the **European Pillar of Social Rights**[8], which aims to ensure and foster equality of treatment and opportunities between women and men in all areas.

At international level, measures to counter violence against women and domestic violence have been called for since the 1990s, including in the framework of the United Nations Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW'). The Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention') is the first instrument in Europe to set binding standards on the matter. While all Member States have signed the Convention, to date, 21 Member States have become parties to it.[9] This means that the remaining six Member States are not bound by the Convention's standards.

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[1] European Commission, *A Union that strives for more. My agenda for Europe – By candidate for President of the European Commission, Ursula von der Leyen*, 2019.

[2] European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A Union of Equality: Gender Equality Strategy 2020-2025*, COM(2020) 152 final, 5 March 2020.

[3] 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.

[4] 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.

[5] 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.

[6] 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. 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. See 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.

[7] 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.

[8] https://ec.europa.eu/info/strategy/priorities-2019-2024/economy-works-people/jobs-growth-and-investment/european-pillar-social-rights/european-pillar-social-rights-20-principles_en.

[9] All Member States have signed the Convention at the latest following the adoption of the Council Decision on the signing the Convention on behalf of the EU, COM/2016/0111 final.

The Commission proposed in 2016 the EU's accession to the Convention[10], but this proposal has not yet been adopted by the Council and the accession negotiations have been blocked for several years. The EU's accession is opposed by the six Member States that have not ratified the Convention due to a political backlash against it, which is partly caused by misunderstandings of certain provisions and exacerbated by disinformation campaigns.[11] On 6 October 2021, the Court of Justice of the European Union (CJEU) issued its opinion on the EU accession to the Istanbul Convention.[12] The CJEU clarified that the EU can accede to the Convention even if not all Member States have ratified it, but grants the Council discretion to wait with a vote until consensus has been reached. It is therefore not possible to predict when the EU's accession to the Istanbul Convention might take place, and how many Member States would eventually ratify the Convention. While finalisation of the EU's accession to the Convention remains a key priority for the Commission, the measures of the present initiative are aimed at achieving the objectives of the Convention within the areas of EU competence until such accession has taken place. Once the EU accedes to the Convention, this initiative will implement its provisions within such areas.

This initiative builds on the Istanbul Convention and the Commission's continued commitment to finalising the EU's accession. To reach the objectives of the Istanbul Convention in the areas of EU competence, this initiative aims to fill in the gaps identified in the EU acquis in the areas covered by the Convention. It aims at setting up minimum standards concerning the rights of this group of crime victims, binding on the Member States and enforceable by the Commission. This initiative also takes into account recent developments such as the digital transformation and lessons learnt from the COVID-19 pandemic.

The European Parliament has repeatedly called on the Commission to propose legislation on violence against women and domestic violence.[13] In January 2021, it underlined the need for measures to address the disparities in laws and policies between Member States and called for an EU framework directive on the matter.[14] The Parliament has adopted two own-initiative reports, on adding gender-based violence as a new Euro-crime[15] and on combatting gender–based cyber violence.[16]

2. 2. Problem definition

2.1.2.1. What are the problems?

2.1.1 Scope

[10] 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.
[11] In Bulgaria, the Constitutional Court considered in 2018 the Convention not to be compatible with the Constitution.
[12] Court of Justice of the European Union (Grand Chamber); opinion A-1/19 of 6 October 2021.
[13] See, for example: European Parliament, *Resolution on the EU's accession to the Istanbul Convention and other measures to combat gender-based violence*, 2019/2855(RSP), 28 November 2019.
[14] European Parliament, *Resolution on the EU Strategy for Gender* Equality, 2019/2169(INI), 21 January 2021. For more information on the relevant activities of the European Parliament, see: EPRS, *Gender-based violence as a new area of crime listed in Article 83(1) TFEU – European added value assessment*, 2021, p. 19.
[15] 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)).
[16] Combating Gender based Violence: Cyber Violence, 2020/2035(INL), to be voted in December plenary.

This initiative covers violence against women, and domestic violence against any person. This corresponds to the scope of the Istanbul Convention. Violence against women and domestic violence are commonly addressed together both in the Member States and at international level. This is due to their common features, as explained in detail under section 2.1.2 below.

The key concepts used in this Impact Assessment follow established international definitions, which have been incorporated in the 21 Member States' national laws, in order to ensure consistency once the EU accession to the Istanbul Convention takes place. **Violence against women** hence covers all acts of gender-based violence resulting in, or likely to result in, or threatening physical, sexual, psychological or economic harm or suffering to women, irrespective of whether they occur in public or in private.[17] The term **gender-based violence** is commonly used to highlight the dynamics and drivers behind this type of violence. The terms gender-based violence and violence against women are **often used interchangeably**, as most violence against women is inflicted due to their gender. This Impact Assessment follows the approach of the Istanbul Convention and uses the term 'violence against women'.

Domestic violence occurs within the household either between intimate partners (**intimate-partner violence**) or between other household members, including inter-generationally between parents and children. Thus, domestic violence covers not only women, but any person living in the household, including men, older people, same-sex partners, non-binary persons[18], and children.
Most forms of violence against women and domestic violence are criminal acts[19] under national law and such violence, when targeted at women, is a form of sex-based discrimination.

In order to meet the objective of the Istanbul Convention effectively, this initiative takes into account the fast pace of the current digital transformation; it further deals with **cyber-violence and sexual harassment**, in particular at work. Although such types of violence are not explicitly covered by the Istanbul Convention, **cyber violence against women** and **intimate partner cyber violence** have become increasingly common in recent years.[20] Cyber violence against women refers to online content or activity which targets the victim because she is a

[17] United Nations, *Declaration on the Elimination of Violence against Women,* Proclaimed by General Assembly resolution 48/104 of 20 December 1993, Article 1; CEDAW, *General Recommendation No. 19: Violence against women – Background*, 1992; CEDAW, *General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*, CEDAW/C/GC/35, 26 July 2017, at 1-2; Istanbul Convention Article 3(1)(a).
[18] While most people – including most transgender people – are either male or female, some people do not neatly fit into these categories. They use different terms to describe themselves, with non-binary being one of the most common, see National Center for Transgender Equality; https://transequality.org/issues/resources/understanding-non-binary-people-how-to-be-respectful-and-supportive.
[19] For relevant national criminalisations, see 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).
[20] HRC, *Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences on online violence against women and girls from a human rights perspective*, A/HRC/38/47, 14 June 2018, p. 12; NATO Strategic Communications Centre of Excellence 2020. *Abuse of power: coordinated online harassment of Finnish Government Ministers*, p. 10.

woman or targets women victims disproportionately.[21] Cyber violence can also be perpetrated between current or former intimate partners.[22] Cyber violence can take **a variety of forms,** ranging from cyber stalking and non-consensual sharing of private and intimate images or personal data to sexual cyber harassment.[23] Experiences of online and offline violence are often interlinked. **Cyber violence against women is a part of the continuum of the violence** victims experience offline. **Sexual harassment** is included as it is currently covered by a number of gender equality directives which have proven not to be effective in preventing and combatting this type of violence against women (see gap analysis, Annex 8).

Violence against women and girls is a specific phenomenon in that its drivers are different from other types of violence (see section 2.2 below). **Gender-based violence may affect both women and men, but women are disproportionately affected** (see section 2.1.3. 'Who is affected' for details). This is the case in particular for sexual violence.[24] Violence against women is rooted in structural inequalities between women and men and is the manifestation of historically unequal power relations, which have led to discrimination against women.[25] Violence against women is often driven by misogyny. As explained in more detail in section 2.2.2, **violence against women entails certain specificities**, such as taking place in the private sphere, suffering from systemic under-reporting, disrupted criminal proceedings, the commonly sexual nature of crimes and/or a high prevalence of elements of coercive control.[26] These elements are different compared to most violence experienced by men. For instance, violence against men usually occurs in public settings, is not usually of a sexual nature, and is generally perpetrated by other men.[27] Men are also frequently victims of other types of violence, but are much less often victims of violence targeting them because of their gender.[28] Also the **consequences of violence against women include specificities**, especially in regard to social consequences, which requires targeted action. Violence against women negatively impacts the **physical health** of the victims. Sexual violence exposes women to sexually-transmitted diseases, unintended pregnancies, abortions and miscarriages, and lowers women's control over their reproductive health.[29] Violence against women and

[21] See HRC, *Report of the Special Rapporteur on online violence against women and girls*, at 23. European Parliament Research Centre, *Combating gender-based violence: cyber violence. European added value assessment*, 2021, at 4-7. Also Centre for international governance innovation (CIG), *What is gender-based online violence*, https://www.cigionline.org/multimedia/what-is-online-gender-based-violence/.
[22] CyberSafe. *Cyber violence against women and girls*. Final report 2021, pp. 29- 34.
[23] Council of Europe Cybercrime Convention Committee (C-TY) 2017, *Mapping study on cyber violence* (T-CY (2017)10), at 6. European Institute for Gender Equality (EIGE), *Cyber violence against women and girls*, 2017. GenPol Gender & Policy Insights 2019. *When technology meets misogyny. Multi-level, intersectional solutions to digital gender-based violence*, p. 16.
[24] More than 9 in 10 rape victims and more than 8 in 10 sexual assault victims were girls and women, while nearly all those imprisoned for such crimes were male (99%). Eurostat, *Violent sexual crimes recorded in the EU*, 2018. See https://ec.europa.eu/eurostat/web/products-eurostat-news/-/EDN-20171123-1.
[25] Council of Europe, Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011.
[26] FRA, *Violence against women: an EU-wide survey. Main results report*, 2014; EPRS, *Combating gender-based violence: Cyberviolence,* European added value assessment, 2021
[27] FRA, *Crime, Safety and Victims' Rights*, 2021.
[28] FRA, *Crime, Safety and Victims' Rights*, 2021.
[29] World Health Organization, London School of Hygiene and Tropical Medicine, South African Medical Research Council. '*Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence*'. Geneva, Switzerland: World Health Organization, 2013.

domestic violence also increase the probability of **mental health** problems,[30] linking to higher rates of depression, post-traumatic stress disorder, anxiety, alcohol and drug abuse, and suicidal ideation.[31] In light of the above, the scope of the initiative focuses on violence against women, as this manifestation of structural gender inequality with its specific consequences requires a targeted approach, but includes, in relation to domestic violence, also men. Male victims of other types of violence than domestic violence are covered under the Victims' Rights Directive that is applicable to all victims of crime and the Gender Equality Directives as regards harassment.

Violence on the basis of other grounds of discrimination than sex is not part of the primary scope of the current initiative. This does not mean that such violence does not merit addressing. However, as set out above **the dynamics and consequences of violence against women and domestic violence require a specific approach**.[32] Nevertheless, special measures address the intersection of sex with other grounds of discrimination included in the Treaties, such as racial or ethnic origin, disability, religion or belief, age or sexual orientation. Also, the provisions regarding domestic violence include victims of such violence in all their diversity, including non-binary people. Specific measures to tackle violence and discrimination based on other grounds than sex are included in relevant sectoral EU initiatives and legislation.[33] However, while this initiative would oblige Member States to implement minimum standards concerning violence against women only in relation to this group of victims, Member States would be encouraged to extend all measures to men and non-binary people.

2.1.2 Problem description

a) High prevalence of violence against women and domestic violence in the EU

Violence against women and domestic violence are widespread across the EU. Their prevalence and scale have been examined most comprehensively in the **2014 survey on violence against women**[34] of the Fundamental Rights Agency of the European Union (FRA), and confirmed in multiple studies and surveys carried out since then.[35] These include the

[30] Magnusson Hanson, Nyberg, Mittendorfer-Rutz, Bondestam, Madsen: '*Work related sexual harassment and risk of suicide and suicide attempts: prospective cohort study'*, 2020, BMJ2020;370:m2984.
[31] J. Mannel & S. Hawkes, '*Decriminalisation of gender-based violence is a global health problem*', Journal BMJ Global Health, Vol. 2(3), 2017, pp. 1-3.
[32] For example, while violence against women is most often perpetrated by a family member or relative (*Supra* 16), victims of violence motivated by racism usually do not know the perpetrators (FRA, *Being Black in the EU: Second European Union Minorities and Discrimination Survey – Summary*, 2019).
[33] E.g. Council Directive 2000/78 of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; Council Directive 2000/43 of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.
[34] FRA, *Violence against women: an EU-wide survey. Main results report*, 2014; EPRS, *Combating gender-based violence: Cyberviolence,* European added value assessment, 2021. 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.
[35] An overview of the most recently available data is included in Annex 6.

recent **FRA survey on crime victims** published in February 2021[36] and administrative data gathered by the **European Institute for Gender Equality** (EIGE) from national authorities.[37]

According to the 2014 FRA survey, one woman in three aged 15 or above reported having experienced some form of physical and/or sexual violence in the EU. One in 10 women reported having been victim to some form of sexual violence, and one in 20 had been raped. Just over one in five women have suffered physical and/or sexual violence from either a current or previous partner, whilst 43% of women have experienced some form of psychologically abusive and/or controlling behaviour when in a relationship. While both women and men experience cyber violence and harassment, women are overrepresented among victims of cyber violence perpetrated based on the victim's sex, in particular **sexual forms of cyber violence**.[38] In addition, women and girls more often report **serious and disturbing forms** of such violence, and report feeling more vulnerable after such violence and more harshly judged as victims.[39] Usage of the internet and social media increases the risk of cyber violence.[40] In a global 2017 survey on online abuse in eight countries, on average 23% of women reported having experienced abuse or harassment online.[41] The 2014 FRA survey suggested that 20% of women aged 18–29 years old had experienced cyber violence since the age of 15.[42] In 2020, the World Wide Web Foundation found that 52% of young women were affected and over 80% were of the opinion the phenomenon was increasing.[43] In a recent study, more than 50% of all respondents replied they did not dare express political opinions due to fear of online targeting.[44] Data from 2017 illustrate that 70% of women victims of cyber stalking also experienced at least one form of physical or/and sexual violence from an intimate partner (see section 2.1.1 above).[45] Experiences of online and offline violence are often interlinked, showing that it is important to tackle them together.

Women also experience **violence at work**. About a third of women who have faced **sexual harassmen**t in the EU experienced it at work. According to the FRA survey, 32% of perpetrators of sexual harassment faced by women since they were 15 were from the employment context such as colleagues, supervisors or clients.[46] When asked whether the

[36] FRA, *Crime, Safety and Victims' Rights*, 2021. This survey collected data from 35,000 people and focuses on respondents' experiences as victims of selected types of crime, including violence and harassment.
[37] EIGE, *Gender Statistics Database,* available at: (https://eige.europa.eu/gender-statistics/dgs).
[38] GenPol Gender & Policy Insights 2019, p. 14. CyberSafe 2021, pp. 30-33, 72, referring to the DeShame project on online sexual harassment and violence, https://www.childnet.com/our-projects/project-deshame.
[39] CyberSafe 2021, pp. 38-39,
[40] CyberSafe 2021, p. 24.
[41] CyberSafe. *Cyber violence against women and girls*. Final report 2021, pp. 30-33. See however also EPRS 2021, pp. 7-8, where EU-level estimates of 1% to 7% were obtained for women's experiences of cyber harassment and cyber stalking in EU-27.
[42] *Supra* 34, p. 104; EPRS, *Gender-based violence as a new area of crime listed in Article 83(1) TFEU – European added value assessment*, 2021, p. 19.
[43] Web Foundation, "*The online crisis facing women and girls threatens global progress on gender equality*", World Wide Web Foundation Blog, 12 March 2020.
[44] IDZ, *#Hass im Netz – der schleichende Angriff auf die Demokratie*, 2019, pp. 6, 22, 23. Women respondents reported expressing their political opinions less often than men (54% and 47%).
[45] EIGE, *Cyber violence against women and girls*, 2017, according to which 1044 women have suffered one or more of the three forms of cyber stalking and out of those women, 727 have experienced at least one or more forms of physical or/and sexual violence from an intimate partner. As part cyber harassment, out of 677 women who stated having suffered at least one of the three forms identified as cyber harassment, 518 (77 %) have also experienced at least one form of physical or/and sexual violence from an intimate partner.
[46] FRA, 2014, p. 113.

perpetrator of sexual harassment was male or female, 71% of victims indicated that the perpetrator of an incident since the age of 15 was a man, 2% indicated a female perpetrator and 21% pointed to both male and female harassers. The results reflect that, although the sex of many perpetrators is unknown because of the nature of harassment – such as through the internet – this form of violence against women is perpetrated mostly by men.[47]

The administrative data collected by EIGE shows that the **prevalence** of violence against women and domestic violence may be **estimated at 21.2%** (2019 figures), i.e. one in five women in the EU experienced violence against women or domestic violence. This figure is based on administrative data and only includes acts reported to the authorities. The **severity**, i.e. the percentage of women who experienced health consequences of physical and/or sexual violence, was **estimated at 46.9%**. The **rate of disclosure** to anyone of this kind of violence was **estimated at 14.3%**. It follows that almost half of these incidences cause health consequences for the victims but less than one in seven of them is reported.

Since the outbreak of the **COVID-19 pandemic,** violence against women and children, particularly **domestic violence, has increased**.[48] Stakeholders noted an increase in contact to helplines for victims of violence against women and domestic violence during the pandemic; an increase in the demand for specialised support services (emergency accommodation, counselling services); an increase of reports to law enforcement and in numbers of emergency protection orders issued in cases of such violence, while support services were required to reduce or temporarily stop work; an increase in risk factors for violence due to the pandemic (e.g. isolation, stress, working from home), coupled with a decrease in accessibility of victim support. Even if measures were taken to address this rise in violence, many victims were not in a position to look for help. This was often because victims were forbidden from leaving their homes, but also subject to technological control such as webcams, smart locks or a control via social media.[49] Pending the end of the pandemic and the full manifestation of its social and economic consequences, it is still unclear whether this increase in incidence is temporary (e.g. an increase in intensity) or indicative of a trend. **Although both the EU and its Member States, have taken measures to prevent and combat violence against women and domestic violence, significant gaps remain, both at the level of legislation and its implementation.**

b) Gaps at national level

The studies carried out in support of this impact assessment[50] show the fragmentation of the national regulatory frameworks. The heterogeneity of the existing measures correlates with different legal, historical and political traditions of the Member States. Standards of protection

[47] Ibid.
[48] EIGE, *The Covid-19 pandemic and intimate partner violence against women in the EU,* 2021; WHO, "The rise and rise of interpersonal violence – an unintended impact of the COVID-19 response on families", 2020, available at: (https://www.euro.who.int/en/health-topics/disease-prevention/violence-and-injuries/news/news/2020/6/the-rise-and-rise-of-interpersonal-violence-an-unintended-impact-of-the-covid-19-response-on-families).
[49] See: E. Arenas-Arroyo, D. Fernandez Kranz & N. Nollenberger, "Intimate Partner Violence under Forced Coexistence and Economic Stress: Evidence from the COVID-19 Pandemic", *Journal of Public Economics*, Vol. 194, 2020.
[50] See EELN 2021 and the supporting study conducted in support of this initiative.

vary significantly between the Member States and the rights of victims of violence against women and domestic violence are not always enforced in practice. This leads to unequal protection depending on where in the EU violence against women and domestic violence is experienced. It is also problematic in situations where the victim moves or otherwise exercises their right to free movement in the EU. **The gap analysis in Annex 8 provides a detailed assessment** of gaps in the relevant EU and national legislation as well as the shortcomings in its implementation. The main gaps at national level are presented below, structured into the five problem areas which have been identified as relevant by the Istanbul Convention: prevention, protection, access to justice, victim support and policy coordination. Gaps at EU-level are set out in section c) below.

(1) *Ineffective prevention of violence*

All Member States have introduced prevention measures. In response to the targeted consultation, 23 Member States reported having organised **awareness raising campaigns**[51] on violence against women and/or domestic violence. This is supported by the public consultation. In-country research, however, highlights a number of shortcomings with the existing campaigns, namely that they do not reach target groups meaningfully, with little emphasis on the right to be protected against violence against women and domestic violence. The Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence ('GREVIO') has also noted challenges related to awareness-raising programmes.[52] Although there are some good measures in place, they tend to focus on domestic violence, are too short-term and do not sufficiently target the problem of intersectionality. According to the gap analysis (see Annex 8), there is also a lack of awareness-raising initiatives to tackle underlying stereotypical attitudes (BE, IT, NL, PT)[53] as well as insufficient teaching material on gender equality (FI, IT, MT, SE)[54].

Training is important to increase professionals' skills to recognise victims. While general training is widely available to professionals,[55] targeted violence against women and domestic violence trainings, particularly concerning the interactions of police and judicial authorities with victims, are lacking. Moreover, trainings are not compulsory in most Member States for several categories of professionals. They are also not institutionalised and not available in the same manner and frequency for all categories. While police, judges, lawyers, and prosecutors are the most likely to receive training, few Member States provide other personnel in public administration who come into contact with victims with training.[56] Lack of training of social workers and relevant court appointed professionals has been identified as insufficient in some Member States (FR, IT, MT, PT).[57] Many Member States have insufficient initial and in-service trainings and lack of guidelines based on a gendered understanding of violence against

[51] Also research evidence supports the effectiveness of awareness campaigns in inducing victims of violence to seeking help. See: M. Colagrossi, C. Deiana, A. Geraci & L. Giua, "Hang Up on Stereotypes: Domestic Violence and Anti-Abuse Helpline Campaign", *HEDG Working Paper Series,* 2020.
[52] GREVIO, *Mid-term Horizontal Review of GREVIO baseline reports*, 2021, pp. 54-57, available at: (https://rm.coe.int/horizontal-review-study-2021/1680a26325).
[53] Gap Analysis in Annex 8, GREVIO submission targeted consultation, p. 2.
[54] GREVIO submission targeted consultation, at para. 3
[55] Targeted consultation to Member States, question 11.
[56] *Supra* 52, p. 65. GREVIO highlights the need for initial and in-service training for all relevant professions to be systematic and compulsory.
[57] Gap Analysis in Annex 8, GREVIO submission targeted consultation, para. 11, 79.

women and domestic violence (AT, BE, DK, FI, FR, IT, MT, NL, PT, ES, SE[58]). Staff of relevant services should likewise be aware of the effects of domestic violence on children, including of witnessing domestic violence (FR, IT).

Work with perpetrators to prevent re-offending, as well as with men and boys at risk of offending, has a positive impact on combating violence against women and domestic violence.[59] While all but one Member State (HU) have set up support programmes for perpetrators of violence against women and domestic violence, these programmes are often not structured, primarily targeting domestic violence and not always compulsory.[60] In many Member States, programmes for perpetrators are not sufficiently available or suffer from low attendance (DK, IT, PT, AT, FI, MT, NL).[61]

Regarding sexual harassment at work, the gap analysis identified shortcomings in the effectiveness of the implementation of the Gender Equality Directives,[62] which require Member States to take measures to prevent all forms of sex-based discrimination in the areas of employment and access to and supply of goods and services.[63] They however do not contain explicit provisions on preventing such harassment. Gaps identified in the Member States include insufficient knowledge of the issue by relevant professionals.[64] EU law does not include explicit obligations on the prevention of **cyber violence against women** either.[65]

(2) *Ineffective protection from violence*

Many Member States have made efforts to put measures in place to protect victims of violence against women and domestic violence**, including** against **intimidation or retaliation by the perpetrator,** but these are insufficient in some Member States.[66] While mid- and long-term **protection orders** are available in all Member States, these orders are not always effective. In addition, **emergency protection or barring orders** where the police are allowed to prevent an alleged or potential perpetrator of violence from entering the victim's apartment and its immediate surroundings, are available only in 18 Member States.[67] Even where protection orders are available, their practical application remains low. Factors which might contribute to this are notably the length of proceedings and the limited enforcement of

[58] Gap Analysis in Annex 8.
, GREVIO submission targeted consultation, para. 11, 78-79.
[59] Audra J. Bowlus and Shannon Seitz, 2006, '*Domestic Violence, Employment, And Divorce'*, International Economic Review, vol. 47(4), pp. 1113-1149.
[60] More perpetrator programmes are available in prisons. Interview with European Network for Work with Perpetrators (WWP EN), 2 July 2021.
[61] Gap Analysis in Annex 8, GREVIO submission targeted consultation, para. 22.
[62] See also: Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services, 13 December 2004; Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, 7 July 2010. Also Council Directive 89/391/EEC 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, pp.1-8.
[63] EELN, '*Criminalisation of gender-based violence against women in European States'*, 2021, p. 82; EELN, '*Harassment related to Sex and Sexual Harassment Law in 33 European Countries'*, 2011, available at: https://op.europa.eu/en/publication-detail/-/publication/e06dcc86-b7bf-459e-8241-47502ef379c4.
[64] EELN 2021, p. 77.
[65] EPRS, *'Combatting gender-based violence: cyber violence'*, 2021, pp. 12-13.
[66] In the 2001 British Crime Survey, 36% of women and 31% of men who had fallen victim to domestic violence reported being intimidated, e.g. not to report the violence.
[67] AT, BE, BC, CZ, DE, DK, FI, HR, HU, IE, IT, LV, LU, NL, PO, RO, SI, SK. In most other Member States, protection orders could be applicable in some emergency situations, but legislation does not cover all situations of this kind of violence, e.g. FR, PT.

the measures, in particular insufficient sanctions for breaches of the orders and a lack of awareness on their availability. In some Member States, there is a lack of effective and immediate protection after reporting (AT, EE, DE, NL, PL, PT).[68] Also, **victims who move or travel abroad risk losing protection**, since the wide divergence of national measures remain an obstacle to the recognition of measures issued in their home country in other Member States.

As set out in detail in the gap analysis (Annex 8), an **individual assessment** of the specific protection needs of victims of violence against women and domestic violence is absent in eight Member States (CZ, BE, EE, LU, MT, RO, SI and SK).[69] Measures ensuring **specific protection of child victims or witnesses of** violence against women and domestic violence also remain insufficient. Relevant professionals lack appropriate training to provide protection and support in a child-friendly manner (FR, IT), sufficient psychological counselling is not provided for child witnesses (AT, FI, FR, ES) and child witnesses are not always considered victims of violence.[70] Reporting of violence by children should be child-friendly[71], and 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[72] (arrangements in place e.g. in ES, FI, DE, MT).[73]

(3) *Ineffective access to justice for victims of violence*

Several shortcomings limit access to justice for victims of violence against women and domestic violence.[74] While the majority of violence against women and domestic violence offences are criminalised in all Member States, **gaps and divergences in national criminal law remain**.[75] Large gaps exist with respect to **cyber violence against women and intimate partner cyber violence**, such as ICT-facilitated stalking and non-consensual dissemination of private images. In 17 Member States, non-consensual dissemination of intimate/private/sexual images online has not been criminalised (AT, BG, HR, CY, CZ, DK, EE, FI, DE, EL, HU, LV, LT, LU, RO, SK, SI).[76] Gaps in criminalisation also exist in the area of **domestic violence**, because the majority of national definitions require repetition of violent acts in order for them to fall under the criminal offence of domestic violence. Such a requirement of re-victimisation can pose challenges for prosecution, as well as reinforce secondary victimisation. Also, **sexual violence within intimate relationships** is not always recognised as domestic violence.[77]

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[68] *Infra* 157, pp. 36-39.
[69] Victim Support Europe, Victims of Crime Implementation Analysis of Rights in Europe: Synthesis Report, 2019, p. 154, available at: (https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf).
[70] EELN 2021, pp. 47-49, 154. Gap Analysis in Annex 8. Also European Commission 2013; Interview with Victim Support Europe, 9 July 2021.
[71] https://ec.europa.eu/info/sites/default/files/child-friendly_justice_20180625-26_background_paper_final.pdf, p. 3. Concerning judicial cooperation in matters of parental responsibility for the benefit of the children concerned in cases of suspicions of domestic violence, see Gap Analysis in Annex 8 at p. 17.
[72] Also European Court of Human Rights, *O.C.I. and Others v. Romania*, application no. 49450/17, judgment of 21 May 2019, §§ 43-46 concerning the return of children between two Member States.
[73] Information gathered in October 2021 from the European Judicial Network.
[74] ICJ, '*Women's Access to Justice for Gender-Based Violence – A Practitioners' Guide'*, 2016.
[75] *Supra* 35.
[76] European network of legal experts in gender equality and non-discrimination, *Thematic Report on the Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence*, Chapter 8.
[77] EELN 2021 at 11, 75.

The **use of force or threats as** an essential element of rape is required in 16 Member States instead of focusing on lack of consent, as recommended by human rights bodies.[78] This results in unequal protection and an important gap in access to justice for victims of sexual violence across the EU. Gaps also exist with respect to other forms of violence against women and domestic violence, which may negatively affect access to justice: **female genital mutilation** (FGM) is not a specific criminal offence in 9 Member States, **forced marriages** are not explicitly criminalised in 7 Member States[79] and while all Member States have criminalised **forced abortion**, **forced sterilization** has been introduced as a specific criminal offense only in France, Malta, Portugal and Spain.

The lack of targeted training on violence against women and domestic violence for law enforcement and judicial authorities can lead to insufficiencies in the **investigation** and the **judicial process**. The majority of Member States have established *ex officio* prosecution for some violence against women and domestic violence crimes, yet a small minority have dedicated guidelines for the prosecution to ensure that this is done effectively in a manner taking into consideration the specificities of this kind of crime.

Difficulties in evidencing violence during judicial proceedings can also form a barrier to accessing justice. In particular in cases of sexual violence, there are typically no witnesses and there may be no physical signs left by the time the victim has a medical examination. It is also often not clear who (the police, medical professionals, support organisations) should be responsible for providing information and support. The prospect of investigation and prosecution can hinder a victim from **reporting** a crime and initiating judicial proceedings, as victims may want to avoid **secondary victimisation** by not repeating the original trauma during the proceedings.[80] Lack of measures protecting victims against retaliation and repeat victimization has been identified as a gap in some Member States (AT, FR, DE, NL, PL, PT).[81] Lack of reporting was highlighted by six Member State authorities in the targeted consultation as one of the main challenges in the prosecution of cases of GBV (BE, BG, CY, DE, IE, RO).[82]

Furthermore, access to **compensation** has not been effective with regard to victims of gender-based violence, including violence against women and domestic violence.[83] The amount of

[78] See ECtHR, M.C. v. Bulgaria, application no. 39272/98, judgment of 4 December 2003, paras. 154-166, 185-187.
[79] Fourteen countries (Belgium, Bulgaria, Croatia, Cyprus, France, Germany, Ireland, Italy, Luxembourg, Malta, Portugal, Slovenia, Spain and Sweden) have specific provisions on forced marriages. Six countries (Denmark, Estonia, Greece, Iceland, the Netherlands, and Slovakia), despite not having introduced a specific provision on forced marriages, address this specific behaviour under other general criminal provisions (such as an aggravating circumstance, or as one of the purposes of human trafficking, for example). Child marriages are not per se generally criminalised, except in Sweden, but the commission of the crime against a minor has been considered as an aggravating circumstance. Nine countries went beyond the idea of marriage, to include civil unions and extrajudicial marriages. In the latter case, the concept combines the prohibition of forced marriages with the prohibition of justifications based on honour. Czechia, Finland, Hungary, Latvia, Lithuania, Poland and Romania rely on civil law or on general provisions of criminal law without explicit reference to forced marriages.
[80] Secondary victimisation may result from e.g. invasive questioning, including on the victim's sexual history, repetitive interviews or unnecessary confrontation with the offender.
[81] *Infra* 157, pp.34-35.
[82] Submission for the Member State targeted consultation question no. 43.
[83] *Infra* 114; Faircom, '*Fair and Appropriate? Compensation of Victims of Sexual Violence in EU Member States: Greece, Italy, Latvia, the Netherlands and Spain',* 2020, available at: (https://nscr.nl/app/uploads/2020/11/2020-11-01-Fair-and-Appropriate-FAIRCOM-Report-Part-II.pdf). In regard to state compensation, in *Presidenza del Consiglio dei Ministri*, which

compensation is very **low**, which may have particularly damaging consequences for victims of VAW/DV as they often need to re-build an independent and violence-free life of dignity, especially as domestic violence can often occur in situations of economic dependence.[84] In addition, victims may have to go through both criminal and civil proceedings to claim compensation, which exposes them to a high risk of **revictimisation**.[85] Some Member States have restricted time limits to apply for state compensation (AT, CY, HR, HU[86], EL[87]). Finally, victims are not aware of their rights (see gap analysis, Annex 8).

Regarding **sex-based, including sexual, harassment**, reporting and dispute resolution mechanisms are often not readily accessible or gender-sensitive, and involve lengthy proceedings.[88] The Gender Equality Directives require Member States to prohibit sex-based and sexual harassment and provide effective remedies in the areas of employment and access to and supply of goods and services. Lacking criminalisation of sexual harassment (see also Section 3.1.1), retaliation measures towards complainants, lack of case-law, and insufficient knowledge of the issue by relevant professionals are identified as gaps in the Member States.[89]

Stakeholders indicate that **victims of cyber violence against women and intimate partner cyber violence** often struggle in accessing remedies. Law enforcement is often not adequately aware or equipped to address the specificities of the digital dimension of violence against women and domestic violence. In particular, there are often no facilities to **report incidents online and cyber violence may be harder to prosecute** for non-specialised authorities.[90] Insufficient information on what constitutes cyber violence and on the reporting options also leads to **underreporting**.[91]

The role of national equality bodies to deal with cases of violence against women beyond sexual harassment is limited in the majority of the Member States, which equally limits access to justice (BG, HR, CY, CZ, DK, FI, FR, EL, HU, IE, IT, LT, LV, LU, MT, NL, PL, RO, SK, ES.[92]

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concerned a victim of sexual violence, the CJEU held that Member States must grant fair and appropriate state compensation to all victims of violent intentional crime under Council Directive 2004/80.

[84] European Commission, *Strengthening Victims' Rights: from compensation to reparation. For a new EU Victims' rights strategy 2020-2025. Report of the Special Adviser, J. Milquet, to the President of the European Commission, Jean-Claude Juncker*, 2019, available at: (https://ec.europa.eu/info/files/summary-report-strengthening-victims-rights-compensation-reparation_en), p. 32.

[85] Victim Support Europe, *Victims of Crime Implementation Analysis of Rights in Europe: Synthesis Report*, 2019, p. 56, available at: (https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf), p. 121.

[86] *Infra* 114, p. 23.

[87] Baker McKenzie, *Fighting Domestic Violence: Greece,* 2021, at 4.2.4., available at: (https://resourcehub.bakermckenzie.com/en/resources/fighting-domestic-violence/europe/greece).

[88] EELN 2021, at 97.

[89] EELN 2021, p. 97.

[90] Hate Aid, '*Statement: General Recommendation on the Digital Dimension of Women'*, 2021, available at: (https://hateaid.org/wp-content/uploads/2021/05/Protection-of-women-against-digital-violence.pdf).

[91] EPRS, '*Gender-based violence: cyber violence'*, 2021, pp. 12-13.

[92] *Supra* 76, Table 30.

(4) *Ineffective support to victims of violence*

Support services, such as counselling and shelters for victims, are fundamental in ensuring the well-being of victims, need to be based on an understanding of the victim's specific needs and be available for all victims in a manner that ensures confidentiality and privacy.

While all Member States have **general support services in place**, i.e. service provision to the public at large, including social services, health services and employment services, stakeholders[93] identified an insufficient number of **specialist support services** for victims of violence against women and domestic violence, which can cover targeted social, emotional, psychological and financial support, as well as practical and legal support specifically designed for victims of violence against women and of domestic violence. For example, there is a gap in specialised support services dealing with forms of violence against women other than domestic violence, such as sexual violence (AT, BE, FR, MT, PT, ES).[94] **There is, in particular, an insufficient number of shelters available to victims** of violence against women and domestic violence. GREVIO refers to discrepancies in the information provided by Member State authorities and civil society organisations on the numbers of shelters and observes that, with the exception of Austria and Malta, Member States are not close to reaching the target put forward by the Council of Europe to set up one family place per 10,000 heads of population.[95]

There are furthermore limitations to **accessing** the existing support due to conditions related to citizenship, residency, economic means, or dependents (children). In some Member States, women with children have more difficulties to be accepted to support services or supported. In the majority of Member States, access to shelters is particularly difficult for women with disabilities and mothers of children with disabilities. In several Member States, specialised support services are available only to citizens of the country or even to residents of the respective area/region/municipality. The gap analysis shows that there are significant barriers for migrant and asylum seeking women to access general and/or specialised support services (BE, DK, IT, NL,ES, SE).[96] There are also problems of access to support services depending on geographical location. Access to support may also depend on the victim's willingness to bring charges against the perpetrator.

While several Member States have developed a wider and stronger network of specialist support services that assists victims of domestic violence**,** a gap has been identified concerning **specialised support to children**, including child witnesses of violence against women and domestic violence, especially of psycho-social counselling and other child-sensitive support.[97] Such support needs to be provided with regard to the best interests of the child and their needs, which may exclude shelters as the primary temporary housing

[93] Women against Violence Europe (WAVE) collects data and reports on the availability of support services in the EU. These data are presented every two years.
[94] *Supra* 52, p. 90.
[95] *Supra* 52, p. 92. The information was also provided in the targeted consultation of international organisations.
[96] See more in the Gap Analysis in Annex 8. GREVIO submission targeted consultation p. para 75.
[97] See more in the gap analysis annex 8. In the targeted consultation, 13 Member States said specialist support services systematically take into account the needs of child victims and witnesses of domestic violence based on a child-sensitive approach. Eight said they do, but not systematically.

solution.[98] The gap analysis also identified a lack or insufficiency of national state-wide, 24/7 and free of charge helplines to women victims of violence (BE, BG, HR, CY, CZ, FI, FR, EL, HU, IE, LV, LT, LU, MT, NL, PL, PT, SI).[99] There is also lack of multilingual support on national women's helplines (BE, HR, CZ, HU, LV, LT, MT, NL, PL, PT, SI).[100]

There are also gaps in support for victims of **cyber violence against women**. The gap analysis identified a lack of measures tackling this kind of violence and the related support services in the majority of the Member States (AT, BE, BG, HR, CY, CZ, DK, EE, FI, DE, FR, HU, IE, IT, LV, LT, MT, NL, PL, PT, RO, SK, SI, ES, SE).[101]

Service provision is commonly ensured by **victims' rights and women's organisations**, which are staffed with experienced specialists. These organisations report a lack of sufficient **resources** for staff, professional training and financial assistance to run the services as well as a lack of recognition of their work by national governments.

(5) *Insufficient policy coordination*

Due to the involvement of various public and possibly private sector actors in cases of violence against women and domestic violence, **coordination** is required to ensure concerted action. Coordination at national level can be substantiated by national plans of action that assign each actor a particular role. In addition, due to the high prevalence of violence against women and domestic violence across Europe and globally, Member States participate in international coordination efforts.[102] According to national and desk research, however, the implementation of the legislative and policy framework shows gaps in most Member States. The realities are diverse and complex in each Member State, but commonly identified problems are lack of coordination between different institutions with mandates in the area; differences in resources and in quality of the service delivery between urban and rural/remote or more and less developed areas.

There are also shortcomings in the **collection of data** on violence against women and domestic violence, as noted by GREVIO in a recent report on the implementation of the Istanbul Convention.[103] High quality data is a crucial basis for effective policy-making and these shortcomings make it challenging to form an accurate overview of the prevalence of violence against women and domestic violence in the EU. Data on the prevalence of violence against women and domestic violence is gathered through *administrative data collection* and *survey data*. Data collected from administrative sources **is not adequately disaggregated**. For example, data on *perpetrators* are typically not disaggregated by sex, which is an obstacle

[98] See Council of Europe, *Convention on preventing and combatting violence against women and domestic violence ('Istanbul Convention'). Children's rights*. FRA, *Child-friendly justice. Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States*, 2017, at 99-100, on the importance of maintaining the confidentiality of a child's housing arrangements when children access support services to avoid secondary victimization.

[99] See more in the Gap Analysis in Annex 8. WAVE, WAVE Report 2015 on the role of specialist women's support services in Europe, 2015, p. 90.

[100] See more in the Gap Analysis in Annex 8. WAVE Report 2015 on the role of specialist women's support services in Europe, 2015, p. 90.

[101] Gap Analysis in Annex 8. EPRS, '*Gender-based violence: cyber violence'*, 2021, pp. 12-13.

[102] This is the case in particular for the 21 Member States parties to the Istanbul Convention, Article 10 of which requires the establishment of national coordination bodies.

[103] *Supra* 52, pp. 44-47, 51-52.

to the visibility of violence against women and domestic violence in their different forms. Data also does not systematically cover the sex and age of the *victim* or the relationship with the perpetrator. The lack of sex disaggregated data on victims/perpetrators of violence collected by the criminal justice system has been identified as problem also in the gap analysis in Annex 8 (BE, DK, MT, NL).[104] Moreover, **data collection between public bodies is not harmonised**. The gap analysis identified this as a problem in several Member States (AT, BE, DK, FI, FR, IT, MT, SE).[105] The lack of co-ordination and comparability of the data (including a lack of common definitions and units of measurement) makes it impossible to track cases at all stages of the law-enforcement and judicial proceedings, and during support. It impedes an assessment of conviction, attrition, and recidivism rates, as well as the identification of gaps in the responses of institutions. An estimated 2/3 of victims do not report violence, and therefore, official criminal justice data only record a limited number of cases. This is why it is important to be able to rely on population survey additionally to police statistics.

The only available, comparable data at the EU level is the FRA survey from 2014. Currently, Eurostat is coordinating an EU survey on gender-based violence and other forms of interpersonal violence. 18 Member States will carry out the survey (which is supported by EU funds) while others declined to participate mostly because of human resources constraints. FRA and EIGE are stepping in to complete the results for these Member States. Results for all countries are expected in 2023. To monitor developments, it would be necessary to carry out the survey on a regular basis by all Member States in the future.

c) Gaps at EU level

There is currently no specific EU legal instrument addressing violence against women and domestic violence. The topic falls, however, in the scope of application of several directives and regulations, in particular in the areas of criminal justice, gender equality and asylum. The existing EU legal framework for addressing violence against women and domestic violence was assessed for the purposes of this initiative; this assessment concludes that the current legal framework has significant gaps and shortcomings with regard to this group of victims, which has come to the forefront particularly due to the increased risk of domestic violence following the confinement measures of the COVID-19 pandemic (see Annex 8 for details).

The **gap analysis** in Annex 8 also shows that **the relevant EU legislation has been ineffective in preventing and combatting violence against women and domestic violence**. While there is no EU legislation dedicated to such violence, the gap analysis identified **14 EU law instruments** which are relevant for victims of violence against women and domestic violence as they either establish general rules applicable also to this category of victims, or establish specific rules on certain forms of such violence. For example, the provisions on protection and access to justice in the **Victims' Rights Directive** and the **European Protection Orders** ('EPO') apply to all victims of crime, whereas the **Directives on child sexual abuse** or **trafficking in human beings** establish sectoral rules on these forms of

[104] See more in the Gap Analysis in Annex 8; *Supra* 52, pp. 42-46. On cyber violence, EPRS, 'Gender-based violence: cyber violence', 2021, pp. 12-13.
[105] See more in Annex 8; *Supra* 52, p. 46.

violence. In addition, the **Gender Equality Directives** include provisions on sexual harassment. The assessment supplements and builds on the **on-going general evaluations** of some of these instruments, in particular those concerning the Victims' Rights, the Child Sexual Abuse and the Anti-Trafficking Directives.[106]

With regard to **prevention**, the EU framework includes some obligations on awareness-raising, but these either concern victims' rights in general[107], or are limited to specific forms of violence, such as trafficking in human beings, child sexual abuse or sexual harassment at work. As to training for professionals, EU legislation provides some obligations for the Member States[108], but such provisions are not specific to violence against women and domestic violence.

When it comes to **protection** of victims, the instruments on the mutual recognition of protection orders provide for cross-border recognition of criminal and civil protection orders. However, the take-up of the EPO instruments is very low which limits their effectiveness. Moreover, the instruments do not ensure that effective emergency barring orders and protection orders are available and effective in all Member States. As set out above, emergency protection orders do not exist in all Member States and the modalities for their issuance vary.[109] Lack of efficiency of the protection orders at the national level results in a poor take-up of protection orders in cross-border cases and as a consequence in a very low application of the EU EPO instruments.[110]

The insufficient and unequal criminalization of different forms of violence against women and of domestic violence makes it more difficult for victims to access justice. EU-level **criminalisations** of specific forms of violence against women with harmonised definitions and sanctions are currently included in the Anti-Trafficking and the Child Sexual Abuse Directives.[111] While most conduct of violence against women and domestic violence is criminalised at national level, the situation at EU level leaves important gaps, in particular with regard to sexual harassment and cyber violence against women and intimate partners (see above, Section 2.1.2). This directly impacts the victims' access to justice. In cases of cyber violence, if national law enforcement mechanisms are unavailable, victims can complain to the online platform. Effective means of redress are however not always provided by the platform, which is particularly problematic for serious forms of cyber violence.[112] Similarly, with regard to sexual harassment, EU law obliges Member States to prohibit sexual harassment as a form of discrimination and impose sanctions. They however do not require,

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[106] See '*Combating child sexual abuse – review of EU rules*', available at: (https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13073-Combating-child-sexual-abuse-review-of-EU-rules_en), planned for the first quarter of 2022; '*Fighting human trafficking – review of EU rules'*, available at: (https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13106-Fighting-human-trafficking-review-of-EU-rules_en), open until 22 March 2022.
[107] Art. 26 the Victims' Rights Directive.
[108] Such as Art. 25 the Victims' Rights Directive.
[109] EELN 2021, p. 11.
[110] European Commission, *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*, 2020.
[111] The Gender Equality Directives require Member States to sanction sex-based work harassment, but do not necessarily require criminalisation.
[112] EELN 2021, at 137-138.

for most serious cases, criminal sanctions.[113] Lack of adequate **compensation** remains a challenge and obstacle for this group of victims in accessing justice, despite the minimum standards of the Compensation Directive and, for sexual harassment, the Gender Equality Directives.[114] The amount of compensation attributed in violence against women and domestic violence cases is often very low and compensation is not granted in adequate time.

Concerning access to **support** for this group of victims, the Victims' Rights Directive has not reached its full potential: implementation remains dissatisfactory.[115] The complexity and broad formulations in the Victims' Rights Directive often cause obstacles in its practical application. The broad formulation of the provisions concerning support to victims of violence against women and domestic violence further effects the quality of the non-legislative measures taken pursuant to the Directive. Implementation issues were identified in several Member States on access to shelters, including their availability and numbers. Such shortcomings tend to particularly affect victims of violence against women and domestic violence. Moreover, only 13 Member States reported that their specialist support services systematically take into account the **special needs of child victims** and witnesses in cases of domestic violence and ten additional Member States applied a child sensitive approach in a non-systematic manner. Courts also regularly categorise child witnesses as indirect victims, despite it being standard practice in child protection to consider child witnesses as direct victims due to the psychological harm inflicted. This can hinder children's access to services, such as counselling.

Regarding **cyber violence** against women and between intimate partners, the existing EU legal framework does not include specific obligations in this regard. The Victims' Rights Directive applies to all criminalised conduct, but forms of cyber violence against women are only criminalised in 11 Member States. Hence, victims of such violence are often not eligible for protection and support measures under the Directive.

The Gender Equality Directives[116] establish that sex-based and sexual harassment at work and in the access to goods and services are contrary to the principle of equal treatment between men and women, and oblige Member States to prohibit such conduct, ensure remedies and enforcement, including compensation, and provide for effective, proportionate and dissuasive

[113] EELN 2021, at 88, 93-94, finding that the existing criminalisations of sexual harassment in the Member States are not uniform and do not correspond to the requirements of the main international obligations in this field.
[114] European Commission, *Strengthening Victims' Rights: from compensation to reparation. For a new EU Victims' rights strategy 2020-2025. Report of the Special Adviser, J. Milquet, to the President of the European Commission, Jean-Claude Juncker*, 2019,
available at: (https://ec.europa.eu/info/sites/default/files/strengthening_victims_rights_-_from_compensation_to_reparation_rev.pdf).
[115] 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, COM/2020/188 final, pp. 3, 6-7, stating that 'victims of domestic violence do not receive effective support and protection in several Member States. Furthermore, not all Member State provide for a right to support services for victims' family members'.
[116] Directive 2006/54/EC 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; 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; Directive 2010/41/EU 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.

penalties. However, these provisions have not been effective in reducing the prevalence of sexual harassment (see Section 2.1.2 (b) at 1 and 3).

More generally, the gap analysis shows that **the relevant EU legislation has been ineffective in ensuring the rights of victims of violence against women and domestic violence**. The EU-level measures do not explicitly address victims of violence against women and domestic violence. The relevant obligations are **not specific enough** with regard to victims of violence against women and domestic violence or leave wide discretion to the Member States. The relevant EU legislation is not up to date; it is on average over ten years old and **the international obligations have evolved considerably** in the area of violence against women and domestic violence in the meantime (see below).

Finally, EU law is no longer coherent with the **international legal and policy framework**. Concerning violence against women and domestic violence generally, EU law remains below the standards of the **Istanbul Convention** and the **CEDAW Convention** with regard to this group of victims. The relevant provisions of EU law are mainly formulated in a gender-neutral manner and do not require Member States to take into account the specific needs of women victims of violence and victims of domestic violence. In addition, EU law includes few provisions on targeted preventive measures, and fails to address the protection needs of these victims with the specificity required in Chapter VI of the Istanbul Convention. With the exceptions of child sexual abuse and trafficking in human beings for the purposes of sexual exploitation, EU law does not establish harmonised definitions and sanctions of most of the forms of violence against women and domestic violence enumerated in the Istanbul Convention.[117] The framework does not address the rights of witnesses, particularly child witnesses, of such violence. All Member States have ratified the **UN Convention on the Rights of the Child**, which in its Article 19 includes provisions on prevention, protection, support and access to justice to children affected by violence. General and specific support services to this group of victims are regulated in the Victims' Rights Directive, but the lack of detail in the provisions has led to ineffective implementation by the Member States. There is currently no obligation on the Member States to collect data specifically on violence against women and domestic violence, and no specific EU-level coordination structures exist on this kind of violence. The gap analysis further finds that action at national level is likely to have resulted from the implementation of the Istanbul Convention in those Member States that are parties.

Since the adoption of the directives, the international #MeToo movement has raised the visibility of sexual harassment against women, potentially encouraging more victims, but also governments, social partners and employers, to take action.[118] In 2019, the International Labour Organization adopted the **Violence and Harassment Convention No. 190**, which requires parties to prohibit gender-based violence and harassment at work and provides a

[117] On the division of competence between Member States and the EU for the envisaged agreement to conclude the Istanbul Convention, see CJEU, Opinion A1/19, from §278 onwards.

[118] European sectoral social partners have been active in this area: e.g. European social partners from the railway sector negotiated in June 2021 a new autonomous agreement on gender equality, which also covers the prevention of violence and harassment, available at https://ec.europa.eu/social/main.jsp?catId=521&langId=en&agreementId=5745. See also the Communication from the Commission to the Council and the European Parliament transmitting the European framework agreement on harassment and violence at work (COM(2007) 686 final)).

comprehensive protection, prevention, and support framework for victims. EU law does not ensure the criminalisation of serious forms of sexual harassment; the applicability of the protection and support measures of the Victims' Rights Directive therefore depends on whether harassment is criminalised under national law. The prevention, protection and support measures concerning sexual harassment are also not as developed as in Convention no. 190.

Finally, the current EU legislation **has not led to effective monitoring and enforcement** of the relevant EU rules **with regard to violence against women and domestic violence**. This is due to the absence of a focus on such violence and the ambiguous drafting of the legal obligations, which has not enabled targeted enforcement measures in the key problem areas relating to violence against women and domestic violence.

2.1.3. Who is affected?

Gender-based violence is **disproportionately perpetrated against women**. In the majority of cases of **physical violence**, the perpetrator is a man or a group of men.[119]

Although women and girls account for a far smaller share of total victims of homicides than men, they are overrepresented among victims of intimate partner/family-related homicide, and intimate partner homicide. Victim/perpetrator disaggregations reveal a large disparity in the shares attributable to male and female victims of homicides committed by intimate partners or family members: 36 per cent male versus 64 per cent female victims.[120] These findings show that even though men are the principal victims of homicide globally, women continue to bear the heaviest burden of lethal victimization as a result of gender stereotypes and inequality. In particular **sexual violence is strongly gendered** with more than 9 in 10 rape victims and more than 8 in 10 sexual assault victims being women and girls, while nearly all those imprisoned for such crimes are male (99%).[121] Research also suggests that more women than men become victims of sexual harassment or sex discrimination.[122] Incidents of physical violence against women (excluding specifically sexual violence) most often take place at home (37%). Such violence also often involves a family member or a relative as the perpetrator. Thus, although men and non-binary people can also be victims of gender-based violence[123], the majority of victims are women in all their diversity.

Cyber violence against women has been found to target in particular **young women**[124] and **women visible in public life**. Women in public positions, such as journalists and politicians, experience cyber violence targeting them because they are women and seeking to question

[119] *Supra* 34; *Supra* 36.
[120] United Nations Office on Drugs and Crime, 2018, *Global Study On Homicide - Gender-related killing of women and girls*, pp. 9-11.
[121] Eurostat crime statistics: (https://ec.europa.eu/eurostat/web/products-eurostat-news/-/EDN-20171123-1), last visited 19/08/2021.
[122] Heather Antecol, Vaness Barcus, Deborah Cobb-Clark, 2009, '*Gender-biased behavior at work: Exploring the relationship between sexual harassment and sex discrimination*', Journal of Economic Psychology, Vol. 30(5).
[123] FRA, Report - *A long way to go for LGBTI equality,* 2020.
[124] EIGE 2017, p. 1, finding that particularly young women disproportionately experience severe forms, namely cyber stalking and online sexual harassment. FRA 2014. LGBTI in the past 5 years. In the case of trans men, the figure was 16%, and for non-binary persons 13%.

their entitlement to participate in societal discussions. This can have a **silencing effect** on the victims and negatively affect democratic decision-making processes.[125]

Similarly, while both women and men experience harassment, **women face more harassment of a sexual nature**. In a 2012 survey, up to 55% of women in the EU-28 (ages 18–74) reported having experienced sexual harassment since the age of 15. One in five (21%) had experienced at least one form of sexual harassment in the 12 months before the survey. Such harassment consists of forms such as unwanted touching, hugging or kissing, or sexually suggestive, unwanted comments or cyber harassment.[126] In 2021, 18% of women described the most recent incident of harassment as of a sexual nature, compared with 6% of men.

Women and girls in vulnerable situations, such as women with disabilities, women victims of trafficking in human beings, women prisoners, women migrants and asylum seekers, non-heterosexual women and women sex workers, are **at a higher risk of violence**. For example, exposure to physical or sexual partner violence differs between women with and without disabilities (34% vs 19%) and non-heterosexual and heterosexual women (48% vs 21%).[127] Human traffickers exploit the particular vulnerabilities of persons with disabilities for the purpose of sexual exploitation[128].

Children are often seriously affected by violence against women and domestic violence. They can be themselves victims or witnesses of such violence; both experiences are considered to be equally traumatizing.[129] Exposure to violence at an early age can cause impairments to the brain and nervous system development, as well as result in life-long negative coping and health risk behaviours.[130] Children who witness or are victims of emotional, physical, or sexual abuse are also at higher risk for health problems as adults. These can include mental health conditions, such as depression and anxiety.[131]

While the exact prevalence of violence against women and domestic violence varies among Member States, it is widespread in every Member State regardless of **socio-economic boundaries**.[132]

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[125] Nato StratCom 2020, p. 10. Inter-Parliamentary Union, *Sexism, harassment and violence against women in parliaments in Europe,* Issue Brief, 2018; M.L. Krook, *Violence against women in politics*, Oxford University Press, 2020; HRC, *Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences on violence against women in politics*, A/73/301, 6 August 2018; HRC, *Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences on violence against women journalists*, A/HRC/44/52, 6 May 2020; UNESCO, *The Chilling: Global trends in online violence against women journalists – Research Discussion Paper,* 2021. See also: European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. On the European democracy action plan,* COM(2020) 790 final, 3 December 2020; European Commission, *Recommendation on ensuring safety of journalists in the European Union*.

[126] FRA, *Violence against women survey*, 2014, p. 95.

[127] *Supra* 34. The risk is further augmented for women in segregated settings and closed institutions, such as specialist institutions for persons with disabilities.

[128] Commission (COM(2020) 661 final): Third Report on the progress made in the fight against trafficking in human beings and its Staff Working Document, SWD(2020)226 final).

[129] For a recent systematic review see, among others, Petruccelli K, Davis J, Berman T. Adverse childhood experiences and associated health outcomes: A systematic review and meta-analysis. Child Abuse Negl. 2019 Nov;97:104127. doi: 10.1016/j.chiabu.2019.104127. Epub 2019 Aug 24. PMID: 31454589;

[130] E. Kimball, "Edleson Revisited: Reviewing Children's Witnessing of Domestic Violence 15 Years Later", *Journal of Family Violence,* Vol. 31(5), 2016, pp. 1-13.

[131] Monnat, S.M., Chandler, R.F., Long Term Physical Health Consequences of Adverse Childhood Experiences. The Sociologist Quarterly; 56(4), 2015: 723-752.

[132] For more information on Member State-specific prevalence, see Annex 6.

2.1.4. Why is violence against women and domestic violence a problem?

Violence against women and domestic violence can violate a number of fundamental rights, including the right to life and to equality between women and men (see Section 6.1). They cause pain and suffering to the victims and result in large costs on the economy and society as a whole. They negatively impact the **physical health** of the victims. Sexual violence exposes women to sexually-transmitted diseases, unintended pregnancies, abortions and miscarriages, and lowers women's control over their reproductive health.[133] Violence against women and domestic violence also increase the probability of **mental health** problems[134], linking to higher rates of depression, post-traumatic stress disorder, anxiety, alcohol and drug abuse, and suicidal ideation.[135]

Some of the social and health impacts of violence against women and domestic violence can be quantified in terms of **costs and/or economic consequences**. For the EU, EIGE has carried out two studies on the costs of violence in 2014 and 2021.[136] The 2021 study considers three main sources of costs: direct cost of services (to victims or to public providers); lost economic output; and physical and emotional impacts measured as a reduction in the quality of life.

Direct cost of services consists of the use of services provided by various sectors to mitigate the harm caused by violence. This includes the use of health services to treat the physical and mental harms; social services; the criminal justice system involved in the investigation, prosecution and adjudication of cases of violence against women and domestic violence; the civil justice system to e.g. disentangle from a violent partner; and specialist services for the prevention and/or mitigation of the impacts, such as protection and support services. Victims of intimate partner violence may incur costs not covered by the state, notably judicial costs and the costs of a new home.

Violence against women and domestic violence also result in **lost economic output**, as a result of the victim's decreased ability to look for a job or productivity on the job and the time taken off work to handle the consequences of the crime. According to a European Parliament Research Service ('EPRS') study[137], research conducted in Belgium found that 73% of those subjected to domestic violence reported an effect on the ability to work. Another recent EPRS study[138] estimates the lost economic output due to mental health impairments caused by cyber-violence on women, both in terms of lost work days and lower productivity. A study on the costs of violence against women in Italy calculates the costs of work days lost, reduced

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[133] World Health Organization, London School of Hygiene and Tropical Medicine, South African Medical Research Council. '*Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence*'. Geneva, Switzerland: World Health Organization, 2013.

[134] Magnusson Hanson, Nyberg, Mittendorfer-Rutz, Bondestam, Madsen: '*Work related sexual harassment and risk of suicide and suicide attempts: prospective cohort study'*, 2020, BMJ2020;370:m2984.

[135] J. Mannel & S. Hawkes, '*Decriminalisation of gender-based violence is a global health problem*', Journal BMJ Global Health, Vol. 2(3), 2017, pp. 1-3.

[136] EIGE, *Estimating the costs of gender based violence in the European Union: Report*, Publications Office of the European Union, Luxembourg, 2014 (https://eige.europa.eu/publications/estimating-costs-gender-based-violence-european-union-report); EIGE, *The costs of gender-based violence in the EU'*, 2021; available at https://eige.europa.eu/sites/default/files/documents/20213229_mh0921238enn_pdf.pdf. See also Annex 2: Mutual learning seminar on 'Methodologies and good practices on assessing the costs of violence against women', 7-8 July 2021.

[137] EPRS, *Equality and the Fight against Racism and Xenophobia: Cost of Non-Europe Report*, 2018.

[138] EPRS, *Combating gender-based violence: Cyberviolence,* European added value assessment, 2021, p. 8.

productivity, and the cost of replacing absent workers. It furthermore calculates the lost tax income and the multiplier effect of households' lost incomes.[139]

The third cost category in the EIGE study is the **physical and emotional impact** on victims, measuring the loss of healthy life years.[140] This allows a monetary value to be attached to health conditions to translate losses usually not measured in money into economic losses. The greatest source of economic loss due to violence against women and domestic violence is the loss in quality of life that monetises the physical and emotional impacts of violence.

On this basis, the 2021 EIGE study estimates that **total yearly costs of gender-based violence against women in the EU-27 stand at €290 billion[141] and** almost **€152 billion for domestic violence.** These costs, consist in large part of physical/emotional impacts (55.57%), criminal justice system (20.43%) and lost economic output (13.93%) (see Annexes 3 and 5).[142]

2.2.2.2. What are the drivers?

2.2.1 Structural gender inequality and gender stereotypes

Whilst there is no single cause for violence against women and domestic violence, some of the most consistent drivers are harmful **social norms and stereotypes** that contribute to gender inequality.[143] Such social norms concern the roles of women and men; harmful gender stereotypes include ideals linking masculinity to the provider role, macho behaviour, as well as ideals linking femininity to chastity, submission and victimhood.[144] The WHO has identified community norms that ascribe higher status to men, low levels of women's access to paid employment, and low level of gender equality as factors increasing the risk of violence against women and domestic violence.[145]

Societal norms affect **perpetrators' and bystanders' behaviours**. Perpetrators may not consider their act of violence as morally reproachable.[146] Gender roles and stress over masculine gender roles have been found to strengthen tolerance toward violence against women[147], which may, in turn, be caused by factors such as negative stereotypes towards

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[139] G. Vingelli, et al., *Quanto costa il silenzio? Indagine nazionale sui costi economici e sociali della violenza contro le donne, Intervita*, Grafica Aelle snc, 2013.

[140]These estimates are based on the Home Office 2018 study which computed unit cost for all crimes. This lack of specificity means that the potential differences in the long term psychological impact of the relationship between victims and perpetrator is not taken into account with a potential underestimation of costs.

[141] This represents an increase with respect to the 2014 estimates (€225 billion) which were however based on a slightly different methodology. See EIGE (2014) for details.

[142] These estimates demonstrate the direct costs of gender-based violence against women to the victims and to the state public services, as well as a larger component in terms of long term indirect impact (long term health conditions, lost production and replication effects).

[143] Council of Europe, '*What causes gender-based violence*?' UN Women (2020), Stereotypes.

[144] L. Kelly & N. Westmarland, 'It's a work in progress': men's accounts of gender and change in their use of coercive control", Journal of Gender-Based Violence, 2019.

[145] https://www.who.int/news-room/fact-sheets/detail/violence-against-women, last visited 19/08/2021.

[146] '*JRC Science for Policy Report - Insights from behavioural sciences to prevent and combat violence against women'*, cited above. For more, please also see Joint Research Center, '*Literature references on gender-based violence and domestic violence prepared for the Gender-based violence and domestic violence initiative'*, cited above.

[147] M. Jakupcak, D. Lisak & L. Roemer, '*The role of masculine ideology and masculine gender role stress in men's perpetration of relationship violence*', Psychology of Men & Masculinity, Vol. 3(2), 2002, pp. 97–106.

women. Tolerant attitudes towards violence against women may be further encouraged by the social environment, leading to a circle of violence.[148]

Another key cause of attitudes and behaviour is the lack of a common understanding of violence against women.[149] The 2016 special Eurobarometer on gender-based violence depicts these problematic assumptions, as 27% of the respondents said that sexual intercourse without consent may be justified in at least some situations.[150] Although most people would agree that rape is morally wrong (i.e. negative attitude), not all would agree on what constitutes rape.

Tolerant attitudes towards violence against women have also been observed with respect to some forms of sex-based harassment. In some Member States, tackling sex harassment at work was **not considered a real issue**.[151] Some forms of violence against women and domestic violence are **sometimes considered a private matter**. Thus, in the 2016 Eurobarometer, one in six respondents believed that domestic violence should be handled within the family. About one in five expressed **victim-blaming views**, agreeing that women make up or exaggerate claims. Just under one in five (17%) held that violence against women is often provoked by the victim, with respondents in the Eastern European Member States the most likely to agree. [152]

2.2.2. Failure to recognise the specificities of crimes and offences relating to violence against women and domestic violence

Criminal acts of violence against women and domestic violence have specific characteristics, such as systemic under-reporting, disrupted criminal proceedings[153], the commonly sexual nature of crimes and a high prevalence of elements of coercive control. Rates of reporting violence against women and domestic violence to the police are low.[154] According to the FRA 2014 survey, **victims reported the most serious incident of partner violence to the police only in 14% of cases** and the most serious incident of **non-partner violence** in **13%** of cases.[155] In 2021, FRA confirmed that reporting of violence and harassment *in general* was less common than that of other crime, and that reporting crime to the police was less common

[148] A. Bandura, *Aggression: A social learning analysis*, Prentice Hall, 1973.
[149] G. Bohner, et al., '*Rape myth acceptance: Cognitive, affective and behavioural effects of beliefs that blame the victim and exonerate the perpetrator'*, in M. Horvath & J. Brown (eds.), Rape: Challenging contemporary thinking, 2009, pp. 17-45.
[150] Respondents were most likely to say this about being drunk or on drugs (12%), voluntarily going home with someone (11%), wearing revealing, provocative or sexy clothing or not clearly saying no or physically fighting back (both 10%).
[151] EELN, *Harassment related to Sex and Sexual Harassment Law in 33 European Countries*, 2011.
[152] Research shows that misreporting of GBV/DV remains marginal. The rate of false reporting for sexual assault has been estimated to remain in the range of 2-8% (Lonsway, Archambault, Lisak, '*False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault'*, The National Center for the Prosecution of Violence Against Women, 2009). Women and men have been found to provide differing accounts of violence, controlling behavior and injuries, which highlights the need to take into account both parties' accounts of the violent behaviour (Dobash RP, Dobash RE, Cavanagh K, Lewis R., '*Separate and Intersecting Realities: A Comparison of Men's and Women's Accounts of Violence Against Women'*, Violence Against Women. 1998; 4(4):382-414).
[153] See FRA, *Women as victims of partner violence*, 2019, at 39, referring to the risk for victims to withdraw their complaint due to difficulties in reporting and at 45, referring to discontinuance due to lack of evidence.
[154] *Supra* 34; *Supra* 36; E. Gracia, '*Unreported cases of domestic violence against women: towards an epidemiology of social silence, tolerance, and inhibition*', Journal of Epidemiology & Community Health, Vol. 58(7), 2004, pp. 536-537.
[155] GBV/DV can typically consist of several violent incidents. See ECtHR, *Eremia and others v. The Republic of Moldova*, application no. 3564/11, judgment of 28 August 2013, §54, where the Court acknowledged that 'the fear of further assaults was sufficiently serious to cause the first applicant to experience suffering and anxiety amounting to inhuman treatment'.

when the perpetrator was a family member or a relative (only 22% of incidents were reported).[156]

The **reasons for not reporting** violence against women and domestic violence are multiple. They include the trouble involved in reporting an incident if the victim perceives that the police will not take her seriously or will be unwilling to do anything about the crime. Furthermore, for around one quarter of victims of sexual violence by a partner or non-partner, feeling ashamed or embarrassed about what happened was the reason for not reporting the incident to the police or a support organisation. Victims may also fear retaliation from the perpetrator or consider the violence a private matter.[157] In addition, they may be hesitant to report an incident perpetrated by a family member or, in cases of sex-based or sexual harassment at work, a hierarchical superior or a colleague.

The above **specificities hamper efforts to effectively address** violence against women and domestic violence**.** Incidents may be difficult for authorities to address, since victims may not disclose their experience or withdraw statements and discontinue participation in investigations or court proceedings. These dynamics interfere with efforts to ensure an appropriate follow-up within the judicial system or through support mechanisms. They also underline the need to ensure the accessibility of support regardless of whether the victim has officially reported the violence.

Due to the specificities of crimes and offences relating to violence against women and domestic violence, gender-sensitive measures are needed. In their Evaluation Report on Finland, GREVIO noted **that gender-neutral approach in policy making and service provision is not sufficient** and does not provide women victims of violence and domestic violence effective protection, support and access to justice. **GREVIO notes that this may not always do justice to the particular experiences of women as victims of domestic violence, who are more frequently and more severely impacted**.[158] Moreover, the European Court of Human Rights also requires Member States to adopt a gender-sensitive approach in their measures to prevent and combat such violence (see Section 6.1 for details).

[156] *Supra* 36.
[157] FRA, *Women as victims of partner violence – Justice for victims of violent crime, Part IV*, 2019, p. 33.
[158] GREVIO, Baseline Evaluation Report: Finland, 2019, p. 6, available at: (https://rm.coe.int/grevio-report-on-finland/168097129d).

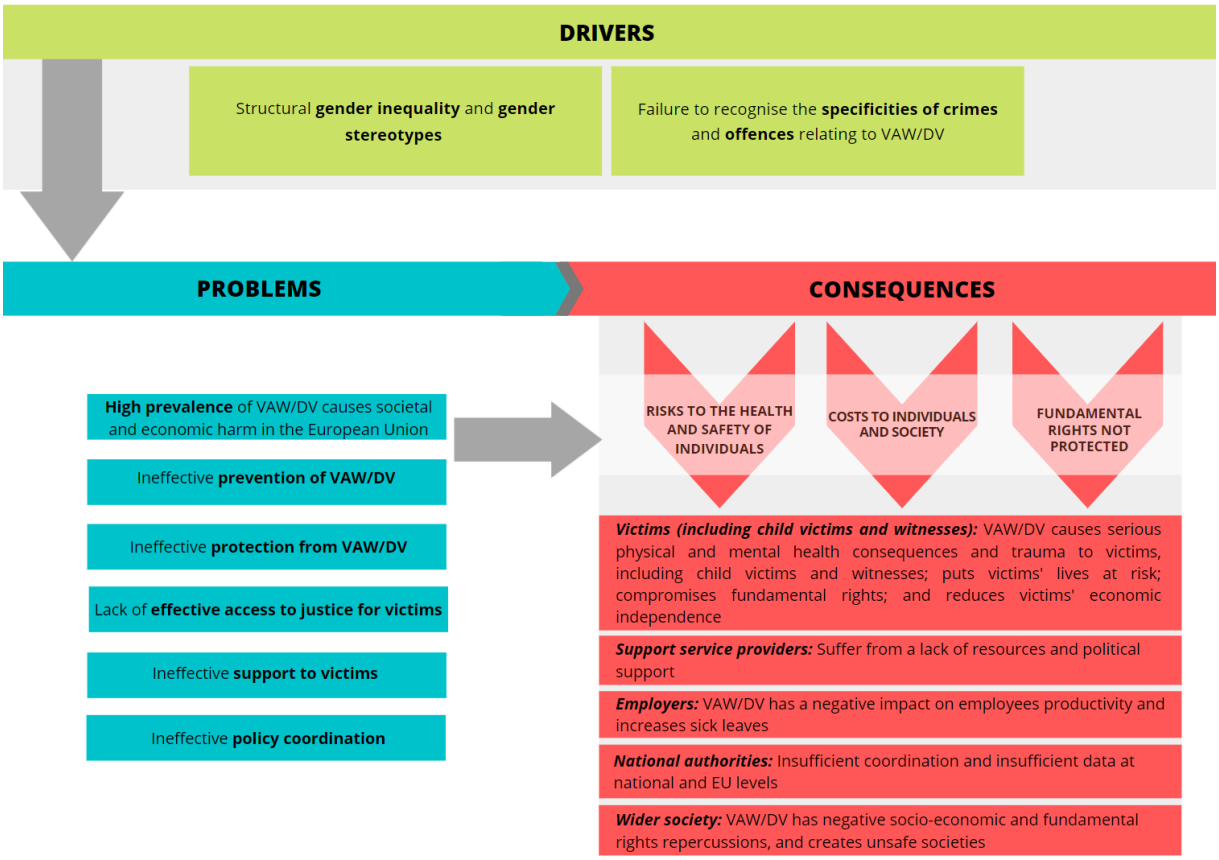

Figure 1 - Problem tree

2.3.2.3. How will the problem evolve?

Based on the evolution of the situation in the past decades, it is unlikely that the prevalence of all forms of violence against women and domestic violence, as measured through administrative and survey data, will decrease significantly without additional policy intervention. All Member States have adopted policy and legislative measures on this kind of violence, and 21 Member States have taken measures pursuant to their obligations under the Istanbul Convention. The gaps concerning prevention, protection, access to justice, support and coordination can however be expected to persist (see Section 3.1.3).[159] Stakeholders, such as non-governmental and international organisations, note that without further action at EU level, national legislation and practice are unlikely to develop sufficiently and in a coordinated manner in line with international standards to ensure that the needs of victims of violence against women and domestic violence are sufficiently addressed throughout the EU (see Annex 2).

[159] As indicated in EPRS, *Combating gender-based violence: Cyber violence*, 2021.

3. 3. Why should the EU act?

3.1.3.1. Legal basis

The initiative pursues the general objective of preventing and combatting violence against women and domestic violence. As confirmed in Declaration No. 19 on Article 8 of the TFEU, combatting 'all kinds of domestic violence' is part of the Union's general efforts to eliminate inequalities between women and men and Member States should take all necessary measures to prevent and punish these criminal acts and to support and protect the victims.

The initiative would build on the Victims' Rights Directive and establish minimum standards on the rights of victims of all forms of violence against women and domestic violence, constituting a *lex specialis* to this Directive, in the same way as victims of terrorism and trafficking have been addressed through specific legislation. It would include measures aimed at preventing this kind of violence, and ensuring adequate protection, access to justice, support and coordination before, during or after criminal proceedings by responding to the specific needs of victims of violence against women and domestic violence. The relevant legal basis, in line with the Victims' Rights Directive, would be Article 82(2) TFEU. This provision provides for the establishment of minimum rules concerning 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 having a cross-border dimension.

In addition, the initiative would introduce minimum standards on the definition of criminal offences in the areas of crime set out in Art. 83(1) relating to sexual exploitation of women and children and computer crime. Article 83(1) TFEU allows for the establishment of minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis.

It would further introduce, on the basis of Art. 83(2), minimum rules concerning the definition of serious forms of sexual harassment to ensure effective application of the Gender Equality Directives, which regulate this matter by providing definitions and requiring prohibitions and sanctions for sex-based and sexual harassment.[160] Article 83(2) provides for the establishment of minimum rules with regard to the definition of criminal offences and sanctions in an area which has been subject to harmonisation measures, if the approximation proves essential to ensure the effective implementation of the Union's policy in this area. The background studies conducted for the initiative show that the implementation of the relevant provisions has not been effective, and sexual harassment continues to remain common in the Member States.[161] In order to ensure effective implementation of the policy, harmonisation measures with regard to the definition and sanctions of serious forms of sexual harassment are essential to ensure the effective implementation of the Union's policy.

[160] Directives 2006/54 and 2010/41 are based on the current Article 157(3) TFEU. Directive 2004/113 is based on Article 13(1) TEC (currently Article 19 TFEU). The inclusion of sex-based harassment in these instruments may be considered ancillary to their respective main objectives.

[161] See above, Section 2.1.2 at p. 12 concerning the prevalence and at p. 26 concerning the effects on access to justice.

When proposing EU accession to the Istanbul Convention, the Commission took the view that the appropriate legal bases for action in regard to the matters covered by the Convention are the Treaty provisions in the fields of judicial cooperation in criminal matters and crime prevention. In its Opinion on the EU accession of 6 October 2021[162], the CJEU confirmed that view. The Court takes a broad view on the types of measures that can be adopted on these legal bases, in particular in the areas of prevention, protection, victim support, and access to justice[163], as envisaged in this initiative. The Court also clarified that aspects of substantive criminal law remain the primary responsibility of Member States and **that criminalisation of specific types of conduct remains to a great extent subject to national law.** The initiative takes this into account by proposing criminalisation only to a very limited extent. It would thus be based on the combined legal basis of Art. 82(2) and 83(1)[164] and 83(2) TFEU[165]. These provisions provide for the adoption of directives in accordance with the ordinary legislative procedure as the appropriate instrument.

3.2.3.2. Subsidiarity: Necessity of EU action

The continuous EU-wide prevalence of violence against women and domestic violence and the serious harm caused to individual victims and societies create a special need to combat such violence on a common basis in the EU. In light of prevalence data and cost estimations, the impact on European societies is considerable. Millions of EU citizens and persons residing in the EU are concerned. Violence against women and domestic violence violate the fundamental rights of citizens and affects gender equality, one of the fundamental values of the EU.

In addition, cyber violence against women and in intimate partnerships has emerged as a new form of violence against women and domestic violence, spreading and amplifying beyond individual Member States. The internet is inherently a cross-border environment, where content hosted in one Member State can be accessed from another Member State. As noted in the DSA proposal, interventions by one Member State will be insufficient to solve the issue.[166]

In some cases, violence against women and domestic violence includes a physical cross-border element. On average 8% of women in the EU-27 report having experienced physical

[162] Opinion 1/19 of the Court of Justice of the European Union (Grand Chamber); 6 October 2021; A-1/19.
[163] See, in particular, points 295 and 297 of the Court's opinion. The Court further clarifies that EU accession to the Istanbul Convention would require additional legal bases than those proposed by the Commission, in particular Art. 78(2) TFEU on asylum and Art. 336 TFEU on the EU's staff regulations and that the existing legal bases of sexual exploitation and trafficking of human beings in Art. 83(1) only offer room for criminalisation at EU level to a very limited extent. This assessment is conducted against the scope of the concluding decisions.
[164] See Directive 2011/36 of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims; Directive 2011/93 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.
[165] The required prior harmonization in the area of harassment was effected by Directive 2006/54 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; Council Directive 2004/113 of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services; Directive 2010/41 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.
[166] European Commission, *Commission Staff Working Document: Impact Assessment accompanying the 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,* SWD(2020) 348 final, 15 December 2020, pp. 35-36.

violence in the past five years.[167] This corresponds to more than 19 million women in the EU-27. On average 3% of women victims of all physical violence reported the violence to have taken place abroad.[168] Although it is not possible to establish the precise share, women victims of violence against women and domestic violence in cross-border situations are likely to be in the order of several hundreds of thousands in Europe annually, also taking into account possible underreporting.

In other cases, the cross-border nature may arise at a certain point during proceedings, for instance, if a suspect flees or a victim moves to another country. Even after criminal proceedings have concluded with a final judgment imposing a sentence on the defendant in the Member State of nationality, the case can necessitate judicial cooperation between Member States.[169] Cross-border elements may equally arise when criminal cases are transferred to another Member State.[170]

The current initiative not only covers physical cross-border dimensions of violence against women and domestic violence, but the rights of victims of these crimes in general. In its opinion of 6 October 2021, the Court broadly lists the measures in the Convention related to victims' rights (prevention, protection, support, access to justice) for which the EU has competence, **not presupposing the existence of a physical cross-border element in all respects** of the problem considered.

Within the limits of EU competence as indicated by the CJEU, the issue **should be addressed at EU level** in order to ensure a **minimum level of protection of victims' rights and fundamental rights.** The objective is not to achieve harmonised, equal protection everywhere in the EU, but to establish minimum standards for rights from which all victims of such violence in the EU should benefit. The existence of minimum standards would also facilitate the mutual recognition of protection orders and judicial decisions concerning violence across the EU, thereby supporting a better application of the existing acquis in this area (see section 2.1.2).

3.3.3.3. Subsidiarity: Added value of EU action

All Member States have addressed violence against women and domestic violence in legislation and policies, as explained in Section 2.1.2. Some Member States have demonstrated strong commitment to address such violence through innovative and effective measuring, including during the Covid-19 pandemic.[171] Over the last decades, the acknowledgement of this kind of crime has led to the adoption of specialised national and

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[167] *Supra* 36.
[168] *Supra* 36, p. 27.
[169] European Commission, *Commission Staff Working Paper: Impact Assessment accompanying the Proposal for a Directive on the rights of access to a lawyer and of notification of custody to a third person in criminal proceedings,* SEC(2011) 687 final, p. 23.
[170] European Commission, *Commission Staff Working Paper: Impact Assessment accompanying the Proposal for a Directive establishing minimum standards on the rights, support and protection of victims of crime,* SEC(2011) 580 final), p. 18.
[171] See e.g. European Network on Victims' Rights. *Specific measures during COVID-19 crisis*, available at https://envr.eu/specific-measures-during-covid-19-crisis/. For instance, IE has developed an inter-agency plan to address domestic abuse during this period and ran various awareness-raising campaign, as well as directly contacting victims who have reported domestic abuse in the past. In MT, law enforcement authorities use social media to share information on how to act in cases of cyber violence. In PT, channels for victims to seek help were strengthened and diversified.

international frameworks. While these measures testify to the existence of the problem, they have not led to an observable decrease in this kind of violent crime in the EU.

As discussed under Section 2.1.2, the approaches taken by Member States have also not been sufficiently effective in guaranteeing the safety and protection of victims. The multitude of national approaches creates legal uncertainty on the rights of victims of violence against women and domestic violence. The fragmentation is more substantial at regional and local levels, where differences in access to protection and support services are observed.

The EU already supports the Member States in addressing this kind of violence, but EU-action has been limited to non-legislative measures (see Section 5.1.1). The funding and awareness-raising efforts have not been sufficiently effective in decreasing the prevalence of violence against women and domestic violence as criminal acts. Thus, **legislative measures are necessary for addressing this kind of violent crime in an effective and sustainable manner.**

While the effectiveness of national measures ultimately depends on Member States' resources and efforts, **EU level action can increase their effectiveness by specifying minimum standards and adding value** in line with **good practices and recommendations** of international monitoring bodies and research. EU-legislation on violence against women and domestic violence would further align the EU legal framework with internationally recognised norms and permit coordinated action at EU level. It would enable the EU to enact more specific obligations (see Section 5.3 – description of the policy options) and be a standard-setter in preventing and combatting violence against women and domestic violence.[172] Through the approximation of criminal definitions and sanctions, it would ensure victims' access to justice in areas where specific gaps have been identified.[173]

The initiative would oblige **the six Member States** who have not ratified the Istanbul Convention to undertake, to the extent not yet done on their own initiative, measures that correspond to the minimum level of protection needed to tackle this kind of violence. For **the 21 Member States** who are parties, the new EU measures fill identified gaps in implementation and effectiveness and enable further measures to be taken in a coordinated manner.

While the initiative would be adopted by qualified majority, it would feature a number of mitigating measures that it could make it acceptable to the six Member States that have not ratified the Istanbul Convention: in particular, the initiative would be limited in scope to areas of EU competence, and could clarify concepts prone to misconceptions.[174]

Further EU action would allow the EU to support Member States in their efforts to implement their **fundamental rights obligations** in this field. It would enhance legal certainty by setting

[172] For information on measures taken globally, see OECD at https://www.oecd.org/development/sigi-2019-global-report-bc56d212-en.htm. For recent legislative initiatives outside the EU, see e.g., https://www.legislation.gov.uk/ukpga/2021/17/introduction/enacted; https://fas.org/sgp/crs/misc/R46742.pdf; https://www.congress.gov/bill/117th-congress/house-bill/1620/text.

[173] See Section 2.1.2 at p. 26, Section 3.1.1.

[174] With regard to the misconceptions concerning same-sex marriage, education and reporting by professionals, see European Commission for Democracy through Law (Venice Commission), Opinion No. 961 / 2019, pp. 75-87, available at https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)018-e.

minimum standards to ensure that all Member States take measures in all policy areas regardless of where in the EU the victims find themselves, and that national measures reach the level that is considered necessary for effectively addressing such violence.

Targeted EU action would create added value in particular by enabling **effective monitoring and enforcement**. This is a decisive advantage of EU law, since international human rights bodies do not have the possibility to launch infringement proceedings against a Member in cases of non-compliance with the Convention. While Member States may take further measures to comply with international obligations (notably following periodic reporting to GREVIO and the CEDAW Committee), the added value of corresponding EU law obligations would be to ensure compliance more swiftly and effectively. EU-level measures would also allow for comprehensive EU-level data collection and contribute to a more nuanced understanding on this kind of violence.

4. 4. Objectives: What is to be achieved?

4.1.4.1. General objectives

The general objective of the initiative is to prevent and combat violence against women and domestic violence as criminal acts and a form of discrimination between women and men as part of the European Area of Freedom, Security and Justice foreseen in Title V TFEU.

4.2.4.2. Specific objectives

The initiative pursues a number of specific objectives aimed at responding to the needs of this group of victims:

- **Ensuring effective prevention** of violence against women and domestic violence: ensuring that effective measures are in place to prevent violence against women and domestic violence, including awareness-raising and information provision, training, work with perpetrators and the involvement of men and boys.
- **Ensuring effective protection of victims** of violence against women and domestic violence: ensuring that effective measures are in place to protect victims from violence online or offline, at work or in private.
- **Ensuring effective access to justice** in cases of violence against women and domestic violence: improving access to justice for victims of violence against women and domestic violence including through EU-level approximation of criminal definitions and sanctions related to specifically serious forms of violence against women; effective remedies for all forms of such violence; as well as by ensuring gender-sensitivity and respect for the rights of child victims and witnesses.
- **Ensuring effective victim support** in cases of violence against women and domestic violence: ensuring the availability of general and specialised support services, in sufficient numbers and of a high quality, including those addressing the effects of violence on physical and mental health.
- **Ensuring strengthened coordination in preventing and combatting** violence against women and domestic violence: ensuring effective and efficient coordination and cooperation, including through multi-agency approach and improved data collection on violence against women and domestic violence.

The intervention logic of the initiative is summarised in Figure 2:

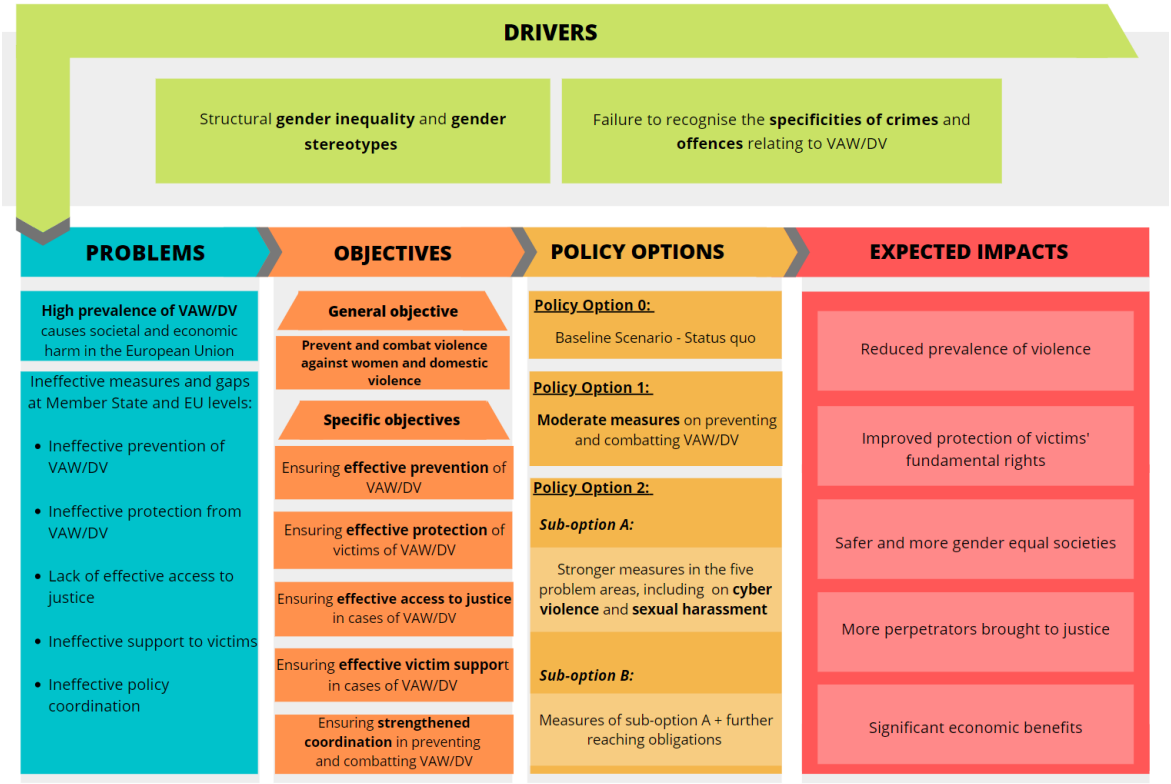

Figure 2 - Intervention logic

5. 5. What are the available policy options?

5.1.5.1. What is the baseline from which options are assessed?

5.1.1. Dynamic baseline: EU level measures

Under the baseline scenario, the EU would continue to address violence against women and domestic violence through the **existing EU legislative instruments** described in Section 2.1.2. As regards cyber violence against women and between intimate partners, this framework would be updated by the **DSA**[175] which addresses emerging risks in the online space, including to women's safety online, by setting out a horizontal framework for regulatory oversight, accountability and transparency of intermediary service providers. The DSA would notably oblige service providers to notify suspicions of serious criminal offences involving a threat to the life or safety of persons; this would be likely to include content inciting to serious physical and sexual violence against women, including gender-based killings of women. The DSA would also oblige very large platforms to undertake risk assessments concerning fundamental rights, including risks related to non-discrimination. The DSA, however, does not define what is illegal or criminal. The effectiveness of the obligations in the DSA thus depends on whether gender-based cyber violence is clearly illegal in either Member State or in EU law. The Commission would continue to monitor the implementation of the relevant legislation and, whenever possible, enforce it with regard to victims of violence against women and domestic violence.

[175] 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.

The Commission would further implement the **non-legislative measures** announced in the EU Gender Equality Strategy: It would launch an EU network on the prevention of violence against women and domestic violence, issue a Recommendation on the prevention of harmful practices against women and girls[176] and develop **a Code of Conduct** between online platforms and stakeholders to better protect women's safety online. The Code of Conduct would provide for self-regulatory measures for service providers to counter illegal and harmful content which is not always illegal, thus complementing the DSA with non-legislative measures.

In addition, the Commission would continue to provide **funding under the Citizens, Equality, Rights and Values Programme** (CERV)[177] to Member States and non-governmental organisations to prevent and combat violence against women and domestic violence and conduct communication activities on the issue.[178] The Commission has been taking policy actions and funding national activities in this field, including on prevention and support services since 1997.[179] Initially, the Commission has funded organisations and projects tackling violence against women and children through the Daphne funding programme, which was later integrated as a funding stream into the Rights, Equality and Citizenship (REC) Programme and the Citizens, Equality, Rights and Values (CERV) Programme. Based on rough estimates, the Commission has funded over 800 projects to combat violence against women and children with more than 250 million euros since 1997. Under the CERV programme, the Commission expects to spend approximately €150 million through the Daphne strand to tackle violence against women and children throughout the course of the programme. This represents almost 10% of the total budget of CERV (€1.55 billion).

The EU-level actions of the baseline are likely to remain limited in effect, since they would constitute a continuation of the policy actions taken by the Commission for several decades. While important, the baseline policy actions would not suffice to prompt Member States to step up their national measures on violence against women and domestic violence and to adequately prevent such violence, protect and support victims, ensure access to justice and establish better policy coordination. In the absence of further legislation in this area, the possibilities to enforce the existing EU-level legal measures would remain limited given the shortcomings outlined above. EU funding under the Daphne strand of the Citizenship, Equality, Rights and Values programme is essential to support organisations and projects working on preventing and combatting violence against women and domestic violence on the ground. However, despite a significant increase in the programme's budget and an increased focus on sustainability, the financing of projects and organisations has inherent limits and cannot replace structural changes in national legislation and state institutions. The interim evaluation report of the Rights, Equality and Citizenship Programme

[176] In this context, the Commission would also continue to follow the take-up of the Communication on female genital mutilation. COM/2013/0833 final.
[177] https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/cerv.
[178] These measures would be supplemented by those outlined in the EU Strategy on victims' rights and the EU Strategy on the Rights of the Child, respectively, to empower victims of GBV/DV and raise awareness about child victims and witnesses of such violence.
[179](https://ec.europa.eu/justice/grants/results/daphne-toolkit/daphne-toolkit-%E2%80%93-active-resource-daphne-programme_en, last visited (19/08/2021)). For a description of the upcoming non-legislative measures, see *Supra* 2.4.

shows that in general, the Programme activities are contributing to the achievement of its objectives, but the impact on specific objectives such as gender equality is quite moderate, as more structural societal changes are needed.[180]

5.1.2 Dynamic baseline: Member States measures

The baseline takes into account the evolving situation in the Member States and the **national measures taken** to prevent and combat violence against women and domestic violence.[181] The gap analysis covers the relevant national measures regardless of whether taken as a direct consequence of the country's ratification of the Istanbul Convention or any other international obligation, as a result of the applicable EU acquis, or as purely national measures. As set out in detail in Section 2.1.2 above, there are significant gaps in the legislative and implementation framework at national level.

While some Member States have demonstrated significant political will and put in place ambitious measures to prevent and combat violence against women and domestic violence, others are lagging behind. Even in Member States where the relevant measures are on a good level overall, GREVIO has identified room for further development (see the gap analysis in Annex 8). The studies referred to above confirm that the national measures remain uneven. This is the situation between those Member States that have ratified Istanbul Convention and those that have not, but also between the Member States that are parties to it.

As explained above, EU accession to the Istanbul Convention remains uncertain; without it, there is little incentive for those Member States that have not yet acceded to step up their national policy response. Member States that are parties to the Convention are required to improve their legal and policy frameworks following GREVIO's assessment. However, this is a lengthy process: Since 2016, GREVIO has completed baseline assessments of 10 EU Member States and plans to evaluate all states parties by 2027.[182] Subsequently, a further rounds of reporting are foreseen to evaluate the new measures and remaining gaps. GREVIO reports do not set a timeline for Member States to implement the recommendations; the EU Member States that have been evaluated so far have not yet implemented all recommendations. Furthermore, as with all international conventions, the Istanbul Convention does not have an enforcement mechanism that is comparable to the enforcement mechanisms under EU law. Thus, while Member States may eventually achieve full compliance with Istanbul Convention, this is unlikely to cover all EU Member States in the medium term and would take a lot longer than when supported by the envisaged initiative.

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[180] Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Interim Evaluation of the Implementation of the Rights, Equality and Citizenship Programme 2014-2020. 2018. https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52018DC0508 COM/2018/508 final.

[181] In particular, the comparative study conducted by the European network of legal experts analysed the existing legislative and policy measures taken in each Member State. The national measures were also taken into account in the national research conducted for the supporting study by the external contractor. Further information was gathered in the written targeted consultation of the Member States, as well as from other stakeholders.

[182] https://www.coe.int/en/web/istanbul-convention/about-monitoring1.

5.2.5.2. Options discarded at an early stage

In a **potential non-legislative option**, the Commission would have pursued the non-legislative measures of the baseline and supplement them with **a Recommendation on a gender-sensitive application of the relevant EU law** to this group of crime victims. This would have supported the Member States in implementing the relevant EU obligations in a manner that is aligned with EU and international best practice from this field. This option was discarded for reasons of effectiveness. Whereas non-legislative action continues to be an important element of addressing violence against women and domestic violence, it has limited effectiveness in terms of affecting the high prevalence of this violent crime in the EU (see also Sections 3 and 7).

An alternative policy option could have consisted of **legislative measures in one or two of the problem areas**. For instance, the initiative could have supplemented the existing legislative framework and national measures with EU-level legislative measures on prevention. Prevention measures are vital in addressing the drivers of this kind of violence, and they are relatively inexpensive in comparison to interventions in other problem areas. Similarly, additional obligations could be envisaged solely in the area of victim support and/or coordination, where the Victims' Rights Directive already includes broad legislative obligations. Such limited intervention to some problem areas only has equally been discarded for reasons of effectiveness. Since gaps have been identified in all five problem areas and it is internationally recommended to adopt a holistic approach to addressing these problems, action on one or more of the problem areas alone would not be effective in addressing violence against women and domestic violence.

Yet another policy option would be to **amend the relevant 14 instruments of EU law**. However, this would maintain the existing legal fragmentation at EU level and could not fill the gaps which would not fit under any of those instruments. It would not bring about the recommended holistic approach. In addition, amendments to the 14 instruments would need to be embedded in a more general evaluation of those instruments and would be adopted at different points in time, thus preventing a coordinated and consistent approach. In contrast, a targeted EU-level instrument dedicated to this group of victims would supplement and support the application of the above EU standards and lead to improved efficiency of the current framework. It would create simplification for the benefit of the relevant professionals and victims by **focusing the relevant EU rules in a single instrument in a transparent manner**. In so doing the initiative would follow the approach of other policy areas, where general EU rules and international obligations have been supplemented by a targeted EU legal instrument such as on child sexual abuse and trafficking in human beings.

A further policy option could have consisted of a proposal to request the Council to include gender-based violence as an area of crime that meets the criteria specified in Article 83(1) TFEU (so-called '**EU crime**'). If adopted with unanimity at the Council, this proposal would establish a new legal base, which the Commission could subsequently use to propose a directive to prevent and combat all forms of gender-based violence. The new legal base would enable the EU to approximate criminal definitions and sanctions related to all forms of violence against women and domestic violence, and more broadly of gender-based violence. The establishment of a new EU crime has been assessed as a possible measure under the access to justice problem area of policy option 2B, because it would differ from the current

directive by creating a legal bases for more extensive measures in that problem area. This is where the report discusses whether a new legal base would create added value or amount to unnecessary duplication of Member State efforts in comparison to the existing legal bases, which leave considerable scope for supplementary EU-level criminalisations and allow the current initiative to fill gaps in this problem area without a new EU crime.

5.3.5.3. Description of the policy options

In line with the political mandate to propose legislative measures with the same aims as the Istanbul Convention (within the limits of EU competence), the Convention's standards have been used as the point of departure for the development of the policy options.

Two policy options are retained for assessment, both of which include a package of minimum standards aimed at addressing the gaps identified in the prevention and combatting of violence against women and domestic violence:

1. **Policy option 1 (moderate)**. This option consists of targeted measures to fill gaps in the prevention and combatting of violence against women and domestic violence based on the **level of protection required by the Istanbul Convention** (in the areas of EU competence).
2. **Policy option 2 (comprehensive)**: This policy option builds on the measures outlined in the moderate option and introduces more comprehensive and detailed measures to ensure higher minimum standards and facilitate their enforceability and to address additional gaps, including on cyber violence against women and sexual harassment. The distinction between **sub-option 2A** and **sub-option 2B consists of** further-reaching obligations, in the latter sub-option, on sexual harassment, access to justice, victim protection and data collection.

The policy options are built around the **five problem areas of prevention, protection from violence, access to justice, victim support and coordination.** This is in line with the approach followed by the Council of Europe and the United Nations[183], as well as various Member States[184], and is based on the expert view that coordinated action in these five areas is necessary to effectively tackle this kind of violence and safeguard the fundamental rights of victims. The specific measures included in the five problem areas have been chosen in response to the gaps identified in the various studies and consultations and narrowed down to those where EU could add value.

Policy option 1 implements the policy measures of the Istanbul Convention at EU level, ensuring application of its standards (insofar as within EU competence) in all Member States and addressing gaps identified in existing Member State measures. In the field of prevention, it requires the Member States to conduct awareness-raising and research towards the general public and provide information on violence against women and domestic violence; it further

[183] See in particular CEDAW, General Recommendations no. 19 and 35; Istanbul Convention, https://rm.coe.int/coe-istanbulconvention-brochure-en-r03-v01/1680a06d4f.

[184] EELN 2021, at 12, 156. The targeted consultation with Member States shows that up to 25 Member States have national action plans or similar policy instruments in place that apply to violence against women and domestic violence (see Annex 2). Several cover measures from several problem areas (AT, BE, CY, CZ, EE, FI, HR, FR, IE, IT, PT, RO, SE, SI, ES).

obliges Member States to set up or maintain perpetrator programmes for participation on a voluntary basis. Member States would be required to provide specialised training and information to professionals likely to come into contact with victims of such violence. In the area of protection, it aims to increase the effectiveness of the cross-border protection instruments by increasing the effectiveness of national protection measures. To this end, it includes minimum standards on the availability of emergency barring orders and protection orders and supplements the Victims' Rights Directive's individual needs assessment by requiring the authorities to assess the seriousness of the threat posed by a reported perpetrator on a victim's health and safety. Concerning children, this option requires the Member States to take into account the best interest of child victims and witnesses in cases of violence against women and domestic violence, in particular by providing psychosocial counselling, thus being more explicit than the Victims' Rights Directive. With regard to the reporting of violent episodes to the authorities, policy option 1 enhances third party reporting of such violence and reporting by the relevant professionals. In the area of victim support, policy option 1 supplements Articles 8 and 9 of the Victims' Rights Directive by requiring Member States to provide comprehensive specialised support to this group of victims. It requires them to establish rape crisis centres to victims of sexual violence, provide for shelters and establish and maintain a national helpline for victims of violence against women. As regards coordination, policy option 1 encourages Member States to participate in regular survey data collection at EU-level following up on the FRA 2014 violence against women survey and the ongoing Eurostat survey on gender-based violence. It likewise obliges them to regularly collect relevant administrative data. Finally, policy option 1 encourages cooperation between and multi-agency service provision by the relevant national authorities and non-governmental organisations.

Policy option 2A includes the measures of policy option 1, but goes further in introducing obligations in the area of cyber violence against women and in intimate partnerships, which is not explicitly covered by the Convention's wording. It additionally introduces further rules on sexual harassment, thus aligning EU law also with the standards set by the ILO Violence and Harassment Convention.

Sub-option 2A additionally strengthens some of the obligations and enables political choice exceeding the level of the Istanbul Convention. In particular, policy option 2A makes perpetrator programmes mandatory for reoffenders. It makes the targeted training of relevant categories of professionals mandatory, and requires Member States to ensure that managers undergo training on preventing and combatting sexual harassment at work. They would likewise be obliged to ensure that such harassment is addressed in national policies and risk assessments. Sub-option 2A strengthens the efficiency of the standards by including minimum standards on the issuance, conditions and enforcement of emergency barring orders and protection orders, aimed at enhancing their effectiveness at national level. With regard to ensuring the safety of children in situations of violence, policy option 2A requires Member States to establish specific safe places where meetings can be organised between a child and a family member with regard to whom allegations of this kind of violence have been made. The option strengthens the reporting measures by requiring Member States to establish easy and accessible reporting mechanisms, including in an online format and in a child-friendly manner. In the area of access to justice, the option builds on the procedural rights of the

Victims' Rights Directive and establishes the right of victims to obtain full compensation from the perpetrator in a single procedure.

Concerning support services, policy option 2A requires Member States to facilitate access to specialised support for groups at a higher risk of such violence, such as victims with disabilities and migrant and asylum seeking victims, as well as to organise support in a child-friendly manner. It likewise contains obligations on victim support in cases of sexual harassment at work and cyber violence against women. Policy option 2A deepens the data collection obligations by making participation into regular EU-level survey data collection obligatory, and introducing minimum requirements on harmonised administrative data collection. In the field of coordination, policy option 2A requires coordinated one-stop information provision on the relevant services.

Lastly, **policy option 2B** further builds on the previous policy options and supplements some of the previous measures with a view to reaching utmost effectiveness. In the area of access to justice, the policy option aims to create a new legal base for minimum rules with regard to the definition of offences and sanctions by proposing to add gender-based violence on the list of the so-called **EU crimes** in Article 83(1) TFEU. It would moreover strengthen the existing obligations on state compensation to victims, establish a binding threshold for shelter provision and oblige Member States to provide the relevant services through a one-stop mechanism.

The main policy measures contained in each option are set out in more detail below.

Table 5.1.: *Summary of options considered in addition to the baseline, with main measures*

Problem area	Option 1 – Moderate measures	Option 2 – Comprehensive measures N.B. All measures come **in addition to the baseline and the measures under option 1**	
		Sub-option 2A	Sub-option 2B
	Measures		
1.Ensuring effective prevention of VaW/DV	Obligation on MS to provide targeted information to and raise awareness of the general public.	Obligation on MS to provide targeted information to and raise the awareness of groups at risk[185].	Same as 2A
	Obligation on MS to have perpetrator programmes in place.	Obligation on MS to make available voluntary perpetrator programmes to all those at risk of offending and mandatory programmes *for re-offenders*.	Obligation on MS to make available voluntary perpetrator programmes to all those at risk of offending and mandatory programmes *for all offenders*.
	Obligation on MS to provide specialised training and targeted information to professionals likely to come into contact with victims and managers.	Obligation on MS to provide - specialised, regular and mandatory training to professionals likely to come into contact with victims; and - mandatory training to managers on sexual harassment at work and the effects of domestic violence on the workplace.	Same as 2A
		Obligation on MS to ensure that sexual harassment at work is addressed in national policies. Obligation on MS to ensure that company risk assessments cover sexual harassment at work.	Same as 2A
2.Protection	Obligation on MS to ensure availability of emergency barring orders and protection orders.	Obligation on MS to ensure efficiency through minimum standards on the issuance, conditions and enforcement of emergency barring orders and protection orders.	Same as 2A
	Obligation on MS to conduct risk assessments on the seriousness of the threat of violence to victims.	Obligation on MS to conduct risk assessments speedily and in cooperation with support services.	Same as 2A
	Obligation to provide age-appropriate psychosocial counselling to child victims and witnesses of domestic violence	Obligation on MS to ensure the protection of children by providing for surveyed safe places for visits in case of allegations of domestic violence.	Same as 2A
3. Ensuring effective access to justice in cases of VaW/DV		EU-level criminalisations: Additional approximation of criminal definitions and sanctions on the basis of the legal bases of computer crime (ICT-facilitated cyber violence), sexual exploitation (certain forms of sexual violence), and serious forms of sexual harassment.	EU level criminalisations: Introduction of violence against women and domestic violence as a new EU crime.

[185] As defined in Section 2.2.1.

	Obligation on MS to encourage reporting of violence by third parties	Obligation on MS to ensure easy and accessible reporting, including child friendly reporting mechanisms and online reporting.	Same as 2A
		Right of victims to obtain full compensation from the perpetrator in one single procedure and within adequate time limits.	Suboption A + Obligation on MS to provide state compensation in cases where victims cannot obtain compensation from the perpetrator or other sources.
4. Ensuring effective victim support in VaW/DV	Beside general support services, obligation on MS to ensure a comprehensive and holistic specialised support to victims (including rape crisis centres, shelters and national helpline).	Obligation on MS to facilitate access to specialised support services to groups at risk, such as children, migrant and asylum seeking women and women with disabilities. Connect national helplines to EU-level helpline	Suboption A + Obligation on MS to provide 1 shelter space for 10,000 inhabitants.
		Obligation on MS to provide specific support to victims of sexual harassment at work (including medical care and complaint mechanisms).	Suboption A + obligation on MS special compensated leave for workers victim of violence against women or domestic violence.
		Obligation on MS to establish both on- and offline support for victims of cyber violence against women.	Same as 2A
5. Ensuring strengthened coordination in preventing and combatting VaW/DV	Measures strengthening multi-agency cooperation.	Obligation to provide one-stop online access to relevant protection and support services. Encouragement to locate support services in the same premises.	Obligation on MS to locate multi-agency support services for victims in the same premises.
	Voluntary participation in surveys coordinated at EU-level.	Obligatory participation in surveys coordinated at EU-level	Same as 2A
	Obligation to regularly collect disaggregated relevant administrative data.	Data collection: Obligation to regularly collect disaggregated relevant administrative data in line with a number of harmonised minimum requirements.	Data collection: Integrated centralised data collection system at national level.

While option 1 would limit EU action to implementing Istanbul Convention standards through EU law, in matters relating to EU competence, **the added value of option 2** (under both sub-options 2A and 2B) **is double**. First of all, option 2 contains **targeted measures on cyber violence against women and sexual harassment at work, which are not specifically addressed in the Istanbul Convention**. Secondly, the measures under option 2 have been developed in comparison to the standards of the Istanbul Convention in order to ensure a **better implementation in line with good practices and recommendations** recognized by international experts in the field and international bodies such as GREVIO and in the UN.

With respect to the *first main added value*, since the drafting of the Istanbul Convention, **cyber violence against women and in intimate partnerships** has become a common phenomenon which requires targeted action. Such violence is also an area where legal gaps have been identified in the legal network study. Finally, action in this area is needed to ensure effective implementation of the future DSA. While the DSA regulates online platforms' responsibilities, including with regard to illegal content, it does not define such content. By

including a definition of cyber violence against women and between intimate partners at EU level[186], including of offences concerning non-consensual sharing of intimate or private images, content and cyber stalking, the initiative would ensure that the requirements foreseen by the DSA can be fully applied to this kind of illegal content across the EU.

With respect to **sexual harassment at work**, a more targeted action than that contained in the Istanbul Convention is triggered by the adoption, in 2019, of the ILO Convention no. 190. The inclusion of specific measures on this matter therefore aim at bringing EU law more in line with recent international standards.

Regarding the *second main added value*, i.e. **a better implementation of the standards of the Istanbul Convention in line with good practices and recommendations** identified by experts and expert bodies from the Council of Europe (GREVIO) and the United Nations, the measures have been designed in the five problem areas because of two main reasons. Firstly, **gaps have been identified in all five areas**, going from a lack of effective prevention measures such as targeted information provision and access to perpetrator programmes, to prosecutorial guidelines on this kind of violence for judges or access to shelters. Secondly, as recognized in the Istanbul Convention and all stakeholders, all five areas must be addressed to ensure a **comprehensive approach** to tackle gender-based violence against women and domestic violence, as well as to protect and support the victims and survivors.

In light of the above, the presented policy packages present the most relevant, comprehensive and coherent approach to address violence against women and domestic violence in areas of EU competence and with regard to identified gaps. They present the political choice of adopting in EU law the level of the standards of the Istanbul Convention (defined by what has been feasible at the international level in 2010) or deciding to take into account recent developments in the areas of cyber violence against women and in intimate partner relations and sexual harassment as well as good practices and recommendations resulting from a review of the existing implementations. Within this latter option, the two sub-options present the choice between less or more far-reaching measures.

6. 6. What are the impacts of the policy options?

This chapter assesses the impacts of the two policy options (and sub-options) in terms of their fundamental rights impact, social impact and economic impact. Some tangible impacts can be assessed quantitatively, but the central aspect of this initiative is to strengthen the fundamental rights of those affected by violence against women and domestic violence, some elements of which cannot be monetised. The **aim of the initiative is not only to reduce prevalence of violence through prevention, but also to ensure fundamental rights** of the women victims of violence and victims of domestic violence and to diminish negative societal impacts and improve victims' quality of life.

[186] The envisaged definition would refer to any act of gender-based violence against women that is committed in part or fully by the use of information and communication technologies, such as mobile phones and smartphones, the internet, social media platforms or e-mail. It draws on the upcoming General Recommendation on the digital dimension of violence against women of GREVIO, to be issued later this year and is based on the work of the Council of Europe Cybercrime Convention Committee "Working Group on cyberbullying and other forms of online violence, especially against women and children".

6.1.6.1. Fundamental rights

Violence against women and domestic violence have been recognised to impact negatively a number of human rights.[187] Pursuant to Article 6(3) of the TEU, fundamental rights, as guaranteed by the ECHR, constitute part of EU law as general principles;[188] moreover, the European Court of Human Rights' ('ECtHR') jurisprudence is taken into account in interpreting corresponding rights of the Charter of Fundamental Rights ('CFR'). The ECtHR has established comprehensive obligations on states parties to prevent, investigate and punish this kind of violence and effectively protect victims.

All policy options are expected to strengthen the protection of fundamental rights**,** but to a different degree. Negative fundamental rights impacts have not been identified for either option or sub-option.

Option 1 builds on the rights provided to crime victims under EU law and specifies their modalities of application to victims of violence against women and domestic violence in line with international obligations. Option 2 sets out more extensive obligations, thus providing more extensive protection to victims. It includes specific measures against cyber-violence and sexual harassment, in particular at work. Sub-option 2B foresees further-reaching obligations as for victims compensation and support that increase the positive impact on fundamental rights. The impact of the two options and the sub-options on individual fundamental rights is summarised in the table below, with '(+)' pointing to a slightly better performance than the baseline, and '+++' pointing to the the best performance among the options.

Fundamental Rights	**Policy option 1**	**Policy option 2**	
		Sub-option A	**Sub-option B**
Right to life	+	++	++(+)
Right to integrity/prohibition of degrading treatment; right to private and family life	+	++	+++
Rights of the child	+	++	++
Prohibition of discrimination	+	++	++
Rights of older people and people with disabilities	+	++	++
Right to social assistance and healthcare	+	++	++
Right to an effective remedy and a fair trial	+	++	+++
Right to fair and just working conditions	+	++	+++

Right to life (Article 2 CFR), right to integrity (Article 3 CFR) and prohibition of inhuman or degrading treatment (Article 4 CFR), right to private and family life

[187] The United Nations consider violence against women as a form of gender-based discrimination and invited UN Member States to exercise 'due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, cf Declaration on the Elimination of Violence against Women. Proclaimed by General Assembly resolution 48/104 of 20 December 1993, available at: (https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx); R.J.A. McQuigg, "Domestic Violence as a Human Rights issue: Rumor v. Italy", *European Journal of International Law*, Vol. 26(4), 2016, pp. 1010-1012, 1016, 1021.

[188] Articles 51(1), 52(3) of the Fundamental Rights Charter.

(Article 7 CFR): These rights are particularly relevant for acts of this kind of violence, in particular in cases of physical VaW/DV which, at most serious, can lead to the death of the victim. Both policy options would have a positive impact on these rights because they foresee measures to **strengthen the protection of persons at risk** of violence against women and domestic violence. Both options would require Member States to conduct a risk assessment of the seriousness of the threat posed by a prospective perpetrator to the potential victim, taking into account all relevant circumstances, e.g. if the perpetrator owns weapons. Both options also oblige Member States to ensure the availability of protection orders for all forms of this kind of violence.[189] Option 2 would further improve the efficiency of national protection orders by establishing minimum standards for the issuance, conditions and enforcement of emergency barring orders in case of imminent threats to the victim's life or integrity. Both options would likewise contribute to **establishing effective criminal law provisions** on violence against women and domestic violence, thereby deterring offences and allowing for effective punishment; the ECtHR considers that this is a key part of Member States' obligations to ensure protection of the above-mentioned rights.[190] Option 2A would criminalise at EU level certain forms of violence against women and domestic violence on existing legal bases. Option 2B would also introduce violence against women and domestic violence as a new area of EU crime under Article 83 TFEU, which can be expected to have a deterrent effect on potential perpetrators of violence against women and domestic violence. Moreover, both options include training for professionals likely to come into contact with victims of violence against women and domestic violence, thereby **increasing their ability to recognise this kind of violence** and to respond with diligence.[191] Option 2 would go further by making the training mandatory and regular. Both options would facilitate the reporting of violence against women and domestic violence by encouraging reporting by third parties.

Rights of the child (Article 24 CFR): Article 24 CFR grants children the right to such protection and care as is necessary for their well-being, and provides that the child's best interests have to be a primary consideration in all actions relating to children, as well as the right of the child to be heard and to maintain on a regular basis a personal relationship and direct contact with both parents, unless that is contrary to the child's interests.[192] Both options can be expected to have a positive impact on these rights by imposing **specific measures to protect and support child victims and witnesses** of violence against women and domestic violence. Both options require Member States to handle cases of violence against women and domestic violence in a manner that ensures the best interest of the child, to **recognise child**

[189] The ECtHR found violations of the right to life in cases of domestic violence, when the authorities knew or ought to have known of the existence of a real and immediate risk to the life of an identified individual, and failed to take measures within their powers which, judged reasonably, might have avoided that risk, see: ECtHR, *Opuz v. Turkey*, Application No. 33401/02, Judgment, 9 June 2009, §128; ECtHR, *Rantsev v. Cyprus and Russia*, Application No. 25965/04, Judgment, 7 January 2010, §§218-219; ECtHR, *Branko Tomašić and Others v. Croatia*, Application No. 46598/06, Judgment, 15 January 2009, §§ 49-51.

[190] ECtHR, *Buturugă v. Romania*, application No. 56967/15, judgment of 11 February 2020. Also ECtHR, *Volodina v. Russia (no. 2)*, application no. 40419/19, judgment of 14 September 2021, at 50, 56-58, 68, finding e.g. that certain acts of cyberviolence can be sufficiently serious to require a criminal-law response.

[191] ECtHR, *Opuz v. Turkey*, Application No. 33401/02, Judgment, 9 June 2009, §200; ECtHR, *Tërshana v. Albania*, Application No. 48756/14, Judgment, 4 August 2020, §160; ECtHR, *Kurt v. Austria*, Application No. 62903/15, Judgment, 15 June 2021 (Grand Chamber), §172.

[192] Also Article 19 of the United Nations Convention on the Rights of the Child.

witnesses as victims of violence against women and domestic violence and to provide age-appropriate psychosocial counselling, which will positively impact on the right of the child to be heard. Option 2 additionally obliges authorities to ensure that visits of children can take place in surveyed safe spaces outside the home of an alleged perpetrator. Such arrangements would have a strong positive impact on safeguarding the best interests of the child.

Right to an effective remedy and a fair trial (Article 47 CFR): Both options strengthen the right to an effective remedy for victims of violence against women and domestic violence. In addition to introducing EU-level criminalisations as discussed above, both options foresee measures to ensure more effective investigation and prosecution of violence against women and domestic violence. Both options provide, for EU-level criminalisations, that prosecuting authorities should pursue certain offences of violence against women and domestic violence on their own motion and as a matter of public interest, even if the victim does not lodge a complaint or withdraws the initial complaint in the course of the proceedings.[193] Together with the protection measures, these can be expected to further tackle the delays in investigation, prosecution and adjudication of violence against women and domestic violence cases. In addition, option 2 obliges Member States to issue guidelines on violence against women and domestic violence to law enforcement and judicial authorities, which would help them to more effectively address it, apply consistent procedures and strengthen cooperation with other agencies to ensure safety and offender accountability. Together with the training for professionals, these measures can be expected to facilitate victims' access to justice.

Both options likewise improve the availability of compensation to victims. Option 1 requires Member States to provide information on how compensation may be accessed. Option 2A would strengthen the right by establishing a right to full compensation from the perpetrator and ensure that victims can obtain compensation in one single procedure (avoiding secondary victimisation). Option 2B would ensure access to compensation by the state where no compensation can be obtained from the perpetrator or other sources, beyond what currently exists in EU law. Option 2 also introduces low-threshold online reporting of incidents of violence against women and domestic violence, which would facilitate the reporting by victims.

Non-discrimination and equality between women and men (Articles 21 and 23 CFR): Both options acknowledge violence against women and domestic violence as prohibited discrimination between women and men, thereby aligning EU law with international standards,[194] and expanding victim's access to anti-discrimination law remedies. Both options would also have a positive impact in mitigating the risk of this kind of violence for persons in vulnerable situations and groups at a heightened risk[195] through the improved protection, support and access to justice. Additionally, option 2 obliges authorities to conduct targeted awareness-raising and information provision activities to reach out to groups at risk and to

[193] See ECtHR, cf Opuz v. Turkey, §145.
[194] CEDAW, *General Recommendation No. 19*; CEDAW, *General Recommendation No. 35*; ECtHR, *Opuz v. Turkey*, cited above, §200.
[195] Such as women from ethnic minorities, women living in rural areas, women migrants and asylum seekers, women sex workers and women detainees, see e.g. Council of Europe, Combating violence against women: minimum standards for support services, 2008, pp. 8-13.

facilitate their access to support services. It would therefore have a more positive impact on the right to non-discrimination. In the same way, both options would strengthen, for example, **the rights of older persons** in cases of intergenerational domestic violence (Article 25 CFR), and **the integration of persons with disabilities** (Article 26 CFR), again with option 2 having a more positive impact for the reason set out just above.

Rights to social assistance and health care (Article 34 and 35 CFR): Option 1 requires Member States to provide specialist services to women victims of violence against women and domestic violence such as immediate medical support, the collection of forensic medical evidence in cases of rape and sexual assault, short and long-term psychological counselling and trauma care. This reinforcement of specialist services would have high positive impacts on the rights to social assistance and health care. Both options require Member States to provide specialist support services to victims of sexual violence, which can be expected to significantly contribute to the effective access to these services by victims of violence against women. The effectiveness of the measures would be further enhanced by the guidelines to health and social service providers foreseen in option 2. In response to the widely noted shortage of shelters, particularly in remote and rural areas, option 1 and option 2A oblige Member States to provide shelters in sufficient numbers and in an accessible manner, without imposing a minimum threshold. Option 2B specifies that Member States shall provide 1 shelter space per 10,000 inhabitants (as recommended by the Council of Europe). Since the provision of shelters plays a vital role to protect victims from (further) acts of violence, option 2B, to the extent that Member States would not have voluntarily reached the threshold, would provide higher protection for victims in this regard. Option 2B would also have a higher impact on access to social assistance and health care by granting special compensated leave from work for victims of violence against women and domestic violence and ensuring that victims can access all relevant services in the same premises.

Right to fair and just working conditions (Article 31 CFR): Both sub-options of option 2 would reinforce the victims' right to fair and just working conditions by introducing specific provisions on sexual harassment at work. The combination of awareness raising and Member State obligations on reporting would encourage more victims to report harassment and seek redress, thereby discouraging such behaviour in the long-term.

Other rights: The measures on access to justice elements would carefully take into account **the presumption of innocence and right of defense** (Article 48 FRC), in particular regarding the approximation of definitions and sanctions at EU-level. Both options take into account the perspective of suspected and accused persons and do not affect the application of defense rights by national courts.[196] Both options are likewise in line with the principles of legality and proportionality of criminal offences and penalties (Article 49 FRC).

[196] See Council of Europe, *Guide on Article 6 of the European Convention on Human Rights. Right to a fair trial (criminal limb)*, available at https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf, at 525-529, finding that while a fair balance must be struck between the parties, in criminal proceedings concerning sexual offences, rights of the defense do not prevent measures being taken for the protection of victims as regards in particular the examination of witnesses and other victim protection measures.

6.2.6.2. Social impacts

All policy options contribute to alleviating the social impacts of violence against women and domestic violence described in Chapter 2 to a different degree. These positive impacts affect various stakeholders, namely victims, witnesses, perpetrators, companies, national authorities and the wider society. Social impacts are assessed in this section only qualitatively by stakeholder. A detailed description by measure is in Annex 5. Estimates of some of these outcomes are included in the next section on the economic impacts, where the benefits of the options are quantified as the induced reduction of the current socio-economic costs of violence against women and domestic violence (see section 6.3.1).

Both options would improve the baseline and improve **victims' health, safety and quality of life** (especially through the measures on protection and support), while contributing to changing harmful social norms and behaviors through prevention. This would result for instance in a reduction of psychological trauma for victims and better psychological, behavioural and physical consequences for survivors, since violence against women and domestic violence victimisation is associated with increased smoking, substance use, and risky sexual behaviours. It can also lead to depression, post-traumatic stress and other anxiety disorders, sleep difficulties, eating disorders, and suicide attempts. Finally, intimate partner violence in pregnancy also increases the likelihood of miscarriage, stillbirth, pre-term delivery and low birth weight of babies.[197]

All options would increase victims' and witnesses' awareness of and access to relevant information on the available protection and support, and facilitate more active participation in society, including in the labour market, including entrepreneurship. This could be particularly beneficial for people from disadvantaged socio-economic backgrounds or victims at risk of intersectional discrimination, e.g. due to migrant background or disability. Targeted protection measures and support services to child victims and witnesses are expected to decrease violence against women and domestic violence against these groups.[198]

All options would ensure that support services provided to victims of violence against women and domestic violence be based on an understanding of the victim's specific needs and be available and accessible for all victims. Measures, such as specialist support services for survivors of sexual violence and ensuring a sufficient amount of beds in shelters, may be expected to have significant social impact. Option 2B would have the greatest impact in that it would set a mandatory standard on shelter availability.

Measures on intervention programmes for **perpetrators** are expected to have a positive impact on the latter's attitudes and behaviour. Also more appropriate sanctions against illegal behaviour would act as a deterrent to those at risk of offending. Option 2 would have a stronger impact on perpetrators, because it would foresee not only voluntary treatment programmes but also mandatory participation for repeated offenders or (option 2B) all

[197] Research and Statistics Division Department of Justice Canada, Nadine Wathen, 2012, "Health Impacts of Violent Victimization on Women and their Children". A. Morrison, M. Ellsberg & S. Bott (2007), Addressing Gender-Based Violence: A Critical Review of Interventions.
[198] UNODC, INSPIRE: Seven Strategies for Ending Violence Against Children.

offenders. In addition, it would specifically address the growing phenomenon of cyber violence, as well as sexual harassment, thus providing a more targeted approach than option 1.

Measures on **sexual harassment, in particular at work** (option 2) would increase awareness, better understanding and support for workers who are victims of harassment and abuse. This would allow developing a safe work environment and therefore have positive impact on productivity, also linked to lower sick leaves. These benefits are expected to be higher than the limited costs linked to the implementation of the envisaged measures (see section 6.3.2). Even already functional and respectful workplaces would benefit from recognition of a broader support offered to employees and a better work environment.

Finally, both options are likely to have a positive impact for **national authorities**. They would bring about clear political messaging concerning the social unacceptability of violence against women and domestic violence and address the problem of legal fragmentation and uncertainties. They would ensure a strong policy framework, based on strengthened coordination and cooperation between the law enforcement, the judiciary and the social and health services. The expected benefits largely offset the costs linked to the implementation of some of these measures (see section 6.3). Option 1 is likely to have stronger political support, even if some reluctance because of the cost implications and political discourse around gender-related matters could be expected, particularly in the countries that have not ratified the Istanbul Convention. This applies even more to option 2, , as it goes, on some points, beyond the standards set out in the Istanbul Convention and may therefore require higher investments in some Member States (see point 6.3 below).

Both options are also expected to have a positive impact on **society** as a whole, as they would increase the recognition of abusive behaviour and reduce the acceptance of such behaviour among the general public, thus contributing to a safer environment for women and other potential victims, as well as improving public health. Both policy options are also expected to lead to an increase in cases detected, reported, prosecuted and sanctioned, leading to improved justice across society.

6.3.6.3. Economic impact

The current cost to society of violence against women and domestic violence amounts to €290 billion per year.[199] EIGE computed these costs by extrapolating the costs computed by the Home Office for UK. The extrapolation of costs to the EU is impacted by differences in prevalence rates across Member States, both in surveys and in reported cases, and differences in government expenditures and in the cost of services (and so implicitly by their efficiency) compared to the UK system. However, the largest part of these costs (around 56%) are due to

[199] EIGE, Report on the costs of gender-based violence in the EU,
EIGE (2021), The costs of gender based violence in the European Union: Report, Publications Office of the European Union, Luxembourg. These costs do not include the societal costs of gender-based cyber-violence, which have been estimated at €49-89 billion (N. Lomba, C. Navarra, M. Fernandes, Combating Gender-based Violence: Cyber Violence, briefing, EPRS, European Parliament, 2021) as well as other broader not quantifiable indirect social costs e.g. lack of trust in institutions, fear of crime,…

psychological, emotional and physical damage that are comparable across Member States.[200] Moreover, a sensitivity check, based on the relative prevalence of violence against women in the EU and where Member States are compared to the UK (on which the calculations are based) allows to verify the overall magnitude of the costs of violence against women. Weighing the costs of violence against women based on FRA (2014) data, we obtain an overall cost of €278 billion.

Similar studies have been conducted in single countries. For example, a study on the cost of violence against women in Italy[201] placed this cost at €24.5 billion. Direct costs for healthcare are relatively bigger than in the UK study, but overall the loss due to emotional and physical damages represents a bigger share of the total costs (86%). An earlier study on Sweden (2006), focusing on intimate-partner violence (and not considering loss in the quality of life), placed the costs at about €330 million.

Both options are expected to **reduce the cost of violence** by inducing a reduction in the prevalence of violence against women and domestic violence in the EU through prevention, protection, access to justice, support and inter-agency coordination. The related cost reduction is the expected benefit of the intervention and is analysed in the following sections. Further sections analyse the direct cost implications.

6.3.1 Estimated benefits: reduction of costs of violence

The support study estimates the economic benefits of policy options 1 and 2 (and sub-options) **by assessing the reduction of the different items which make up the overall cost to society of violence against women and domestic violence: direct cost of services (to victims or to public service providers); lost economic output; and the physical and emotional impacts** measured as a reduction in the quality of life under two different scenarios of decrease of violence against women and domestic violence. The expected impact of the two policy options depends mainly on their potential to reduce the prevalence of violence against women and domestic violence in the short and the long run.

This approach is aligned with research[202] conducted by the European Parliament Research Service (EPRS). However, other than the EPRS research which focuses on establishing gender-based violence as a new EU crime, the proposed policy options take a holistic approach, as advocated by stakeholders,[203] and foresee a comprehensive set of measures in the

[200] The computation of the unit cost of crimes in 2018 Home office study (Heeks, M., Reed, S., Tafsiri, M. and Prince, S. (2018), The Economic and Social Costs of Crime – Second edition, Research report 99, Home Office, London) is carried out for all types of crimes. This lack of specificity means that the relationship between victim and perpetrator is not taken into account. Since this could be an important element, particularly as for the long term consequences of domestic violence, the emotional and psychological impact is likely to be underestimated. Moreover, the study computes the loss of productivity of victims as the value of hours of work lost by employed victims, taking into account the likelihood of them suffering specific injuries. As a consequence, the long term impact in terms of labour market efficiency is not taken into account.

[201] (How much does silence cost? National survey on economic and social costs of violence against women) Quanto costa il silenzio? Indagine nazionale sui costi economici e sociali della violenza contro le donne, Intervita, 2013.

[202] "Gender-based violence as a new area of crime listed in Article 83(1) TFEU - European added value assessment", European Parliament Research Service, 2021. The report computes the possible impact of introducing GBV as a new area of crime listed in Article 83(1) TFEU as the expected yearly economic benefits in the short and in the long run due to a reduction on the social cost of violence against women. The EPRS report assumes that a policy intervention would decrease GBV/DV prevalence by 10% in the short run (after about five years from the start of implementation) and 20-30% after about 10 years. The reduction is estimated at about €25.1 billion and in the long run of a reduction between €54.4 and €83.9 billion.

[203] Various stakeholders from Member States, international organisations, NGOs to social partners were consulted through targeted consultation during May-July 2021. See Annex 2.

areas of prevention, protection, access to justice, support and coordination. They should therefore in principle lead to a higher reduction of prevalence compared to the option examined by the EPRS. Nevertheless, this assessment takes a conservative approach due to the limited research on the impact of legislation on reduction of prevalence of violence against women and domestic violence. In addition, this approach considers that, due to underreporting, there is likely to be an increase in reported prevalence rates in the beginning and therefore lower net benefits. This initial increase in costs is, however, actually a positive effect of the initiative. To sum up, in order to provide a more realistic assessment, this impact assessment assumes that the expected impact of the initiative would not exceed the EP's estimated overall reduction of violence against women and domestic violence linked to its potential introduction as a new area of crime.

Given the low number of impact assessments of measures against violence against women and domestic violence overall and in particular for the EU context, reference is made mostly to examples from the USA. According to WHO estimates for 2018, the intimate-partner violence prevalence rates for the US are slightly higher than in the EU27: 26% against an average for the EU27 countries of around 18% for intimate-partner violence lifetime prevalence and 6% against 4.4 % for 12 month intimate-partner violence. This suggests that referring to US outcomes does not overestimate the results for the EU.

The (5-year) short-term impact assumption is based on estimated impact[204] of the introduction of the US Violence Against Women Act of 1994 on annual rates of criminal victimisation of women. Moreover, protection measures, such as the availability of protection orders and enhanced reporting opportunities of violence against women and domestic violence, have been shown to be associated with a 34%[205] and 40%[206] reduction in the risk of repeated victimisation through, for example, continuing domestic violence. Similarly, based on an assessment of the US National Crime Victimization Survey, the use of victim services was shown to be associated with a 40% reduction in the risk of repeated victimisation.[207]

The (10 years) long-term assumption is based on an assessment of two main studies:

- Analysis based on Demographic and Health Surveys data for selected countries in the global south finds that each additional year that a country has had domestic violence legislation in place[208] is correlated with a 2% decrease in prevalence.
- Analysis based on FRA data for 2014 finds that women living in EU Member States that undertook legislative action before 2005 had a 40% lower probability of

[204] Clark, K. A., Biddle, A. K., & Martin, S. L. (2002), 'A cost-benefit analysis of the Violence Against Women Act of 1994', *Violence Against Women*, *8*(4), pp. 417-428.
[205] Protection Orders Protect Against Assault and Injury: A Longitudinal Study of Police-Involved Women Victims of Intimate Partner Violence: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4151113/
[206] The Effects of Arrest, Reporting to the Police, and Victim Services on Intimate Partner Violence: https://journals.sagepub.com/doi/pdf/10.1177/0022427816678035
[207] Ibid.
[208] Klugman et al, Voice and Agency: Empowering Women and Girls for Shared Prosperity, The World Bank, 2014.

victimisation compared to women living in EU Member States that took legislative action more recently.[209]

Due to lack of evidence quantifying the causal link between the full set of measures under both policy options, different long-term and short-term impacts were tested.

a) Benefits of option 1

Based on a reduction rate of 15% (short-term) and 20% (long-term) respectively, the expected total economic benefit of option 1 is estimated to be in the **short-term €39.6 billion per year and €53.1 billion in the long-term** (see Annex 5 for more information).

b) Benefits of option 2 – Sub-options 2A and 2B

Option 2A envisages more specific measures on prevention, protection, access to justice and support, but also more targeted measures on specific types of violence (including cyber violence and sexual harassment at work) compared to option 1. The expected impact of option 2A (on prevalence) is therefore expected to be *higher* than the more moderate option 1. Assuming a decrease in prevalence rates of 20% (short-term) and 30% (long-term) respectively, the estimated total economic benefit of option 2A amounts to **€53.1 billion in the short term and to €82.7 billion in the long term (**see Annex 5 for more information).

Option 2B would include a targeted criminalisations, extended measures for Member States, the provision of a high number of shelters and centralised services for victims, as well as special leave from work compensated at the level of sick leave for all victims of violence against women and domestic violence and centralized administrative data collection. These measures are expected to bring an even higher reduction of prevalence, which is assumed to be 22% (short-term) and 33% (long-term) respectively. The estimated total economic benefit is therefore **€57.8 billion in the short term and €87.6 billion in the long term** (see Annex 5 for more information).

6.3.2 Administrative and compliance costs for Member States and employers

Both options imply costs for national authorities and some costs for employers. The total compliance costs of each of the (sub-)options are summarised in the three tables below. Costs are presented by problem area and distinguished between one-off development costs and annual running costs for Member States and employers. These costs are overall significantly lower than the cost to society currently incurred under the present prevalence of violence against women and domestic violence.

Table 6.1 Total compliance costs of option 1 by problem area

Problem area	One-off development cost (Millions of euros)	Running cost per annum (Millions of euros)
Prevention	0.6	20.1 – 22,4
Protection	negligible	645.5 – 1,684.4
Access to justice	negligible	negligible

[209] Sanz-Barbero B., Corradi C., Otero-García L., Ayala A., and Vives-Cases C., 'The effect of macrosocial policies on violence against women: a multilevel study in 28 European countries', International journal of public health, 63(8), 2018, pp. 901- 911.

Victim support	25.3	127.9-491.4
Coordination	negligible	negligible
TOTAL	25.9	793.5-2,198.1

Table 6.2 Total compliance costs of option 2A by problem area

Problem area	One-off development cost (Millions of euros)	Running cost per annum (Millions of euros)
Prevention	2.4	1923.9-1928.5
Protection	negligible	769.4 – 2,014.0
Access to justice	negligible	328.5
Victim support	13.6	1,925.2 - 2,288.7
Coordination	0.2	21.1
TOTAL	16.1	4,968.3 – 6,581.4

Table 6.3 Total compliance costs of option 2B by problem area

Problem area	One-off development cost (Millions of euros)	Running cost per annum (Millions of euros)
Prevention	2.4	1,924.6–1,929.1
Protection	negligible	769.5 – 2,014.6
Access to justice	negligible	1,897.6
Victim support	136.2	2,438.0 – 8,335.7
Coordination	0.2	24.3
TOTAL	138.7	7,054.1 – 14,201.4

Below is an assessment of the compliance costs caused by the different policy measures by problem area.

Prevention

Under option 1, it is assumed that all Member States would incur additional costs compared to the baseline for information provision, awareness-raising and training measures, as the existing measures in place are not sufficiently targeted to violence against women and domestic violence. The maximum costs of awareness-raising and providing information are estimated to be around €4 million for the EU-27. Training on violence against women and domestic violence to professionals dealing with victims or perpetrators is expected to cause maximum costs of around €19 million. Finally, this option envisages to make available voluntary programmes for convicted perpetrators. Given their low overall number and an expected low take up rate, the additional cost for this measure is estimated in the order of €40 thousand. The supporting study and consultations show that no Member State currently provides sufficient perpetrator intervention and treatment programmes, though almost all countries already have some programs in place.

Under option 2A, the Member States would provide targeted information to groups at heightened risk of violence against women and domestic violence. The total maximum cost is estimated to be €4.4 million. Option 2A also requires mandatory and regular training to professionals on online violence against women, which is estimated to cost €2 million. Under this option, the perpetrator programme is also made mandatory for repeated offenders, with

consequently higher costs of around €100 thousand. This compares to the cost of mandatory training for all convicted offenders included under option 2B that has a cost of around €750 thousand.

Finally, the biggest ticket in the prevention area comes from prevention of sexual harassment at work and it is only foreseen for Option 2. It is related to mandatory training of managers and an obligation to set up anti-harassment policies. This would be a two hour online training to be attended once per year. For a single employer, the cost corresponds to two working time hours for each manager and the total cost per employer will therefore depend on the number of managers attending the training. The overall cost of training for all employers is estimated at around €1.9 billion[210]. Member States would cover the costs for the development of the training itself (a cost of €600 thousand). The possible costs for updating the existing risk assessments has not been included as costs of this initiative since the obligation to have such assessments in place is already provided under existing EU health and safety legislation, which covers sexual harassment at work even though this is not expressly spelled out.

Protection

In the consultation phase, over half of the Member States (See annex 2) and all international organisations highlighted the need for further protection measures, especially of children and child witnesses of violence against women and domestic violence. The assessment of the gap analysis concerning the current measures relating to protection orders, risk assessments and child-friendly measures showed that all Member States have some measures in place, so there are no expected set-up costs under neither policy option. As the supporting study and consultations show that current protection measures are not sufficient[211], all Member States would incur additional costs under both policy options.

As for **protection orders**, they are available in all Member States, however evidence suggests that women victims of violence against women and domestic violence do not have sufficient access to such orders in any Member State. Under option 1, Member States would therefore need to ensure that protection orders are available for all types of violence against women and domestic violence. This implies additional costs between €3.3 and 22.8 million for the EU27[212] (see Annex 5 for details). Under option 2, the increased effectiveness and enhanced access to protection orders may be expected to lead to an increase in the request for such orders. Costs may arise on the side of the judiciary and law enforcement (issuing/enforcement of the order). The total cost for this option would then be between around €4 and 25 million.

Under option 1, countries that have services in place for the **protection and support of child victims and witnesses** would improve such services, which is expected to lead to an increase of support to 50% more children compared to the baseline. Countries that need to make substantial improvements may be expected to have an even higher number of children seeking support, thus incurring higher costs. Overall costs for this measure is estimated to be a maximum of €1.6 billion. Under option 2, Member States would ensure that visits of children

[210] See Annex 4, 2.13 and Annex 5, measure 1.5 for further details on specific methodology and assessment.
[211] See more in Annex 2.
[212] Data were not available for Italy and Malta, which are therefore excluded from the computations.

can take place in surveyed safe places in cases involving allegations of violence against women and domestic violence. Such visits could take place in the context of existing protection and support services. The total maximum costs of protection and support of child victims and witnesses under this option is therefore estimated to be €1.9 billion.

As for **risk assessment** measures under option 1, it may be expected that Member State will provide between 50 and 100% more risk assessments to victims, and that 25% of them will qualify as high risk and therefore receive an in-depth assessment. The total cost for the EU-27 is approximately €43 million. Under option 2 (both sub-options) additional working time is considered to manage cases in a timely manner in cooperation with support services. The total cost is therefore higher at around €47 million.

Access to justice

Costs for access to justice measures fall entirely on *public authorities*. Based on the supporting study, under option 1 costs would somewhat increase for *law enforcement*, the *justice sector* and *equality bodies*, as they would have to deal with more cases of violence against women and domestic violence, but these costs are expected to be negligible.

Under option 2, compliance costs for access to justice measures would be higher. Concerning **compensation**, under option 2A, victims of violence against women and domestic violence would have the right to full compensation from the perpetrator. As this concerns compensation for harm resulting from illegal behavior, this should however not be considered a proper cost and it is therefore not included as such in the computation. Under Option 2B however the State would intervene to pay for victims that cannot be compensated by the perpetrators. It is estimated that improved access to compensation could lead to 10% increase of demand and granting of compensation , 50% of which would not be recovered from the perpetrator or other sources. Member states would then need to cover such compensation with an additional overall cost for Member States of €1.6 billion.

Finally, for both options, costs relating to **prosecution** pro-active information of victims regarding their right to compensation, and ensuring low-threshold reporting are estimated to be negligible.

Victim support

Under both policy options, it is expected that all Member States will require additional expenditure, especially to meet the demand for missing **specialist services** for survivors of sexual violence and the missing number of beds in **shelters**. As for *services*, the Member States that do not currently have (i.e. BE, HR, CZ, FR, HU, LV, LU, MT, NL, PL, PT, SI) a 24/7 **free helpline** for women victims of violence against women and domestic violence would incur additional costs to set-up and run such helplines. The total expected expenditure of such measures is estimated at between €1.4 and €5.6 million for both options, as the obligation to connect national helplines to the EU-harmonised number is estimated to have a negligible cost. Concerning specialised support services under option 1, the costs are estimated to be around €107 million. Under option 2, it is expected that all Member States will need to step up their specialised services to support groups at a heightened risk of violence. The costs of this measure is estimated at €118 million.

As for *shelter provision*, option 1 requires the Member States to provide shelters in an accessible manner and in sufficient numbers. Based on information of the average current cost of a shelter bed space for a woman (with or without child) in Member States, the estimated total cost is between €33.1 million and 392.4 million, same as for Option 2A. Option 2B specifies the obligation to provide at least 1 shelter space for 10,000 inhabitants, which is estimated to cause a maximum total costs of around €3.9 billion. This is by far the highest cost per single measure.

In addition, under option 2, the requirement for Member States to provide on- and offline **support for victims of cyber violence** against women and in intimate partnerships (incl. equipping support services with financial and human resources for knowledge-development and the necessary technology) is estimated to cost around €1.2 billion.

Finally, under option 2B, Member States would also provide for 3 days of special leave for employees victims of violence against women and domestic violence, to be compensated at the level of current sick pay compensation under national law. The costs of the measure is estimated to be between €0.3 and 2.6 billion depending on whether only victims of sexual violence are covered or all victims of physical violence against women and domestic violence.

Coordination

This area includes measures regarding data collection and provision of integrated services. Option 1 is not expected to trigger substantial costs: most Member States already collect some disaggregated administrative data on violence against women and domestic violence. Moreover, participation in the **survey** coordinated at EU level would be voluntary. Finally, most Member States already provide for some minimum coordination at national level.

Option 2 is expected to trigger limited costs for Member States. This option includes the provision of a **one-stop online access** to relevant protection and support services and of voluntary on-site support services. As for the data collection, it makes the participation in the EU survey mandatory, as well as the regular collection of administrative data through an integrated centralized data collection system. Overall, these measures would trigger costs for €20.9 million. The largest cost is for the regular mandatory survey: each data collection is costed, based on a sample of on average 5,000 interviews per Member State at a cost of €100 per interview, at €16.8 million. Option 2 would also involve locating services for victims in the same premises (with a maximum estimated costs when upon obligation in sub-option 2B, of €3.6 million) and a centralized integrated system of administrative data collection on violence against women and domestic violence, which would have a negligible cost, as several Member States have already introduced integrated systems for data processing in the area.[213]

6.3.3 Summary of costs and economic benefits

[213] This is for instance the case for Spain where since 2006 the State Observatory on Violence against Women collects, analyses and disseminates periodic, homogeneous and systematic information on gender-based violence from public administrations, other State bodies with competence in this area and private entities through a reference database with a system of standardized indicators.

Policy options		Assumed reduction in prevalence	Economic benefits	Recurring cost min	Recurring cost max	One-off cost
Option 1 (Moderate)		Short-term (15%)	€ 39.6 billion	€ 0.8 billion	€ 2.2 billion	€ 0.01 billion
		Long-term (20%)	€ 53.1 billion	€ 0.8 billion	€ 2.2 billion	€ 0.01billion
Option 2 (comprehensive)	Sub-option A	Short-term (20%)	€ 53.1 billion	€ 5.0 billion	€ 6.6 billion	€ 0.02 billion
		Long-term (30%)	€ 82.7 billion	€ 5.0 billion	€ 6.6 billion	€ 0.02 billion
	Sub-option B	Short-term (22%)	€ 57.8 billion	€ 7.2 billion	€ 14.3 billion	€ 0.14 billion
		Long-term (35%)	€ 87.6 billion	€ 7.2 billion	€ 14.3 billion	€ 0.14 billion

The total compliance costs of option 1 range between € **0.8 billion to 2.2 billion**, with some additional one-off development costs in the first year of implementation. The estimated total economic benefits of this option range between a **cost reduction of € 39.6 billion (short-term) to € 53.1 billion (long-term).**

The total compliance costs of option 2A range between € **5.0 billion and 6.6 billion** with some additional one-off development costs in the first year of implementation. The estimated total economic benefits of this sub-option range between a **cost reduction of € 53.1 billion and € 82.7 billion.**

The total compliance costs of option 2B range between € **7.2 billion and € 14.3 billion** with some additional one-off development costs in the first year of implementation. The estimated total economic benefits of this sub-option range between a **cost reduction of € 57.8 billion and € 87.6 billion.**

7. 7. How do the options compare?

Table 7.1 below summarises the comparison of options against the criteria of effectiveness, efficiency and coherence. The comparisons also takes into account the criteria of proportionality and the risk of cost deviation, which is measured by the range of minimum and maximum costs. Scores are assigned on a scale from 1 to 3, as no option is expected to have negative impacts.

Table 7.1.: Summary of comparison of policy options			
	Legislative Options		
	Poliy Option 1	Poliy Option 2 Sub-option A	Policy Option 2 Sub-option B
1 - Effectiveness	**1.75**	**2.50**	**1.75**
Effectiveness in achieving the objectives (including impact of fundamental rights)	1	2	2.5
Specific objective 1: Prevention	1	2	2.5
Specific objective 2: Protection	1	2	2
Specific objective 3: Access to justice	1	2	3

Specific objective 4: Victim support	1	2	2.5
Specific objective 5. Coordination	1	2	2.5
Proportionality	**2.5**	**3**	**1**
2 - Efficiency	**1.75**	**2.75**	**2.13**
Total average cost (in billion Euros/year)	€1.5	€5.8	€10.8
Minimum costs	€0.8	€5.0	€7.2
Maximum costs	€2.2	€6.6	€14.3
Risk of cost deviation (max-min costs)	**€1.4**	**€1.6**	**€7.1**
Net benefit short term	€38.8	€48.1	€50.6
Net benefit long term	€50.9	€76.1	€73.3
Total net benefits	**€89.7**	**€124.2**	**€123.9**
Figures translated to qualitative scale	**2**	**3**	1,75
Risk of cost deviation (difference max-min costs)	3	3	0.5
Total net benefits	1	3	3
Social impacts (not quantifiable benefits)	**1,5**	2,5	2,5
- victims of VaW/DV and particular groups of victims	2	2.5	2.5
- wider society (including perpetrators and national authorities)	1	2.5	2.5
3 - Coherence	**2**	**2,5**	**2,5**
Internal coherence	2	2	2
External coherence	2	3	3
TOTAL UNWEIGHTED SCORE	**1,8**	**2,6**	**2,1**

Across the board, all options have a positive impact. Option 2 has the strongest effect in terms of achievement of the policy objectives, impacts on fundamental rights, internal and external coherence, and net economic benefits. **Compared to sub-option 2B, sub-option 2A scores better on all three assessment criteria - effectiveness, efficiency and coherence.** The comparative analysis below discusses these differences in further detail. A sensitivity analysis confirms this result under different weights assigned to the three criteria (See Annex 3.4).

7.1.7.1. Effectiveness

All options will contribute to achieving the policy objectives of the initiative. A single legislative instrument based on the most effective practices from different Member States and on the most effective measures already applied at the EU level in the neighboring policies, will contribute to a focused, coordinated approach targeting violence against women and domestic violence in all Member States.. Compared against the current regulatory fragmentation, evaluated as ineffective in the gap analysis, this is in itself an improvement and a positive contributing factor to the effectiveness of both options. Both options will also contribute to the effectiveness of safeguarding fundamental rights. To the extent that similar measures are already applied in the Member States, the effects of the measures will vary across the Union.

a) Prevention

The prevention measures proposed under option 1 would contribute to challenging negative gender stereotypes and attitudes towards women and men, as well as raising the awareness of the general population and relevant professionals, and contributing to the specific knowledge of the latter. Option 2 is expected to make a greater contribution to ensuring effective prevention of violence against women and domestic violence, as it adds prevention measures targeting groups at risk, and opens up treatment programmes to those at risk of offending.

Moreover, while option 1 does not focus on victims of sexual harassment and cyber violence against women, option 2 goes a step further by introducing specific standards, thus providing more comprehensive and effective measures to address those specific types of violence.

The measures of option 2 are built on **good practices** in the Member States. In its baseline evaluation report on **Austria**, GREVIO commended that the two-year basic initial training of law-enforcement officers encompassed the issue of domestic violence, including its gender-based dimension and that the specific nature of this type of violence and the relevant police measures are an important element of this training.[214] Another promising practice identified by GREVIO in its baseline evaluation report on **Denmark** is the awareness-raising campaigns on stalking and rape, which included components that specifically targeted professionals such as law enforcement agents and social workers.[215] This approach has led to improvements in the professionals' response to such violence and demonstrates the importance of such measures. **Stakeholder views:** Expanding prevention measures is supported by various stakeholders, such as NGOs and Member States.[216] Particularly measures on tackling cyber violence and sexual harassment at work are supported by social partners, international organisations and employer associations respectively. NGOs highlighted the need for trainings for professionals across sectors to provide effective support to victims, particularly with police and judicial authorities.[217]

b) Protection

The measures in option 1 on the availability of protection orders, risk assessments and better protection of child victims and witnesses are expected to address significant shortcomings in the area of protection of victims from violence against women and domestic violence. While these measures are expected to have positive effects, they however remain very close to the baseline and do not effectively address some of the legal and practical barriers for effective protection.

Option 2 adds several valuable elements in the area of protection that address these remaining barriers, thus enhancing its effectiveness compared to option 1. In particular the measure introducing harmonised minimum standards regarding emergency barring orders is expected

[214] See GREVIO's baseline evaluation report on Austria, paragraph 76.
[215] See GREVIO's baseline evaluation report on Denmark, paragraphs 65-66
[216] Various stakeholders from Member States, international organisations, NGOs to social partners were consulted through targeted consultation during May-July 2021. See more in Annex 2.
[217] Ibid.

to improve their timeliness (within 24 hours) and effectiveness in terms of access and enforcement. Minimum harmonized standards may be expected to facilitate their cross-border effect, thus improving the mechanism set out in the existing mutual recognition instruments.[218] Option 2 also foresees measures specifically aimed at child witnesses, including surveyed safe places where children can continue to meet their parents particularly in cases of domestic violence, thereby preventing repeated victimisation.

These measures build on **good practices** in the area of protection in Member States. For example, in **Portugal** risk assessment is mandatory in cases of domestic violence, and it is based on standardised forms. After the risk assessment has been completed, a safety plan is developed for the victim, an application for protective measures is made, and the seizure of weapons is also provided.[219]

Stakeholder views: The need for further protection measures was supported by over half of the Member States with the international organisations highlighting the need for further protection measures, especially of children and child witnesses of violence against women and domestic violence. NGOs stressed the need to increase resources for issuing **emergency barring orders.** 14 Member States have responded that further measures would be useful to make national protection orders more effective in practice.

c) Access to justice

Measures proposed under option 1 will improve access to justice by introducing approximation of criminal definitions and sanctions at EU-level of certain forms of violence against women and domestic violence, access to compensation and improved reporting by third parties. The positive effects are expected to be the strongest in the six Member States which have not yet ratified the Istanbul Convention. Nevertheless, they may not sufficiently address arising problems in all Member States, such as access to justice for victims of cyber violence against women and in intimate partnerships.

Sub-option 2A includes additional elements to address the gaps. Concerning compensation, under option 2A the right of victims of violence against women and domestic violence to claim full compensation from the perpetrator does not cause costs to the Member State; it ensures compensation for harm by the perpetrator caused by illegal behaviour. On the contrary, under option 2B the obligation on Member States to provide state compensation in cases where victims cannot obtain compensation from the perpetrator or other sources, would create further costs; in addition, it would require an additional legal basis incompatible with that of this initiative. Policy option 2A further ensures the approximation of criminal definitions and sanctions at EU-level, within the existing legal bases, of conduct relating to serious forms of sexual violence, cyber violence against women and in intimate partnerships,

[218] Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European Protection Order; 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.
[219] See more in the Gap Analysis in Annex 8.

and sexual harassment at work. It also lowers the threshold for reporting violence against women and domestic violence, which is expected to increase prosecutions and convictions. Importantly, the expansion of the offences will ensure that a wider group of victims is eligible for protection. Sub-option 2B would go the furthest in terms of approximation of criminal definitions and sanctions, ensuring that in the future all forms of gender-based violence could be approximated by EU legislation by defining gender-based violence as a new area of crime under Article 83(1) TFEU. While this would ensure the most effective combatting of this kind of violence, such approximation would to a large extent overlap with national criminalisations, which already cover the overwhelming majority of forms of violence against women and domestic violence. This sub-option is therefore considered disproportionate at this time.

The measures build on good practices in the area of access to justice implemented in the Member States. For example in **Finland**, in 2015, the law was amended to allow professionals, who had previously been bound by confidentiality rules, to notify statutory agencies where they suspect a risk to the life of a woman or child in the context of domestic violence.

Stakeholder views: All measures on access to justice have been supported by stakeholders. NGOs have highlighted the need to improve in particular prosecution and compensation measures. This is supported by research highlighting that training of the police and the judiciary on violence against women and domestic violence is likely to increase the number of prosecutions and convictions.[220] Measures to address sexual harassment are aligned with views of the social partners, which highlighted the need for further action. Employer associations underlined the need to take into the consideration the different capacity of large employers and SMEs, which has been taken into consideration with the proposed measures. They also stated that an understanding of the challenges posed by sex-based harassment and the illegal nature of it is well established and understood, but practical implementation remains a challenge (see Annex 2).

d) Victim support

Both policy options are expected to increase the availability and access to support for victims of violence against women and domestic violence. The measures proposed under option 1, such as the obligation on Member States to ensure availability and adequate resourcing of general support services and specialised support services with adequate geographical coverage, including shelters in an accessible manner and sufficient numbers, are expected to increase the support for victims at a moderate rate. Specifications of the content of general and specialist support services are expected to enhance the quality and capacity of existing services and further expand them, thus also increasing overall accessibility. The same applies

[220] UNODC (2014), Handbook on effective prosecution responses to violence against women and girls. Council of Europe & EU, Training Manual for judges and prosecutors on ensuring women's access to justice.

for the helplines, as they will be able to offer assistance to those who want to seek advice on violence against women and domestic violence, including those who may be hesitant to identify themselves as victims. Although the impact of the measures will depend on the current level of services offered in Member States, the study shows that the measures may be expected to have effect in all Member States, also in those that have ratified the Istanbul Convention. Nevertheless, under this option, some categories of victims may not be sufficiently protected, namely groups at a heightened risk of violence and victims of sexual harassment especially at work. Also, much discretion is left to Member States in interpreting the rules, for example, to provide shelters 'in sufficient numbers'.

Option 2 is expected to ensure more effectively the availability and accessibility of support measures, boost the quality and capacity of existing services, further expand them to cover specific groups of victims with a higher risk of violence. It would ensure the availability of such services also for victims experiencing sexual harassment at work. Sub-option 2B brings added value with a mandatory amount of available shelter space and compensated special leave for workers victim of violence against women and domestic violence. However, both options are very expensive, and thus suggest a disproportionate solution.

The measures build on good practices identified in the area of victim support. For example, in **Greece**, a special innovative, coordinated, and gender-sensitive network offers services for vulnerable refugee women who are victims of violence against women and domestic violence and their children..[221] In **Denmark**, guidelines have been developed for social workers on how to assist victims of domestic violence. For a woman seeking refuge at a shelter, the municipality is obliged to provide initial and coordinated counselling to identify their needs and offer solutions.[222] This shows how improving general and specialist support measures is needed to support victims of violence against women and domestic violence, particularly concerning vulnerable groups.

Stakeholder views: Improving victim support services has been seen as a key area of action by various stakeholders, with especially NGOs highlighting the need to estimate the cost of violence and benefits achieved through support measures. NGOs stressed the importance of Member States providing both general and specialised support services.

e)

Coordination

Both policy options are assessed to be effective in improving coordination structures across the Member States. Option 1 would be moderately effective. Training and information provision to professionals is expected to enhance cooperation between agencies**.** Data collection would be somewhat improved, but participation in the EU-level survey would not be ensured (currently only 18 Member States participate). Administrative data collection would be ensured, but further convergence towards the production of comparable data across

[221] https://ec.europa.eu/info/publications/mlp-gender-equality-seminar-support-services-victims-violence-asylum-and-migration-february-2018-greece_en.
[222] Ibid.

the EU would not happen as no harmonised minimum standards of data disaggregation and collection would be set.

Option 2 is expected to be more effective in ensuring more robust coordination structures in relation to violence against women and domestic violence, including on multi-agency cooperation. Participation in the EU-level survey would be mandatory ensuring comparable EU-level data on the prevalence of violence against women and domestic violence. Minimum standards on administrative data collection would ensure progress toward comparability at EU level. Sub-option 2B could be more effective in ensuring the centralization of administrative data of all services at national level (police, judiciary, health, social), but this measure is operationally complex, putting a burden on the public authorities which may be disproportionate particularly at this time.

The measures build on good practices concerning coordination. For example, **Spain** has created and implemented an Integrated Monitoring System for cases of Gender-based Violence (VioGen). In **Portugal**, data from law-enforcement bodies and the judiciary must be collated throughout the entire criminal proceedings chain, from the filing of the complaint to the delivery of the judgment. A standard form is used to record domestic violence..

Stakeholder views: The need for comparable and comprehensive disaggregated data collection has been highlighted by all stakeholders as crucial for better policy development. Member States also recognised in the consultations the value of multi-agency cooperation with 14 Member States stating it could be strengthened. Research also shows that effective multi-agency service provision and coordination can help professionals respond to violence against women and domestic violence due to more effective use of resources, increased awareness and understanding of violence against women and domestic violence, and peer support.[223]

7.2.7.2. Efficiency

Both policy options are expected to incur substantial compliance costs, but these costs are always exceeded by the potential economic benefits (measured in terms of reduction in costs of violence against women and domestic violence). The compliance costs for each problem area are higher in option 2A (see Table 6.2) compared to option 1 (Table 6.1). Overall, the total administrative and compliance costs for option 2A are between €4.2 – €4.4 billion higher than for option 1. The total administrative and compliance costs for option 2B (Table 6.3) are between €2.2 and 7.7 billion higher than option 2A.

The difference in costs is largely driven by the running costs per year of the various measures. In particular, the most substantial differences are observed in the running costs for measures related to access to justice and victim support. In addition, the cost of new measures against cyber violence against women and in intimate partnerships, effective remedies in case of sexual harassment at work and public prosecution of the new EU-crimes increases the compliance costs of this option. The costs for victim support of option 2A are around up to

[223] M. Naudi, M. Clark & H. Saliba, 2018, Full Cooperation: Zero Violence – Barriers to help-seeking in gender- based violence against women: a research study. Also NSW Ombudsman 2006, Domestic violence: improving police practice.

€4.0 billion higher than in option 1, which is mainly driven by the cost of measures to support victims of cyber violence against women or in intimate partnerships or victims of sexual harassment at work.

In conclusion, **Option 1** offers the best cost to benefit ratio, but having also much lower benefits, choosing this option would result in missing out on net benefits compared to both option 2A and 2B (around €9 and over 20 billion respectively in the short and in the long period). **Option 2A** is preferable to **Option 2B** as it offers the highest net benefit in the long term and, although it has slightly lower net benefits in the short term, it achieves the benefits at much lower costs.

Efficiency (in billion Euro)	Option 1	Option 2A	Option 2B
Total average, and minimum and maximum costs	1.5 (0.8-2.2)	5.8 (5.0-6.6)	10.8 (7.2-14.3)
Of which one off costs	0.014	0.016	0.138
Average running costs per year	1.5	5.8	10.8
Benefits: Reduction in costs of violence			
Short term benefits (up to 5y)	39.6	53.1	57.8
Long term benefits (10 y +)	53.1	82.7	87.6
Overall economic impact/Net benefit			
Short term net benefit	38.8	48.1	50.6
Long term net benefit	**50.9**	**76.1**	**73.3**

7.3.7.3. Coherence

The **coherence** of both policy options (and sub-options) is assessed positively, as they are expected to address some of the key problems identified, namely the highly fragmented nature of the current EU legal framework, the lack of systematic, focused measures on violence against women and domestic violence and a number of the gaps in the framework identified in the gap analysis (Annex 8). Option 2 has a more positive impact on coherence as it sets specific standards in areas not specifically addressed by the Istanbul Convention (e.g. measures against cyber violence and sexual harassment).

Both options would be **fully internally coherent with other actions at EU level**, in particular the Victims' Rights Strategy and the Rights of the Child Strategy by introducing detailed standards on victims' rights and the rights of the child. Option 2 would also increase coherence with the DSA proposal because the minimum harmonisation of what constitutes criminal and illegal forms of cyber violence will ensure that the obligations in the DSA will be applicable to these forms of violence (for example orders, notice and action, trusted flaggers, risk assessments etc.). Also, Option 2 will supplement the DSA on prevention, protection, and support for victims of such cyber violence.With regard to the Victims' Rights Strategy, the initiative will introduce specialised violence against women and domestic violence measures which will **supplement the existing general victims' rights standards** at EU level, in the same way as specific measures have been adopted in regard to victims of terrorism and trafficking.

Similarly, both policy options will contribute to enhancing **external coherence** by aligning EU law to the standards of the Istanbul Convention, but option 2 will in addition align EU law

to the standards of the ILO Violence and Harassment Convention no. 190. Both policy options will also enhance coherence with the UN Convention on the Rights of the Child.

7.4.7.4. Preferred option

Following the comparative assessment of the effectiveness, efficiency and coherence of the policy options, the preferred option proposed for political endorsement is option 2A. The superiority of this option comes from its better performance in contributing to enforcing fundamental rights and improving social impact compared to option 1 and providing a higher net benefit in the long term compared to sub-option 2B (and to Option 1) while having lower costs.

Most importantly, option 2A is expected to provide extensive **protection of fundamental rights** and improve **the social situation of victims and society at large** compared to option 1 due to its comprehensive set of obligations. It follows the principle of proportionality and necessity of an intervention at EU level: it will remove the fragmented approach across Member States, enhance legal certainty and effective enforcement and protection of victims. It establishes, for the first time at EU level, a targeted and coordinated approach to tackle violence against women and domestic violence through a set of harmonised standards. The effectiveness and proportionality of the option in reaching the objectives is superior, not only in light of strengthening the fundamental rights, but also in tackling gaps such as on cyber violence against women and in intimate partnerships and sexual harassment.

In economic terms, Option 2A is expected to achieve, through reduced prevalence of violence against women and domestic violence, **economic benefits of around €53.1 billion with potential to reach to around €82.7 billion in the longer-term with a net benefit respectively of €48.1 and 76.1 billion**.

Option 2A best meets the objectives of the intervention in a proportionate manner and it is therefore likely to receive better political acceptance overall.

8. 8. How will actual impacts be monitored and evaluated?

The main objective of the initiative is the enforcement of fundamental rights. The achievement of this objective would be reflected in a decrease of prevalence rates and a decrease of the needs for protection and support. i.e. in the number of people who do not enjoy their fundamental rights.

The lack of monitoring and insufficient enforceability with regard to victims of violence against women and domestic violence is one of the key weaknesses identified in the application of the EU legal framework. Even though data indicate that this kind of violence is prevalent in all Member States, more comparable data, including on underreporting of these crimes, is needed to assess changes in prevalence rates and the effectiveness of the proposed measures.

Considering that prevalence rates reflect structural data that tend to change very slowly over time, it is likely that in the short term, this first evaluation will show progress mostly as for the implementation and setting up of processes. These could be monitored through the number of requests for victim support measures, number of prevention measures (e.g. awareness campaigns), VAW and DV cases registered by domestic law enforcement and judicial authorities and reported coordination efforts. Most data in this respect will be

provided to the European Commission by Member States through the implementation reports which will feed into an evaluation to be carried out in about 5 years' time.

A visible impact in terms of a reduction in prevalence rates in the previous years can realistically be expected only in the long run. An increased reporting, and therefore apparently higher prevalence rates, could actually be considered an indicator of success in the shorter term.

In this respect the provision regarding data collection will offer regular, comparable and, as for administrative data, also timely data.

The preferred policy option will introduce further harmonisation in the collection of disaggregated administrative data (including from law enforcement agencies, the judiciary, social and health services) at regular intervals based on the ongoing work by EIGE, and the obligatory regular survey coordinated at EU-level (following up on the EU survey on violence against women and domestic violence coordinated by Eurostat). These strengthened data collection requirements form the basis for the monitoring and evaluation of the impact of the initiative against its specific objectives.

The monitoring will be based on a series of measurable outcomes (see Annex 7). With a view to avoiding unnecessary duplication of efforts, monitoring will in as much as possible be based on the harmonised indicators already developed.[224] The most important indicator, but not the only, for successful implementation are the prevalence rates of violence against women and domestic violence.

The need for a policy review will be assessed following the first round of Member State reporting on the directive's implementation, foreseen to take place about five years after the entry into force of the directive. Reporting would be carried out at regular intervals in the form of a questionnaire to the Member States. The details will be described in a monitoring and enforcement plan.

Member States would be able to draw on the information they provide to international human rights bodies under periodic reporting obligations. This would ensure that overlap in reporting and additional administrative burden is avoided. Unnecessary duplication will also be avoided by drawing on data already available under other relevant policy areas, such as on victims' rights. Future synergies may be identified with the implementation of the EU strategies on the rights of the child, the rights of persons with disabilities and LGBTIQ equality, as well as the hate speech and hate crime initiative. Additional information on the implementation measures and their effectiveness is expected to be received from stakeholders, such as EIGE, FRA and NGOs.

[224] Key outcomes are published by EIGE as well as in the monitoring tool developed for the Gender Equality Strategy, see https://composite-indicators.jrc.ec.europa.eu/ges-monitor/maps.

ANNEXES

ANNEX 1: Procedural information

1.1. LEAD DG, DECIDE PLANNING/CWP REFERENCES

This Staff Working Document was prepared by the Directorate-General for Justice and Consumers (DG JUST).

The Decide reference of this initiative is PLAN/2020/9290.

This document includes annexes to the Impact Assessment Report.

1.2. ORGANISATION AND TIMING

The Impact Assessment Report was prepared by DG JUST as the lead Directorate-General.

The Inter-Service Steering Group on preventing and combatting violence against women and domestic violence established for the work was associated and consulted in the process, under the coordination of the Secretariat-General, including the following services: DG CONNECT (DG for Communications Networks, Content and Technology), DG EAC (DG for Education, Youth, Sport and Culture), DG EMPL (DG Employment, Social Affairs and Inclusion), DG ESTAT (Statistical Office of the European Union), DG HOME (DG Migration and Home Affairs), DG SANTE (DG for Health and Food Safety) and SJ (Legal Service). In addition, the equality coordinators from the European Commission's Equality Task Force from each DG were invited to follow the meetings to facilitate equality mainstreaming work in their policy areas.

The last meeting of the ISSG on the draft Impact Assessment Report, chaired by the Secretariat-General of the European Commission was held on 1 September 2021. Finally, the ISSG was consulted on the revised version of the impact assessment on 26 November 2021.

CONSULTATION OF THE RSB

The Regulatory Scrutiny Board gave a negative opinion on the draft Impact Assessment Report submitted on 15 September 2021 and discussed in the hearing that took place on 13 October 2021. To address the feedback given by the Regulatory Scrutiny Board, the following changes were made in the Impact Assessment Report and its annexes:

Findings of the Board	Main modifications made in the report to address them
1. The report is not sufficiently clear on what categories of victims and types of violence would be covered by the initiative, and what would justify limiting the application of certain measures specifically to	The *problem definition* chapter of the impact assessment now clarifies upfront the scope of the initiative, i.e. violence against women and domestic violence against any person. This reflects the intention to pursue the same objective as the Istanbul Convention - to ensure that EU Member States have effective measures in place to prevent and combat violence against women and domestic violence. The report better explains the choice of scope: while violence may affect both women and men, violence against women is a

women. It does not sufficiently justify and substantiate with evidence the problems related to cyber-based violence and harassment in the workplace.	specific phenomenon in that its drivers are different as explained in the Explanatory Report to the Istanbul Convention[225] and it has specific consequences. Furthermore, the large majority of acts of gender-based violence are perpetrated against women and girls. Domestic violence additionally covers not only women, but any person living in the household, including men and boys. The report justifies why specific measures are required for the protection of these particular groups of victims. The report also explains why violence based on other grounds of discrimination is excluded from the scope, while taking into account the intersection with other grounds of discrimination: special measures are foreseen, within the group of victims of violence against women and domestic violence, for especially vulnerable groups, such as women with racial or ethnic origin, disability or sexual orientation. The problems related to cyber violence against women and sexual harassment have been better justified and substantiated.
2. **The report does not sufficiently reflect the evolving legislative context, in particular the recent Court of Justice Opinion on the legal base and modalities of the Istanbul Convention.**	The report now reflects better the evolving legislative context in Sections 3 and 5.1. In particular, the report was updated and aligned with the CJEU opinion on the modalities of EU accession of 6 October 2021, taking this opinion into account as regards the possible developments in relation to the EU's accession (see, in particular the dynamic baseline (see point 3) and as regards the competence to act in the areas covered by the initiative.
3. **The report does not present a complete baseline. It is not sufficiently clear on the future effects of more recent measures taken by the Member States. It does not assess the impacts that would result from further Member State implementation efforts of the Istanbul Convention obligations in the absence of further EU action. The remaining scale of the problems and the need for further EU action is not sufficiently clear.**	The report clarifies that **the baseline takes into account the legislative and policy measures taken by Member States**, as gathered through the studies conducted to support the initiative – in particular the study from the European Network of Legal Experts and the ICF study - and subsequently in the evaluation of gaps, as well the targeted consultation of stakeholders. A key source of information concerning the measures taken by the 21 Member States in the field of preventing and combatting this kind of violence is **the periodic reporting these countries conduct to the Council of Europe's monitoring body GREVIO**, and GREVIO's ensuing baseline reports. All this information has been distilled into a **new annex 8, which** (in its section 2) analyses the **remaining gaps in the Member States** and highlights **good practices** in this area. Moreover, a dedicated section has been added in chapter 5 setting out a **dynamic baseline for the Member States.** The report acknowledges that Member States are likely to take some additional measures on violence against women and domestic violence, in particular following recommendations by GREVIO. The section also explains, however, why these measures are

[225] https://rm.coe.int/16800d383a

	likely to be insufficient to meet the objective in the short and medium term for two main reasons. First, GREVIO monitoring is a lengthy and reiterative process, which does not cover all parties at a single point in time; moreover, there is no sanction for non-compliance with recommendations, since international law like the Istanbul convention lacks the effective enforcement mechanisms of European law; second, not all Member States are parties to the Istanbul Convention. In light of the above, in order to define **the scale of the problem,** the report more clearly explains the magnitude of the problem. While the report can acknowledge that the Istanbul Convention and the #MeToo movement have raised awareness of the problem and triggered action, there is no evidence that this has translated into a reduction of prevalence. Therefore, without further action, limited progress over time is expected.
4. **The report does not bring out clearly enough the available policy choices, the rationale behind options and the content of the measures.**	The description of policy options and discarded policy options now better explains the available policy choices. The impact assessment now also clarifies the rationale behind the options and the content of the measures, presented in a more concise way. While option 1 would limit EU action to implementing Istanbul Convention standards through EU law, in matters relating to EU competence, **the added value of option 2** (under both sub-options 2A and 2B) **is double**. First, option 2 contains **targeted measures on cyber violence against women and sexual harassment**. Secondly, the measures under option 2 have been developed in comparison to the standards of the Istanbul Convention in order to ensure a **better implementation in line with best practices and recommendations** recognized by international experts in the field and international bodies such as GREVIO and in the UN. With respect to the *first main added value*, since the drafting of the Istanbul Convention, **cyber violence against women** has become a common and growing phenomenon which requires targeted action. Such violence is also an area where legal gaps have been identified in the legal network study. Finally, action in this area is needed to ensure a more effective implementation of the EU's future Digital Services Act. While the DSA proposes to regulate responsibilities of all intermediary service providers regarding illegal online content, it does provide definition of such content but relies on definitions in national and EU laws. By including a definition of cyber violence against women and in intimate partner relations at EU level[226], including offences

[226] The envisaged definition would refer to any act of gender-based violence against women that is committed in part or fully by the use of information and communication technologies, such as mobile phones and smartphones, the internet, social media platforms or e-mail. It draws on the upcoming General Recommendation on the digital dimension of violence against women of GREVIO, to be issued later this year and is based on the work of the Council of Europe Cybercrime Convention Committee "Working Group on cyberbullying and other forms of online violence, especially against women and children".

	concerning non-consensual sharing of images and content and cyber stalking of women, the initiative ensures that the requirements foreseen by the DSA can be fully applied to this kind of illegal content across the EU. With respect to **sexual harassment**, a more targeted action than that contained in the Istanbul Convention is triggered in particular by the adoption, in 2019, of the ILO Convention no. 190. The report clarifies that the inclusion of specific measures on this matter aim at bringing EU law in line with recent international standards. Regarding the *additional added value*, i.e. **a better implementation of the standards of the Istanbul Convention in line with best practices and recommendations** identified by experts and expert bodies from the Council of Europe (GREVIO) and the United Nations, the report better explains that the measures have been designed in the five problem areas of prevention, protection, access to justice, support and coordination (as in the Istanbul Convention) because **gaps have been identified in all five areas** and all five areas must be addressed to ensure a **comprehensive approach** to tackle violence against women and domestic violence, as well as to protect and support the victims and survivors. The report explains that the **aim of the initiative is not only to reduce prevalence of violence through prevention, but also to ensure fundamental rights** of the women victims of violence against women and victims of domestic violence and to diminish negative societal impacts and improve victims' quality of life.
5. **The report is not sufficiently clear on the costs and benefits of the option packages. The presentation of the limitations and uncertainties in assessing these and the resulting benefit-to-cost ratios is underdeveloped.**	The report better explains that **the cost and benefits** have been estimated on the basis of the real cost for similar measures introduced in other areas (e.g. awareness raising campaigns and training) when available and best estimates for those specific to this initiative. The detailed methodology is presented in annex 4. The report further clarifies that **the estimates of the economic impact** have been assessed based on the reduction of the different items which make up the overall cost of violence against women and domestic violence to society. These items have been divided into direct cost of services to victims or to public service providers; lost economic output; and the physical and emotional impacts measured as a reduction in the quality of life. The expected impact of the policy options depends mainly on their potential to reduce the prevalence of VaW/DV in the short and long-term. This approach is aligned with research conducted by the European Parliament Research Service. The report better highlights the **challenges in estimating the economic impact** of the proposed measures due to the low number of impact assessments of measures against this kind of violence in the EU context and the need, therefore to refer mostly to examples from the United States. It explains why referring to US outcomes should not cause an overestimation of the results for the EU. The report better explains **the apparent contradiction** that

	measures developed and implemented in the Member States are considered to have been insufficient while at the same time similar measures are proposed at EU level. It clarifies that national measures have lacked the integrated framework and minimum standards that this initiative aims to provide. Minimum standards and guidance set by EU level legislation enables the coverage of remaining gaps and ensures EU level implementation of the measures in line with best practices and recommendations of experts and international expert bodies. In addition, it ensures monitoring and enforcement at a level which is impossible by international bodies. **Concerning the costs for business and national authorities, including substantive compliance costs and administrative costs,** the relevant tables in the Impact Assessment itself and the accompanying annexes have been revised to make those clear.
6. The report does not sufficiently assess the effectiveness and proportionality of the preferred option. It is not clear why only a small part of the investments is foreseen for prevention measures and why the option with the best benefit-to-cost ratio is not selected.	The report clarifies that the effectiveness of the initiative **is not only measured in terms of reducing the number of victims of violence, but also, and mainly, to protect victims' fundamental rights**. The report better explains that, while the most costly measures included under the comprehensive options are not in the area of prevention, a number of measures under other areas e.g. guidelines to health and social services providers to be issued in the victims support area, training of relevant professionals and risk assessments, can also have a preventative effect, particularly on secondary victimisation. Moreover, the larger benefits are expected in terms of reduced cost on current victims. While the initiative targets also potential (future) victims of violence, the aim of prevention measures is also to increase awareness on abusive behaviours that might go unreported and to encourage victims to look for support. Finally, effectiveness (in terms of cost reductions) is not necessarily proportional to costs: the most severe cases require higher costs for treatment and might not yield proportional benefits. For the same reason, *prevention measures* can still be effective even with only a 5% of total investment costs. Prevention measures like training and awareness-raising activities tend to cost less than, for example, specialised support services for victims of sexual violence or increasing capacity of shelters due to a lighter burden on human resources. In the long-term, the impact of prevention measures can have a significant impact on changing harmful norms, stereotypes and behaviour. Effective prevention measures therefore offer a good cost-benefit ratio to address gender-based violence against women and domestic violence. Longitudinal studies show that *protection measures*, such as on protection orders and enhanced reporting opportunities, are associated with a 34% and 40% reduction in the risk of re-victimisation due to, for example, continuing domestic violence. Similarly, based on an assessment of the US National Crime Victimization Survey, the use of victim services has been shown to be associated with a 40% reduction in the risk of re-

	victimisation. For a long time, violence against women and domestic violence have been tacitly accepted in the society. Legislation in this area gives a message to the society that gender-based violence against women and domestic violence is a criminal act and will not go unpunished. Evidence (e.g. FRA) supports the estimation that legislation in this area has a long-term impact on reducing this type of violence. The moderate option has very low costs compared to its benefits (though the expected benefits are largely lower than in the other options). It leaves however out important areas of intervention and offers a more limited strategic framework. For instance, it does not include specific measures on cyber violence against women or sexual harassment, thus failing to take into account the gaps and recent developments in these areas. In addition, the moderate option remains at the level of broad and rather vague obligations which could be agreed on at international level, thus leaving aside the opportunity for a more robust framework based on stronger minimum standards at EU level. This is why option 2, and more specifically option 2A is the preferred option. The contribution of the different criteria to the overall score is now better illustrated in the table comparing the options, including with reference to proportionality.

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Council Directive 2004/80/EC relating to compensation to crime victims;

Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings;

Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services;

Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000;

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Directive 2003/86/EC on the right to family reunification;

Directive 2004/38/EC on the right of citizens of the Union and of their family members to move and reside freely within the territory of the Member States;

Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast);

Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals;

Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals;

Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity;

Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims;

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ANNEX 2: Stakeholder consultation

1.1. The stakeholder consultation strategy

To inform the preparations of the legislative initiative, the Commission consulted extensively with stakeholders to gather up-to-date information and expertise and to develop effective measures to counter gender-based violence against women and domestic violence, as indicated in the stakeholder strategy developed in support of the initiative. Relevant results from previous consultations have also been taken into account[227]. In addition, in 2016, the Commission also conducted a specialised Eurobarometer survey on gender-based violence with a sample of over 27,000 respondents form all EU Member States[228]. These activities have contributed to the design and testing of the policy options. Details on the individual consultations are provided in the following.

1.2. Open public consultation on 'Combating gender-based violence – protecting victims and punishing offenders' (8 February 2021 – 10 May 2021)

Objectives of the public consultation

The European Commission conducted an open public consultation to gather the views of the public on measures to address gender-based violence against women and domestic violence. The purpose of the consultation was to assess the existing legal framework at EU level insofar as relevant for matters of gender-based violence and domestic violence as well as to inform the Commission's work on further measures for improved, coordinated prevention of and protection against this kind of violence. This public consultation forms part of the evidence gathering carried out in support of the impact assessment conducted in preparation for a legislative initiative to prevent and combat violence against women and domestic violence.

Approach to the public consultation

Open public consultations are not, by nature, statistically representative of the population (unlike, e.g., public opinion polls). Therefore, their purpose is not to find answers that could be generalised, but rather to gain in-depth insights to shed new light on a range of issues.

The public consultation was open from 8 February 2021 to 10 May 2021. It included 66 questions across five sections. Two of the questions were exclusively open-ended and 11 were multiple choice, which permitted the selection of multiple response options. 47 of the closed-

[227] See 'Open public consultation on gender equality in the EU: Current situation and priorities for the future' (8 March 2019 – 31 May 2019), where 46% of all respondents held that strengthening the rights of victims of gender-based violence, including on specific support, protection measures and compensation was crucial. Prevention work, including by tackling gender stereotypes and promoting non-violent conflict resolution was selected by 40% of all respondents and 67% of employers' organisations. In addition, developing measures to tackle online hate speech, abuse and violence against women and girls (36% of all respondents), data collection and research on root causes, prevalence, consequences or costs (31% of all respondents), and ensuring that gender-based violence is addressed within relevant EU policies and strategies (education, humanitarian aid, digital agenda, etc.) (31% of all respondents) were identified as further key actions to be considered by the Commission in combating gender-based violence.

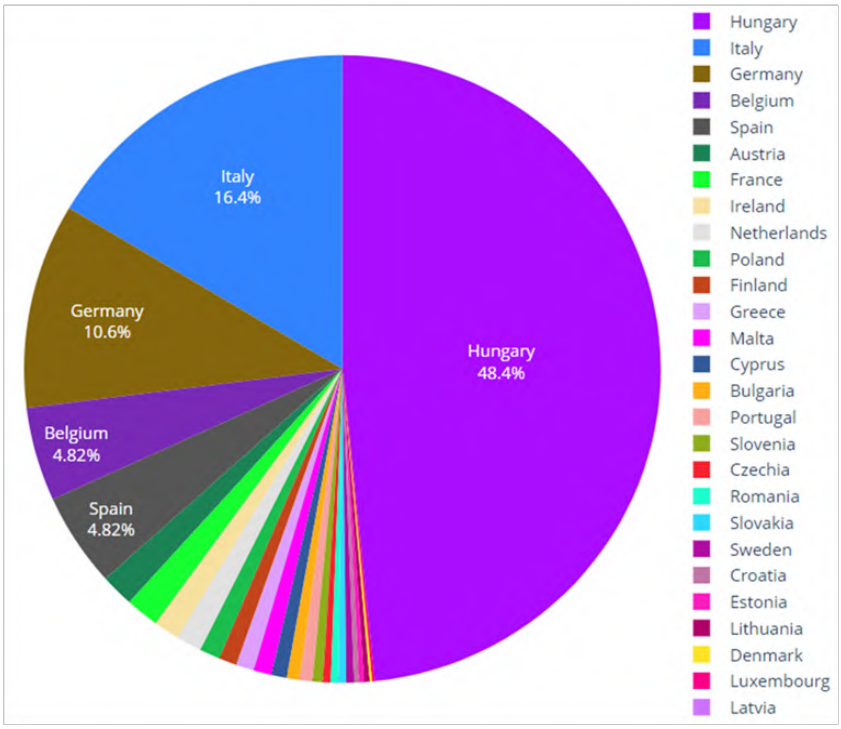
[228] European Commission, Eurobarometer 449: Gender-based violence, 2016, available at: (https://europa.eu/eurobarometer/surveys/detail/2115). Also European Commission, Eurobarometer 428: Gender Equality, 2015, available at: (https://europa.eu/eurobarometer/surveys/detail/2048), where violence against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

ended questions also provided the opportunity to include an open text response. The consultation gathered input from a range of stakeholders, including individual citizens, civil society organisations, social partners, equality bodies, Member States and national authorities. The questionnaire was uploaded on the Have Your Say portal of the European Commission.

Overview of the respondents

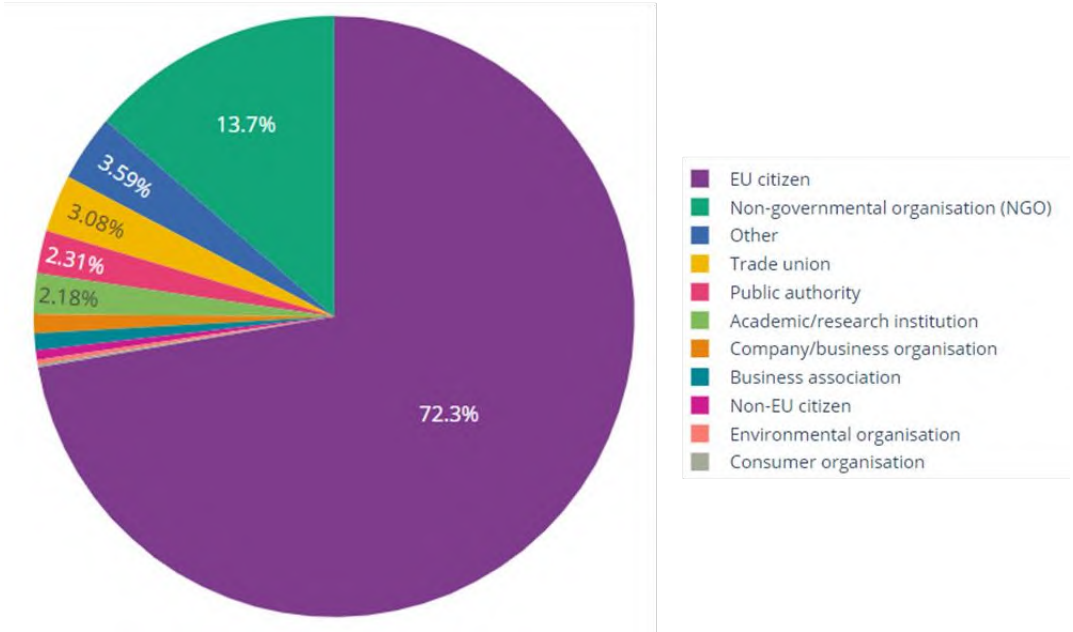
There were 767 respondents to the open public consultation from across the Member States, Hungary was the most represented with 371 respondents (48%), followed by Italy with 126 (16%) and Germany with 87 (11%) (see Figure 1). The replies showed no organised campaign or similar attempt to influence outcomes. The high number of responses in Hungary resulted from publicity of the consultation in national media. There were much fewer responses from other EU countries, varying between 37 (Spain, Belgium) and one (Luxembourg); only Latvia had none. There were four responses from non-EU citizens, one from Albania and three from citizens who nevertheless indicated residence in EU Member States.

Figure 1. Respondent country of origin



Country	Number of responses	Proportion
Hungary	371	0.483703
Italy	126	0.164276
Germany	81	0.105606
Spain	37	0.048240
Belgium	37	0.048240
Austria	13	0.016949
France	13	0.016949
Netherlands	10	0.013038
Ireland	10	0.013038
Poland	8	0.010430
Finland	7	0.009126
Malta	7	0.009126
Greece	7	0.009126
Cyprus	6	0.007823
Portugal	5	0.006519
Bulgaria	5	0.006519
Slovenia	4	0.005215
Czechia	3	0.003911
Romania	3	0.003911
Slovakia	3	0.003911
Sweden	3	0.003911
Lithuania	2	0.002608
Estonia	2	0.002608
Croatia	2	0.002608
Denmark	1	0.001304
Luxembourg	1	0.001304
Latvia	0	0.000000

Figure 1.1. Respondent stakeholder type



Overview of responses

The questionnaire allowed respondents to reply to one, several, or all of the sections. Whilst the total number of respondents was 767, this was not the total response rate for each question. As can be seen in Figure 2, which shows the number of responses received for each question, Question 1 received the highest number of responses (758), and Question 19 the fewest (287). Of the five sections, Section I received the highest average number of responses (751), followed by Section III (711). Section IV received the fewest (664) (see Figure 3).

Figure 2.

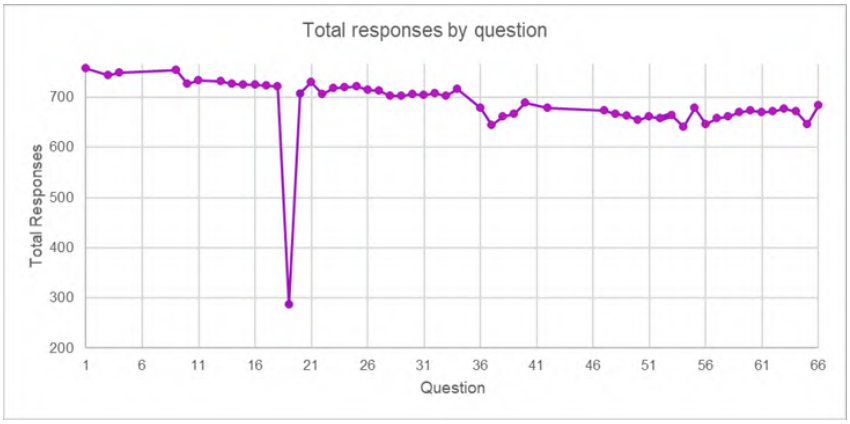
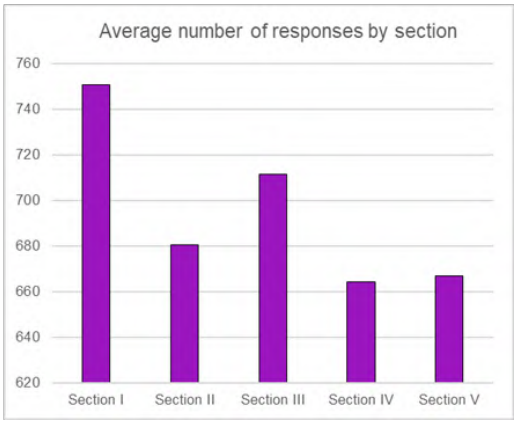


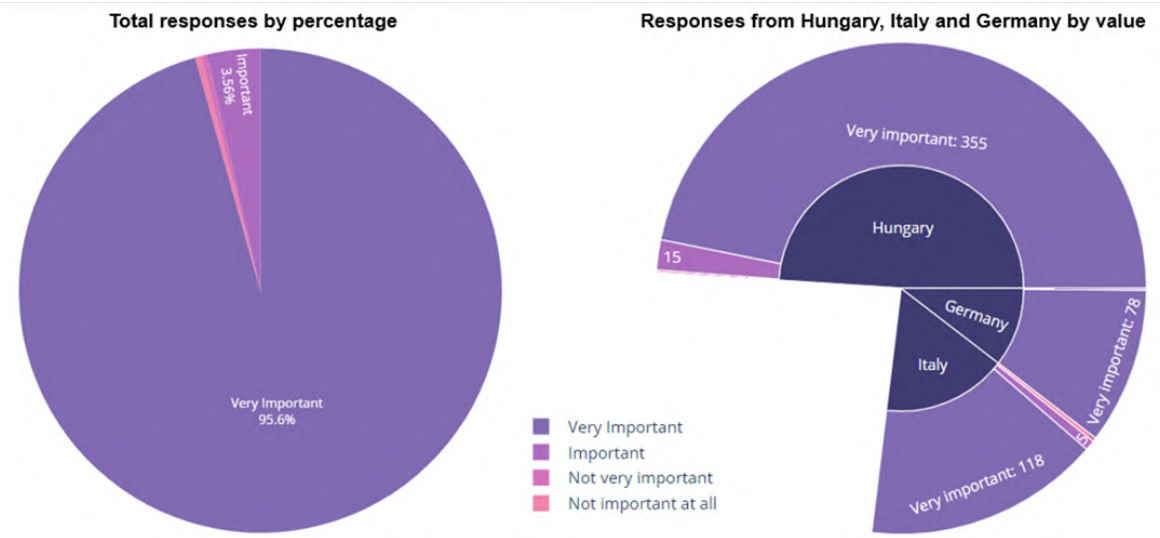
Figure 3.



Section I: How to effectively prevent gender-based violence and domestic violence?

In response to the first, and most responded to, question, the overwhelming majority (725 respondents, 96%) believe it is 'Very important' that their Member State takes **measures to prevent violence against women** (VAW/DV) (Figure 4).

Figure 4. In your view, how important is it that your Member State takes measures to prevent violence against women and domestic violence?



The measures considered as the most frequently taken to prevent VAW/DV in Member States are **awareness-raising** among the general public (435 respondents, 59%) and training of relevant professionals (274 respondents, 37%). No knowledge of measures taken is the third most selected option (233 respondents, 32%) and is chosen almost exclusively by respondents from Hungary. The predominant reasons given for measures being ineffective are that the

public is not sufficiently aware of this kind of violence or see it as a private matter (579 respondents, 79%) and that there are not enough services and activities offered to empower survivors and encourage them to break the silence (538 respondents, 73%).

37% (272) of respondents are aware of **prevention programmes** at national or local levels for perpetrators of VAW/DV. Among respondents from Hungary, however, this is substantially lower (55 respondents, 15%) and among respondents from Italy and Germany it is higher (58% (73) and 73% (55) respectively). Respondents recognize that the media (336 respondents, 46%) and the cultural and creative (270 respondents, 37%) sectors have in particular made efforts to support prevention of VAW/DV in their Member States.

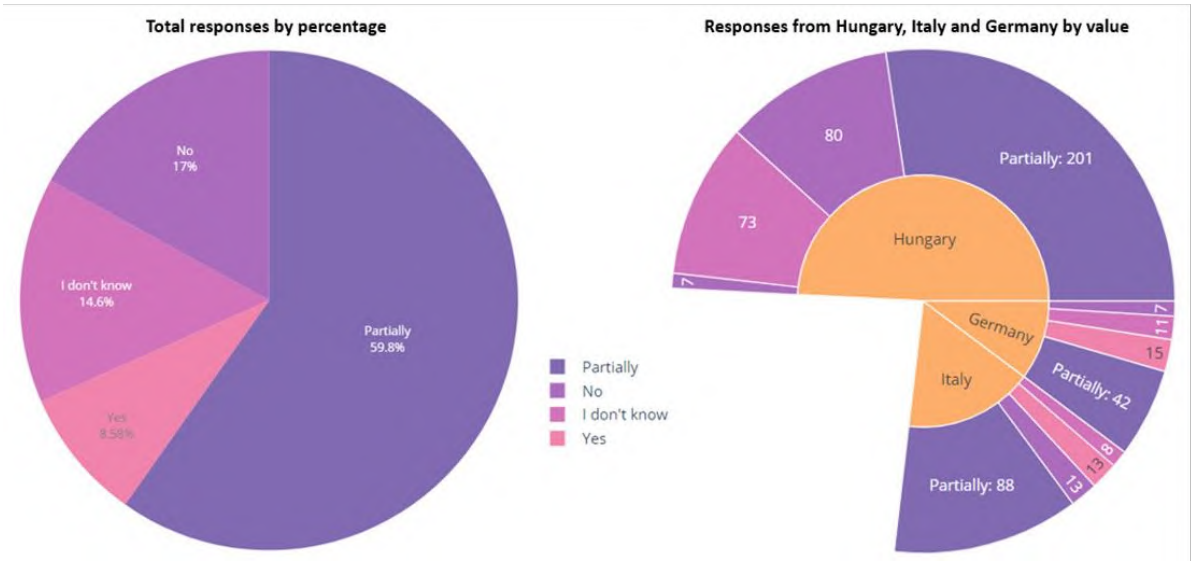
Regarding **training**, almost half of all respondents (340 respondents, 48%) do not believe that professionals are adequately trained to work with victims of VAW or perpetrators. This is echoed in the responses from Hungary and Italy whereas 43% (33) of respondents from Germany believe they are. As to whether NGOs provide training, almost half of the respondents indicated they do not know (346 respondents, 49%), against 38% (264) who indicated that they do so.

Concerning **possible further prevention measures**, most respondents (672 respondents, 90%) deem very important that harmful gender stereotypes be challenged to prevent VAW/DV. Measures that teach non-discrimination, gender equality and non-violent communication topics in schools are viewed as most needed to better prevent VAW/DV (687 respondents, 94%), followed by further measures to raise awareness about VAW/DV among the general public (605 respondents, 82%).

Section II: Protection from further violence and access to justice, including compensation

The question in this section with the highest response rate (734) was whether victims of VAW/DV are provided with **information on their rights**, the services they can turn to and the follow up given to their complaints, to which 60% (439) of respondents selected 'Partially' (see Figure 5). Moreover, in terms of the timeliness of this information and its accessibility, respondents predominantly found that information is not provided quickly enough (292 respondents, 43%), is difficult to find (283 respondents, 42%) and is inconsistent and spread over different sources (281 respondents, 42%).

Figure 5. To your knowledge, in your Member State, are victims of violence against women and domestic violence informed of their rights, the services they can turn to, and the follow-up given to their complaint?



For questions concerning the conduct of authorities, the majority (543 respondents, 75%) of respondents do not consider that relevant authorities or services ensure that **risk factors** are sufficiently considered at all stages of investigation and court proceedings. Additionally, 56% (404) of respondents do not believe that law enforcement and judicial authorities in their Member State ensure appropriate follow-up of VAW/DV reports. Over half of the respondents (420 respondents, 57%) do not believe that these authorities treat victims, as well as child witnesses, in a **gender-sensitive and child friendly** manner. Open text commentary detailed that the treatment of victims is at the discretion of the officials involved and shows biases and re-victimization (victims being blamed or not believed). In countries such as Belgium, Germany, and Italy, however, where special processes or staff training have been implemented, some described a positive environment. The prevalent view across all respondents is that **sanctions for gender-based and domestic violence** offences are not sufficient (548 respondents, 75%). Many respondents raised issues related to sanctions, such as low rates of conviction, light or suspended sentences, and a lack of enforcement.

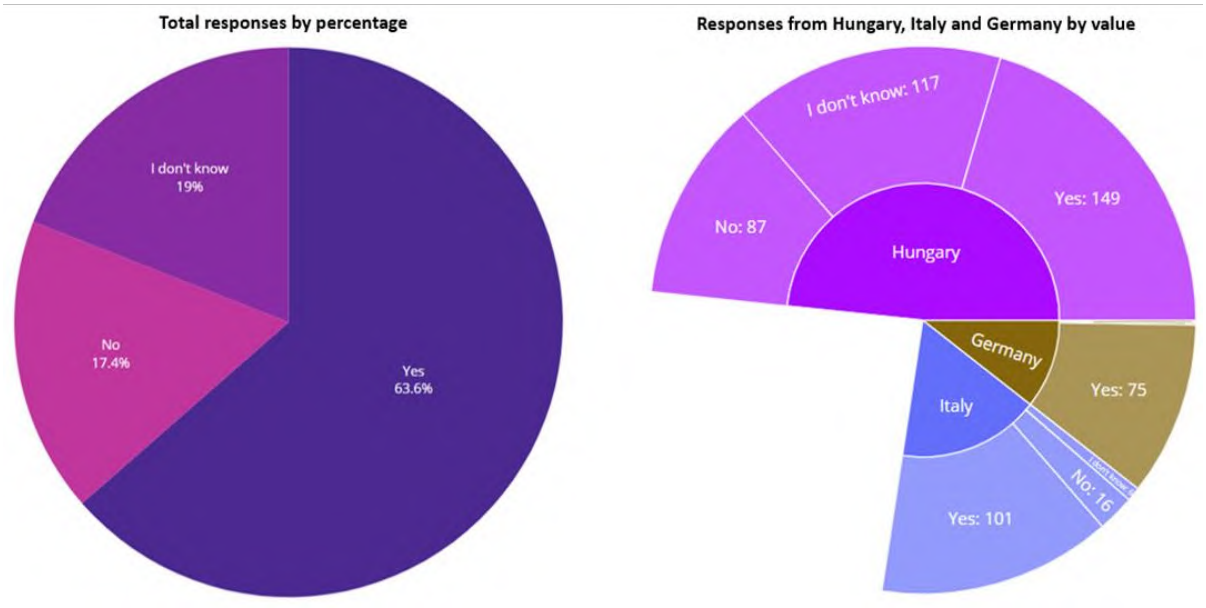
Regarding **compensation for victims**, almost half of the respondents (354 respondents, 49%) do not believe that information on how victims can obtain compensation (from the offender and/or the state) is available in their Member State. Whilst this view was echoed by two of the most represented countries (Hungary and Italy), 59% (42) of respondents from Germany (the third most represented country) do deem this information to be available. A minority of respondents (108 respondents, 15%) believe that victims do receive compensation from the offender, although 39% (279) do not know. The final question on compensation (question 19) received the fewest responses across all questions (286). It asked respondents to hypothetically describe the process of pursuing compensation, should they be entitled to it, which the overwhelming majority (241 respondents, 84%) described as difficult and long.

The final question of this section asked whether **further measures to improve access to justice** in matters of VAW/DV could improve the situation of victims, to which 73% (516) responded they believe that they could at both national and EU level.

Section III: Supporting victims of violence against women and domestic violence

The first question in this section asked whether **support services** (either general or specialist) are available to victims of gender-based and domestic violence in respondents' Member States. Across all respondents, 64% (464) do understand these services to be available. However, for two of the most represented countries, Germany and Italy, this proportion is substantially higher, at over 82% (see Figure 6).

Figure 6. To your knowledge, are support services (general or specialised) available to victims of gender-based and domestic violence in your Member State?



Regarding **general support services**, three quarters of respondents (526, 75%) selected that neither they nor those with whom they have a close relation have used them. Those who replied that they had used these services (11 respondents, 17%), frequently mentioned social services, followed by employment services, health services, psychological or counselling services, and anti-violence centres. In response to whether general support services systemically account for the needs of victims of VAW/DV, most (344 of respondents, 48%) do not believe they do, against 17% (123) who believe they do, while the remainder do not know (251 respondents, 35%). Further open text responses focused on the limited scope of support, with a frequent lack of financial support and provision of counselling to victims. Similarly, 46% (330) of respondents believe general support services do not take systematic account of the special needs of child victims/witnesses of domestic violence, against 19% (139) who believe they do, while others (250 respondents, 35%) do not know.

The following support services questions relate to **specialist support services**. 39% (283) of respondents believe that general support services refer victims to appropriate specialist services in their Member State. The proportion, however, is higher among respondents from Italy and Germany and accounts for over 60% in both cases. In terms of specialist support services that are accessible only to women victims of gender-based or domestic violence, 54% (385) of respondents believe that these are available. However, knowledge of services that are accessible to male victims is much lower (141 respondents, 20%). For the special needs of child victims and child witnesses of domestic violence, almost 50% (332) of respondents do not know whether these specialist services systematically take children's needs into account, and supplementary open-text responses suggest this is inadequate.

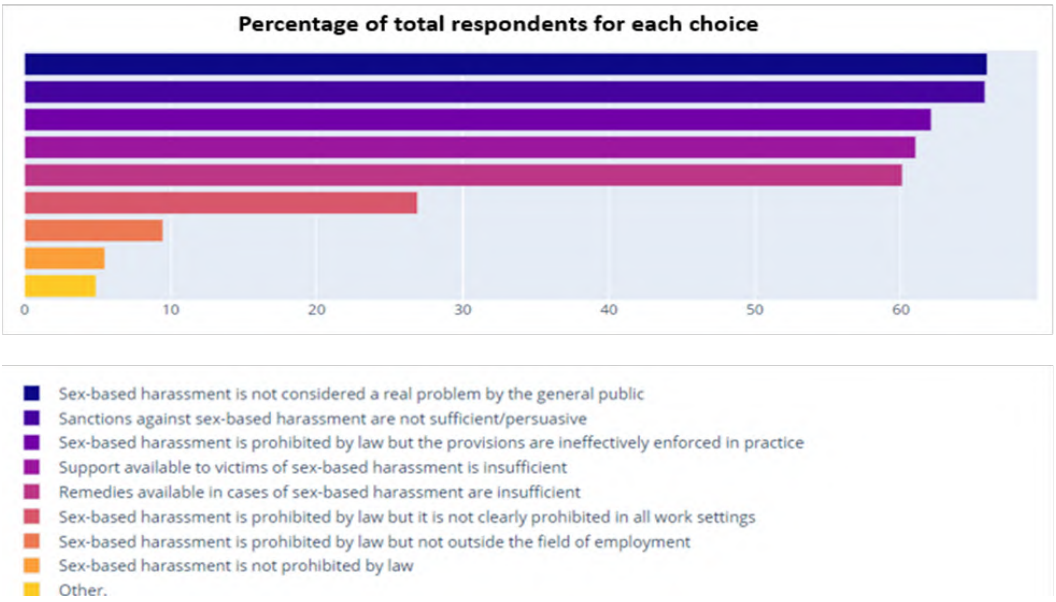
Three questions in this section address the availability of support services that account for the **needs of different groups of victims**. Firstly, the accessibility of support services for persons with disabilities is unknown to half of the respondents (356 respondents, 51%). Secondly, the availability of services without discrimination, such as that based on racial or ethnic origin, is split across respondents 32% (225) believe they are, 35% (247) believe they are not and 33% (233) do not know). Thirdly, responses as to whether victims receive information on support services in a timely manner and in a language they understand is also split but with a higher proportion of people not knowing (292 respondents, 41%).

As to whether further measures should be taken to improve the support to victims of VAW/DV, the majority (553 respondents, 77%) believe they should, at national and EU level.

Section IV: Specific forms of violence against women

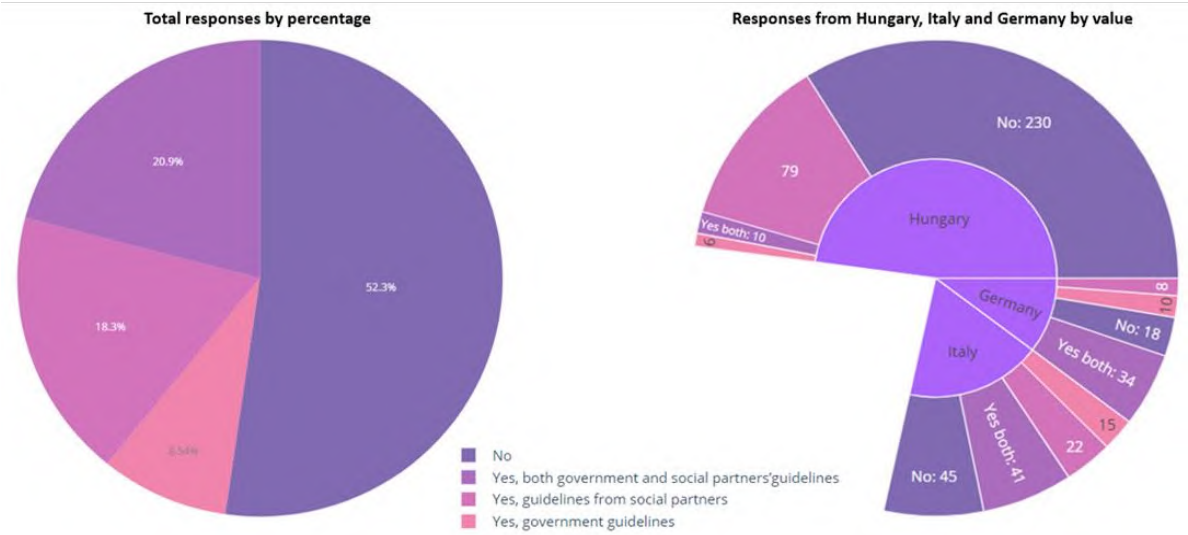
Concerning specific forms of violence against women, as shown in Figure 7, the majority of respondents understand that the primary gaps in protection against **sex-based and sexual harassment** result from the perception that it is not considered a real problem by the general public (431 respondents, 66%), that sanctions are insufficient (430 respondents, 66%), and that provisions are ineffectively enforced (406 respondents, 62%).

Figure 7. EU law requires the Member States to prohibit sex-based and sexual harassment in employment and occupation. In your view, are there gaps in protection against sex-based and sexual harassment in your Member State, in that: [Multiple choice possible]



Over half of respondents (355 respondents, 52%) are not aware of anti-harassment policies or guidelines developed by government or social partners on tackling sex-based harassment **at work**. 48% (324) are aware of these policies/guidelines either by both government and social partners or by one of them (see Figure 8).

Figure 8. Are you aware of anti-harassment policies or guidelines developed by the government or social partners on tackling sex-based harassment at work?



60% (391) of respondents are unaware of a workplace policy on sex-based harassment. Similarly, over three quarters of respondents (515 respondents, 78%) are not aware of training of employer representatives in their Member State. In further open-text responses, among respondents aware of training provided by their Member State, most stated that the training offered is not mandatory, and therefore whether employees have to follow it depends largely on the commitment of employers. Finally, 59% (394) of respondents do not know which national authorities or other bodies they can contact in their Member State in cases of sex-

based harassment at work. However, for respondents from Italy and Germany, over half (54% and 62% respectively) do know who to contact.

The second category covered is **gender-based cyber violence**. 68% (470) of respondents believe that it has become more common in recent years in their Member State; and the most common forms of illegal gendered online content are believed to be gender-based hate speech (566 respondents, 84%), illegal sharing of private photos (492 respondents, 73%), and cyber-stalking (471 respondents, 70%). In further open-text commentary, respondents mentioned that the spread of the internet is one of the main problems, as abusers benefit from its anonymity when engaging in abusive behaviour. In response to whether perpetrators explicitly indicate that their behaviour is based on a victim's gender, there is no consensus (40% (270) said that they do, 23% (154) that they do not and 37% (255) do not know). The supplementary open-text commentary explains that although gender may not be clearly stated, the vocabulary and content reveal the gendered nature of the abuse.

In terms of measures that respondents believe **online platforms** should take to combat illegal and harmful gendered online content, the primary option selected is maintaining an effective 'notice and action' system for users to report content (545 respondents, 81%), followed by the establishment of policies in this area and informing users of these policies including the effects of breaches (493 respondents, 73%). In the event that online platforms establish specific policies on illegal and harmful gendered content, most respondents believe that they should inform users on how to seek assistance from the platform and explain the available complaint mechanisms (573 respondents, 88%). If **equality bodies** in the EU Member States had powers to address this kind of content, the main power respondents indicated they should have is the provision of legal advice to victims (543 respondents, 83%).

The third category is **harmful practices,** and the first question asks whether measures were taken in Member States to prevent harmful practices targeting women. Across respondents, 40% (268) indicated that they were, and further open-text responses predominantly mentioned criminal laws of their Member State. As regards protection or support programmes for victims of these practices, 36% (242) of respondents are not aware of them and 34% (229) do not know, whilst almost half of respondents (327 respondents, 49%) do not believe that existing preventive, intervention or support measures are effective. More than half the respondents (372 respondents, 56%) do not know whether psychological and gynecological care are available in their Member State for victims of female genital mutilation. For respondents from Germany, however, the majority are aware of care available (50 respondents, 74%).

On the issue of **trafficking in human beings**, the final category, 42% (277) of respondents are aware of prevention measures in their Member State. For respondents from Italy and Germany, this is more pronounced (56% and 68% respectively). 42% (268) of respondents believe that **other aspects of sexual exploitation of women and girls** than trafficking should be addressed in EU law - with the most occurring theme being prohibition of buying sexual services.

Section V: other aspects related to violence against women and domestic violence

Responses as to whether **data on gender-based violence and domestic violence** is being regularly collected at national level are split (43% (293) selected that it is, 31% (210) do not know and 26% (176) believe it is not).

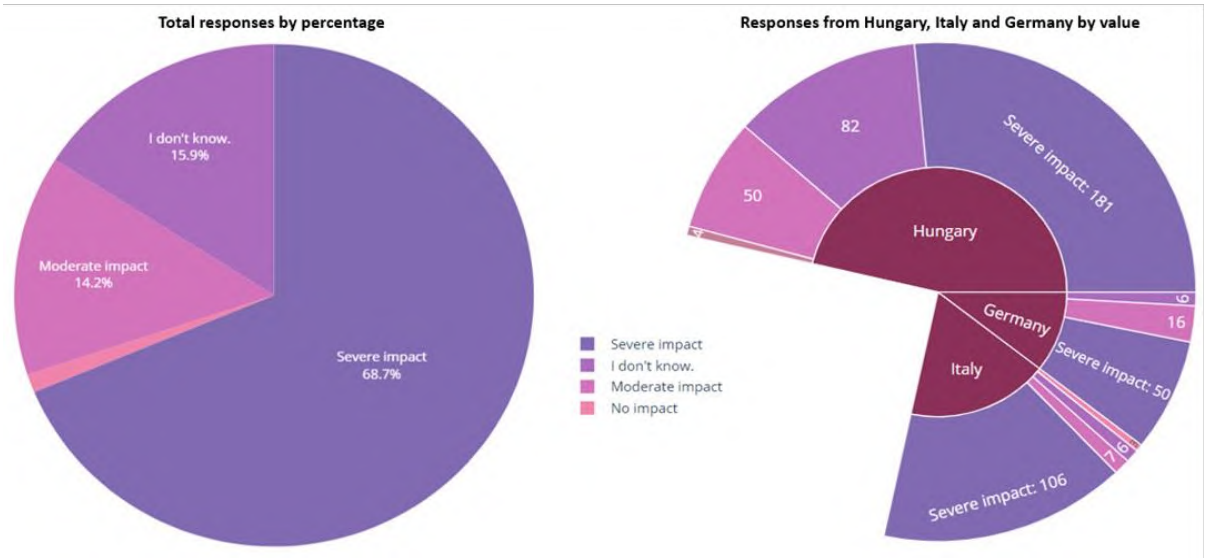
As to specific aspects of gender-based or domestic violence, 65% (428) of respondents do not know whether **violence targeting women with disabilities** are addressed by general measures. In open text responses, respondents remarked on the general lack of attention to women with mental and physical disabilities. Similarly, specific aspects of intergenerational violence, not addressed by general measures, are also unknown (367 respondents, 56%).

On measures to address **psychological violence**, 55% (371) of respondents are not aware of specific measures. This is similar for measures to address **economic violence**, where almost half (310 respondents, 46%) are not aware of them. 57% (382) of respondents deemed measures to tackle **sexual violence** to be ineffective. This is echoed by respondents from Hungary and Italy, while 42% (28) of respondents from Germany believe that measures in their country have been effective. Across all respondents, 57% (385) think that there are specialised support services available for victims of sexual violence.

63% (427) of respondents believe that **regional differences** in the availability of preventative, protection, and support services regarding gender-based violence and domestic violence do exist. Most respondents indicated strong differences between rural and urban areas in the availability of support services, with rural areas more at risk as most services are city-based.

Almost 70% (453 respondents, 67%) of respondents believe that **NGOs encounter issues** in their work on gender-based violence and domestic violence. The final question addresses the **extent to which COVID-19 had impacts** on gender-based and domestic violence. The majority of respondents believe that there has been an impact (567 respondents, 83%), with almost 70% (470 respondents, 69%) believing that this impact is severe (see Figure 9). In open text responses, respondents mostly reported that they perceived a considerable increase in domestic violence in the context of COVID-19.

Figure 9. In your view, what has been the extent of the impact of the COVID-19 outbreak on gender-based and domestic violence in your Member State?



Finally, **23 written submissions** were made to the European Commission in connection with the open public consultation. These include inputs and recommendations from the United Nations agencies (1), European agencies (1) social partners (2) and NGOs (19).

1.3. Feedback to the Inception Impact Assessment

A total of 63 contributions were submitted. The replies present broadly the whole stakeholder spectrum: NGOs, individual citizens, international organisations, social partners, academics

and research institutions, equality bodies, the private sector, foundations, company and business organisations and trade unions. Most stakeholders agreed with the need for a comprehensive, holistic legislative initiative on GBV, NGOs underlining the need for an intersectional approach.

1.4. Targeted consultations and engagement activities

1.4.1. Targeted consultation for the Member States

The European Commission organised a targeted consultation with Member States. The online survey gathered views and information on the measures taken to prevent and combat violence against women and domestic violence. Responses were received from all Member States except for Malta, although response rates varied for each country, with Croatia not responding to most questions.

Section 1: coordination and data collection

For section one, all Member States that answered have reported **some form of a policy framework** to address violence against women and domestic violence, with the most **common challenge** being to find consensus among the different actors, and challenges with inter-agency cooperation, budgetary restraints and lack of political will.

Most (24) reported that they have an official mechanism is in place for **coordinating** measures and sharing good practices on tackling violence against women and domestic violence, and an equal number reported that the coordination of measures and the sharing of good practices on preventing and combatting violence against women and domestic violence is ensured among the **regional and/or local authorities** in their Member State.

Authorities representing 25 Member States responded that **data** is regularly collected on violence against women and domestic violence, and although there were significant variations, the most common answer was that data is collected by the police and published annually. Most make the data public. Disaggregation of data varies considerably. All had some level of disaggregation of data, mostly by sex and age. Only some disaggregated by geographical location and very few by disability. For most member States, the level of disaggregation depends on the crime. Other disaggregation were also used, such as relationship to the perpetrator.

Concerning **data collection to measure the impact of the Covid-19 crisis** on violence against women and domestic violence, 21 Member States responded that data has been collected (PL, RO, IE and BG answered in the negative). The most common challenge for data collection was ensuring harmonised data collection between different institutions along with challenges collecting the data.

Section 2: prevention of violence against women and domestic violence

25 Member States responded that **awareness-raising campaigns** on violence against women and domestic violence have been organised. 26 Member States responded that **training to professionals** working with victims of violence against women and domestic violence, or with perpetrators, is available.

24 Member States responded that this training follows a **child-sensitive approach**. Only DK responded in the negative (no response from MT and DE). 22 MS responded that this training follows a **gender-sensitive approach**. NL and CZ responded in the negative; no response was received from MT, DE and SE.

Member States listed wide range of **challenges in preventing violence against women and domestic violence**. These included embedded negative social attitudes and the need for more awareness-raising, particularly with men and perpetrators, to change them. Capacity challenges were also raised around a lack of training, funding and inter-agency cooperation. A lack of reporting and lack of understanding of prevalence was also noted as making it harder to identify and support victims.

Section 3: protection and support

All Member States, excluding LV and MT, responded that **national protection orders** are used in cases of violence against women and domestic violence. Regarding the consequences of breaching national protection orders, 21 Member States replied there are criminal sanctions, 9 Member States that there are civil sanctions, and in 2 there are other consequences. In only one there are no consequences.

14 Member States have responded that **further measures would be useful to make national protection orders more effective** in practice. Six Member States (22%) (NL, SI, FR, CZ, LU and AT) responded in the negative and no response was provided by seven Member States. 52% of Member States (14) have responded that **foreign protection orders have been recognised and enforced** in their Member State. Three authorities responded in the negative (NL, DE and CZ) and ten did not provide a response.

Regarding challen**ges in the use of the EU rules on mutual recognition of protection orders** (in civil or in criminal matters) BE, CZ and FI said the problem is a 'Lack of awareness about the possibility of mutual recognition of foreign protection orders (by the relevant authorities or the parties involved)'. BG and RO said 'Divergence of sanctions in different Member States for similar types of protection orders'. DK and EE said 'other issues'. PL, LV and EE said there are have been very few cases so they could not report on any issues. EE and FR said there are no known problems. Other MS did not respond.

In response to whether **law enforcement authorities are empowered or obliged to inform a support service** of cases of violence against women and domestic violence, 12 Member States (44%) selected the latter (obliged) and 13 (48%) selected the former (empowered). Only EL responded that they may not do so. 25 Member States responded that **support services (general or specialised) are available to victims** of violence against women and domestic violence in their Member States. Only BG responded that they are available only in some parts/regions of the country.

In regard to whether general support services systematically take into account the special **needs of child victims and witnesses** of domestic violence based on a child-sensitive approach, 18 Member States responded that they do. Seven Member States responded that they do, but not systematically, and two Member States (FR and MT) did not provide a response. All 26 Member States responded that general support services refer victims to appropriate specialist services in their Member State.

The below table indicates the **available support services** referred to. 23 Member States refer to legal counselling services, 21 to psychological support, 21 to health services, 21 to helplines for victims, 18 to housing services and 14 to financial support services.

22 Member States responded that there are specialist support services accessible only to women victims of gender-based and/or domestic violence in their Member State (LV, ES, HU and PL answered in the negative). 16 Member States responded that there are specialist support services accessible to male victims of domestic violence while eight responded that specialist support services are not accessible to male victims in their Member State. IT, PL

and MT did not provide a response. 56% (15) Member States responded that specialist support services do systematically take into account the special needs of child victims and child witnesses of domestic violence based on a child-sensitive approach. Eight (30%) responded that they do, but not systematically.

All 23 Member States that provided a response responded in the affirmative, that victims of VAW/DV are **informed of their rights**, of the services they can turn to, and the follow-up given to their complaint. CZ, HR and MT did not provide a response.

16 Member States said the above-mentioned information is easily available. One said that the information is inconsistent and spread over different sources (PL). Four said the information is not **available in all languages** needed. One said the information is difficult to find (LU).

22 Member States responded in the affirmative to the question whether **support programmes for perpetrators** of violence against women and domestic violence have been set up. Only HU responded that support programmes for perpetrators have not been set up (four did not provide a response). 18 Member States responded in the positive to the question whether there are measures within these perpetrator programmes to ensure the safety of, support for and the respect of human rights of women victims. PT and LV responded in the negative and seven did not provide a response.

Just over half of the Member States (14) responded that there are support services for victims of violence **accessible to persons with disabilities**. 10 Member States responded that there are partly (in terms of geographical accessibility and/or in terms of services). 25 Member States provided a response to this question, and all state that that support services are available to all women victims of violence without discrimination on grounds such as racial or ethnic origin, religion or belief, disability, age or sexual orientation. HR and MT did not provide a response. 52% (14) Member States responded that the availability of support services is not conditional upon the **victim's residence status for migrant women victims** of violence. Five did not provide a response and eight responded that it is conditional.

25 Member States responded that measures have been taken to ensure the **regional availability** of preventive, protection and support services regarding violence against women and domestic violence. BG answered in the negative. 26 Member States responded that **NGOs or other non-governmental actors that provide victim support services receive funding** and / or other support from the government. 24 Member States responded that the national laws transposing the Victims' Rights Directive foresee specific measures addressing the needs of victims of violence against women and domestic violence (three did not provide a response).

Member State authorities raised a very **wide range of challenges in protecting and supporting victims of violence against women and domestic violence**, including challenges with criminalisation, lack of support services, insufficient training and funding, hesitancy of victims to report and engage with authorities, lack of inter-agency cooperation, the need to increase public awareness of the phenomenon,

Section 4: Access to justice, including prosecution

24 Member States have reported that arrangements have been put in place to facilitate women's and children's access to justice. BG and RO stated that some of these arrangements have been put in place.

All 26 Member States that provided a response responded that measures have been put in place to protect victims of VAW/DV, and/or their families and witnesses, from intimidation,

retaliation and repeat victimisation during investigations and court proceedings. 22 Member States responded that **legal aid is available** in cases of violence against women and domestic violence in the same way as it is for victims of other violence. BG and EL responded that it is available but is limited. IE responded that it is not available.

25 Member States responded that arrangements have been put in place to **ensure the best interests of child victims and witnesses** during criminal investigations and court proceedings. RO responded that some of these arrangements have been put in place.

One of the major challenges identified by Member States in the prosecution of cases on violence against women and domestic violence is a **lack of evidence**, which makes conviction very challenging (AT, CY, DE, DK, FI, RO, SE, SK, SL). The most common challenges which women victims of violence against women and domestic violence face in accessing justice was a **lack of reporting** which was highlighted by six MS as one of the main challenges in the prosecution of cases of GBV (BE, BG, CY, DE, IE, RO).

Section 5: Harmful practices against women and girls

44% (12) Member State responded that there is no data collection system in place to **record asylum requested and/or granted on grounds of harmful practices** against women while 33% (9) of MS responded that there is a data collection system in place in their Member State.

With regard to whether there are measures in place to ensure that custom, religion, tradition or so-called honour cannot be regarded as a **justification for harmful practices** against women, 13 MS responded that this is specified by law. BE and HU responded that this is specified in government guidelines and seven Member State responded that this is not specified.

In response to whether **harmful practices against women and girls perpetrated abroad** can be investigated, prosecuted and adjudicated, 19 Member State responded that this is the case. Only CZ responded in the negative.

1.4.2. Targeted consultation workshop with non-governmental organisations, 6 May 2021

The European Commission organized *an ad hoc* meeting of the Victims' Rights Platform[229] and NGOs working in the area of violence against women. Eight individual interviews with NGOs were additionally conducted.

NGOs identified a range of protection and support gaps across the EU for victims of violence against women and domestic violence. Victims face significant challenges in accessing justice. NGOs indicated that significantly more action was needed at national and EU levels to effectively tackle such violence. They did not articulate challenges with the current EU legislation, but felt the main challenge is the need for more comprehensive legislation to tackle the issue of VAW/DV specifically, particularly in Member States that have not ratified the Istanbul Convention.

NGOs had largely consistent and complementary views in this area and articulated a range of views, focusing on the challenges to be addressed:

[229] https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-platform_en.

- Participants noted that in order to effectively address violence against women and domestic violence, **minimum standards on prevention and protection measures** are needed at EU level, including on work with perpetrators, more awareness of violence against women and domestic violence and information provision to victims on accessing support and protection. Addressing **harmful gender stereotypes** as one of the main root causes of gender-based violence and the education sector has a pivotal role in addressing them.
- Targeted **trainings for professionals across sectors** were broadly considered essential to providing effective support to victims, particularly with police and judicial authorities.
- They noted the important of covering a **wide range of forms of violence,** including cyber violence. Some NGOs stressed that sexual exploitation and trafficking should not be conflated with sex work.
- NGOs underlined the importance of **inclusive and intersectional approaches to violence against women and domestic violence** that include transgender, lesbian, intersex people, migrants (including undocumented migrants) and people with disabilities.
- Generally, all participants agreed on the need to increase resources for issuing **emergency barring orders** in order to ensure more effective police interventions, as well as highlighted the need for comprehensive long-term and multiagency coordination and cooperation for the protection of victims.
- The participants noted the need for more **action to address barriers to access to justice** and the low rate of reporting.
- Most participants stressed the **lack of general and specialised support services** for victims and stressed the importance of Member States providing both general and specialised support services. They identified as a key challenge the lack of funding for victim support services.
- Most participants stressed the **lack of comparable and comprehensive disaggregated data** to understand the scale of the problem and better identify victims. They also noted the **need to estimate the cost of violence** and the relevant benefits.
- **Multiagency coordination** was considered essential both at the national level and at regional / local levels to ensure **geographical availability of services and coordinated, holistic support and protection measures**. Participants also highlighted the need for Member States to establish a coordination mechanism, as well as called for an EU level coordination mechanism.

1.4.3. Workshop with social partners, 29 June 2021

The European Commission and ICF co-organised a targeted workshop meeting with social partners on 29 June 2021[230]. The meeting focused on two aspects: 1) exchange of views on the effectiveness and relevance of the EU framework on preventing and combatting violence

[230] The invitation was sent to the social partners' representatives in the Advisory Committee on equal opportunities for women and men and to sectoral social partners that have expressed interest in the subject in the context of their Sectoral Social Dialogue Committee meetings. An identical workshop was organised for employer associations the following day.

against women at work, and 2) and on the possible measures for increased prevention of sex-based work harassment and protection of victims.

Overall, the **EU legislative framework** was not seen as lacking although there were mentions that it was not sufficiently implemented. EU legislation was seen as only one factor affecting the work of social partners with many participants noting the important role of other factors, including the ILO Convention no.190 and the MeToo movement. One participant said there needs to be a more proactive approach. The current approach is largely reactive and requires litigation to claim those rights.

Collective bargaining was highlighted by some participants as the best root to proactive measures. Collective bargaining was described as having led to negotiation of collective agreements, policy commitments, workplace support structures and trainings, about zero tolerance to harassment.

One participant noted that **to prevent sexual harassment**, a gender equal environment in the workplace is needed, including equal pay, equal access to decision making, and an inclusive and just environment.

Risk assessments were discussed as having an important in preventing and combatting VAW. However it was raised that risk assessments are not gender responsive. It was also noted that very few risk assessments are carried out and when they are, they do not include psychosocial risks.

Addressing violence against women and domestic violence and its impacts on work environments was discussed. Examples of concrete measures, including 10 days' leave for victims were mentioned. Some participants stressed that what happens at home has an impact on the work. This is not about encouraging into employees' private lives but workplaces must be inclusive places so issues can be raised. Victims need insurance that they will not lose their job. It was also noted that violence in the workplace can also lead to domestic violence.

One participant raised that there is evidence of the costs to companies included around absenteeism and other costs that would make it in companies interest to address it.

One participant raised that home-working and the increase of domestic violence has led to debate among companies about a duty of care to ensure safe and secure working places.

Concerning **access to justice, including collective action**, one participant discussed the important of collective interventions by trade unions as it is a safer and cheaper option. Another participant noted that collective action can have a role in protecting victims from exposure, especially in high profile cases. It was noted that in individual cases, access to justice can be difficult, cumbersome, and lengthy. Another participant noted that the shift of the burden of proof onto employers is very important in securing access to justice.

It was noted that **online harassment** is increasing, also in work contexts, and taking new forms. **Certain professions are more at risk, such as female journalists**. It was considered that more action is needed including training and encouragement to report cyber violence, user friendly tools to report and flag online content, a national media regulatory.

1.4.4. Workshop with employer associations, 30 June 2021

The European Commission organised a targeted workshop meeting with four employer associations on 30 June 2021 with the same agenda as for the social partner's workshop described above.

Regarding current EU legislation and policy, social partners noted that the social partners' framework agreement was the main source guiding their action in this area at EU level. Although adopted in 2007, it is still producing a range of actions[231].

ILO Convention no. 190 has a significant role for the work of employer associations. A focus of the discussion was on domestic violence. Participants felt that it is important that employers are not made responsible or have obligations related to domestic violence as it is beyond their control. There are also issues of privacy that victims may not want discussed at work. One participant drew an analogy with health and safety whereby employers are not responsible for health and safety issues when an employee has left the workplace. Participants felt that there is a clear separation between the public/work sphere and the private sphere. Another employer noted that there are challenges implementing existing legislation and adding domestic violence might make it more complicated and would lead to difficult negotiations.

Participants were largely resistant to more obligations relating to the effects of violence against women and domestic violence at work. One noted that that soft measures, such as EIGE's Handbook on Sexism, was a better route and more training.

Regarding current activities, one participant said there are projects ongoing on third party violence, which will include gender dimension, including domestic violence and the impacts of COVID-19. They are looking at risk assessments, including psychosocial risk, and developing an agreement on training of HR managers in this regard. Another participant noted there has been challenges implementing risk assessments because they include sensitive issues and employers need support and guidance to do it.

One participant noted that understanding of the challenge and illegality sexual harassment is very well establish and understood but the challenge is practical implementation.

Two participants noted that the issue of tackling sexual harassment varies considerably on the size of the company. In small companies, it can be hard to maintain confidentiality. Smaller companies may also not have a comprehensive HR structure or trainings in place.

1.4.5. Targeted consultation workshop with the Member States, 1 July 2021

The objective of the workshop was twofold: (1) to provide Member States with the preliminary results from the evaluation and the existing criminal law provisions applied to violence against women and domestic violence, and (2) to gather Member States' views on the options considered by the Commission for the legislative initiative.

Dr. Lorena Sosa, Assistant Professor at Utrecht University, presented the main findings of the upcoming thematic report on 'Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence' of the European network of legal experts in the field of gender equality, and explained how the Member States are addressing violence against women and domestic violence from a comparative legal perspective. She elaborated on the persisting gaps in coverage and protection – especially when assessed against the benchmarks in the Istanbul Convention – and the need for more action.

Member States were invited to engage in discussion on the different policy options to address the identified gaps. Italy welcomed the comprehensive approach of the upcoming legislative

[231] Communication from the Commission to the Council and the European Parliament transmitting the European framework agreement on harassment and violence at work (COM(2007) 686 final)).

proposal and emphasised the importance of taking into account the pending legal opinions on the Istanbul Convention and on the ILO Violence and Harassment Convention no. 190. France recalled its commitment to tackle gender based violence and asked about the legal bases of the directive. Slovakia referred to differing state practices concerning consent in the field of sexual violence. Portugal underlined the relationship between the criminal nature of gender-based violence and discrimination, as well as emphasized that the proposal should take into account the needs of children. Latvia had questions about the relationship between the legislative proposal and the proposal on hate speech and hate crime.

1.4.6. Targeted consultation workshop with international organisations, 8 July 2021

A targeted consultation workshop was organised by the European Commission to gather international organisations' views on possible minimum standards concerning effective prevention, protection, support and access to justice for victims of all forms of violence against women and domestic violence in the EU, and gather input to ensure the complementarity of the upcoming proposal with the international obligations of the Member States.

Concerning **prevention** of violence against women and domestic violence, participants highlighted the need for **early intervention and prevention programmes**. A range of measures were necessary to ensure better prevention measures, including integrated service delivery; psychosocial risk; awareness-raising measures that include harassment, stalking, online violence, FGM, forced marriage, etc. forms of violence against women and domestic violence, which are not currently covered. They emphasized the need for large-scale awareness-raising campaigns that cover these forms of gender-based violence. Similarly, the need to combat societal prejudices, assumptions and gender stereotypes was also noted. Prevention initiatives must be inclusive, integrated and gender-sensitive, meaning that all stakeholders must be directly involved in the drafting, monitoring and evaluation of the prevention programmes. Some participants noted **the importance of engaging men and boys in prevention measures**. To this regard, the participants discussed the importance of providing teaching material on gender issues – in both formal curricula and informal education – as well as providing appropriate **training for relevant professionals** (e.g. doctors, nurses, midwives, lawyers, judges, etc.). Training should be continuous and be based on clear guidelines, as well as mandatory. Relevant professionals should be encouraged to follow in-service trainings throughout their career.

As regards **protection and support services**, participants identified a **lack of gendered understanding of violence**, which can lead to secondary and repeat victimization, intimidation and retaliation. One-stop-shop approaches to seek assistance were highlighted as best practice. It was also noted there is a **need to dissociate access to support services from the willingness to report or pursue the criminal process**. There is a need to invest more in services for **child witnesses**. More generally, protection and support services are negatively affected by inadequate infrastructure, long waiting periods, insufficient funding or geographical coverage, and lack of specialised personnel. Some countries are overcoming access barriers by setting up specialist shelters for women who cannot access regular shelters, like women with substance abuse or mental disabilities. COVID has negatively impacted the services provided and **the number of shelters in general is insufficient** in the EU.

Participants suggested specific support services to assist victims in (re-)entering the labour market, as **economic empowerment is central** to realising gender equality. In addition, victims should be ensured paid leave, dismissal protection and flexible working arrangements so as to allow them to make use of the available services.

In work settings, challenges with **access to justice** were noted. **Clear reporting mechanisms and anonymous reporting** can help. External complaint mechanisms, such as courts with sufficient knowledge, are necessary. Legal advice should be available for free. Guidance and information on accessible resources, also in languages different from the main one in the country. One participant noted that the shift on the burden of proof as in EU anti-discrimination legislation is beneficial. Concerning access to compensation from the state or the perpetrator, shortcomings have been identified in particular regarding **too short timeframes to claim compensation**, limitations concerning claims for moral damages (only for certain types of crimes but not all), high court fees or excessively high thresholds for proof.

Gender-based cyber violence was considered a new field that is not explicitly covered in current legislation at EU and international levels. One participant said that more regulation of the media and internet service providers is needed – in balance with the freedom of expression - and **more reporting procedures both online and to the police**.

Participants discussed the need to require **online platforms to offer reporting procedures** and ensure effective follow-up. Participants emphasized the need to balance the protection of women and children against cyber violence with the rights to freedom of expression and data protection. Platforms and internet intermediaries should receive more guidance on these aspects.

To improve **policy coordination**, several participants noted **the need for improve data collection**, including better disaggregated data and for it to be published. It was noted that there are not enough population surveys to truly understand prevalence. Participants also mentioned the need for a unified (statistical) definition of violence against women and domestic violence to ensure smooth and consistent data collection. This data should be disaggregated, collected on a regular basis, and made available to the public.

Participants highlighted **the need for an intersectional approach**, meaning that policies on gender-based violence and domestic violence should take account of the particular challenges that certain groups (e.g. minorities, refugees, rural women, members of the LGBTQ+ community, etc.) face in regard to violence against women and domestic violence.

1.5. Events and expert group meetings

1.5.1. Meetings of the High-Level Group on Gender Equality, 25-26 January 2021 and 8-9 September 2021

During the meetings, the state of play concerning the preparation of the legislative initiative on preventing and combatting gender-based violence against women and domestic violence was presented. In January, the Member States were encouraged to take part in the upcoming targeted consultation. In September 2021, Member States were further informed of the progress and thanked for their extensive contributions to the written consultation, and for participation in the workshop.

1.5.2. Mutual learning seminar on 'Methodologies and good practices on assessing the costs of violence against women', 7-8 July 2021

The European Commission organised a Mutual Learning Seminar on methodologies and good practices on assessing the costs of violence against women for the EU Member States under

its Mutual Learning Programme in Gender Equality.[232] There were 16 participating Member States: Finland (host country), Belgium, Croatia, Czech Republic, Denmark, Estonia, Germany, Italy, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain and Sweden.

Participants welcomed the opportunity for exchange and dialogue. While noting substantial data gaps and limitations in some country contexts they considered that the Finnish methodology for measuring the costs of such violence, presented by experts from the host country, offered an important model that could either be replicated or else used as a reference.

Most countries indicated that they had conducted some form of cost analysis: they referred to empirical studies or GDP-based cost estimates carried out as part of the 2014 EIGE study, local or regional studies, studies of the costs of a specific service and national studies using administrative data or surveys. However, some studies were conducted a few years ago and need to be **updated taking into account new methodologies**. Participants also **highlighted the fragmented nature of administrative data and the difficulty in linking different registers** such as health care and legal services or the lack of compatibility between police and justice sectors. Other obstacles faced included poorly developed national administrative records, or difficulties in accessing information because of devolved government structures, or because external funding received by NGOs for shelters was hard to identify. Many participants noted that the visible costs were just the tip of the iceberg. There are **many hidden and indirect costs**, and many victims fail to identify as such, and thus, do not seek help. Victims must often pay privately for various health-related services and prescriptions, which are not included in cost calculations. Furthermore, many professionals do not record cases adequately. This demonstrates the difficulty and complexity of estimating the costs of violence, as there is no one gold standard methodology. The Member State representatives highlighted the **urgent need for better administrative data on costs and use of services** and better survey data on prevalence.

Participants recommended that the EU together with EIGE could play an important role in developing:

- a common legal definition of what constitutes violence against women and domestic violence;
- a common methodology or operational framework for assessing costs;
- cross–country collaborative studies with harmonised procedures;
- guidelines on how to monitor and assess the impact of interventions in order to advocate for greater resource allocation to prevention services;
- further networking opportunities to build upon existing expertise and to facilitate new ideas on research and policy.

1.5.3. Workshop on online violence against women, 8 September 2020

In September 2020, DG JUST in cooperation with DG CNECT organised an online workshop with a panel of six academics as well as representatives from the Commission to discuss the issue of violence against women in the online environment. Academics agreed that Digital Services Act could be an opportunity to overcome the existing fragmentation, and agree on common definition/standards. An opinion resonated among the academics that parts of the Digital Services Act package should be perceived as complementary to tackling the issue together with supplementing sectoral initiatives. As the problem is structural, the solution

[232] Mutual Learning Programme in gender equality, summary report. https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/who-we-work-gender-equality/mutual-learning-programme-gender-equality_en.

should be based on complex market approach, so the users can switch to other platform that provides for different moderation may it be their wish. Some academics further concluded that an amplification element is important to distinguish harmful content and illegality, and that the horizontal solutions included in the Digital Services Act should cover all users in vulnerable situations, including women users, users with minority backgrounds and children. They also reported that the decision between the self- and co-regulatory approach on one side and "hard" regulation on the other should not be taken. At the same time, they acknowledged that here are clear positives and negatives of self- and co-regulatory approach, and its success depends a lot on the Member States' as well on platforms' approach. In this regard, an agreement was reached that scope for existing authorities to develop their role concerning privacy and different forms of cyber violence might be created by the new regulation. The academics also summarised that there is a need to adapt obligations according to the layers of the internet, as well as to ensure redress and support to individuals when considering illegal acts according to the existing rules.

ANNEX 3: Who is affected and how?

1.1. Who is affected?

The main target and beneficiaries of this initiative are victims of violence against women and domestic violence, i.e. one woman out of 3 according to the FRA 2014 survey, i.e. overall around 75 millions of women. These acts of violence also affects witnesses, family members and other close relations, as well as bystanders and perpetrators. The initiative also has implications for national administrations, including those in charge for the organisation and effectiveness of the law enforcement, judicial, health and social services involved; employers and social partners as for the consequences for labour market participation and implementing and managing anti-harassment procedures; as well as NGOs and practitioners working with victims, witnesses and perpetrators.

1.2. Summary of affected stakeholders

Main problems	**For whom is this a problem?**	
	Affected stakeholders	Forms of violence concerned
High prevalence of violence against women and domestic violence across the EU	<u>Individual stakeholders:</u> • Victims of violence against women and domestic violence(women, children, men; the elderly, LGBTIQ) • Perpetrators of violence • Witnesses • Family members and other close relations of victims	All forms of violence against women and domestic violence
	<u>Other stakeholders:</u> • Governments, regional and local authorities	All forms of violence against women and domestic violence
	• National authorities, private support service providers and NGOs	All forms of violence against women and domestic violence
	• IT platforms	Cyber violence against women and in intimate partnerships
		Sex-based work harassment; indirect effects from violence

	• Social partners and employers, including companies of all sizes	against women and domestic violence experienced outside of work
Ineffective prevention measures	Individuals at risk of / victims of violence against women and domestic violence	All forms of violence against women and domestic violence
	General public	
	Perpetrators and potential perpetrators	
	IT platforms	Cyber violence against women and in intimate partnerships, (platforms can be used to advocate for/incite to all forms of violence against women and domestic violence, but can also promote mutual respect, equality and non-discrimination)
	Media	All forms of violence against women and domestic violence
	Governments, national, regional and local authorities (esp. education providers, social and health services)	All forms of violence against women and domestic violence
	Equality bodies	All forms of violence against women and domestic violence
	Social partners and employers, including companies	Sex-based work harassment
Ineffective protection measures	Law enforcement	All forms of violence against women and domestic violence
	Support service providers (social and health service providers, NGOs)	

	Judicial authorities IT platforms Social partners and employers, including companies	 Cyber violence against women and in intimate partnerships, (provision of on-platform protection measures) Sex-based work harassment (provision of company-internal protection)
Ineffective access to justice	Victims Witnesses Law enforcement Judicial authorities Equality bodies	All forms of violence against women and domestic violence
Ineffective support measures	Victims Witnesses, incl. children Support service providers (social and health service providers, NGOs) Law enforcement Judicial authorities Family members and other close relations of victims	All forms of violence against women and domestic violence
Ineffective coordination	International actors (UN, CoE) EU-level coordination National authorities Local and regional authorities Equality bodies	All forms of violence against women and domestic violence

1.3. Summary of costs and benefits

The tables below present the costs and benefits associated with the preferred Policy Option, Policy Option 2A ("comprehensive policy option"). Benefits are mainly in the form of direct costs savings across MS national authorities and individual victims. On the other hand, costs were mainly identified for national authorities and include one-off and recurring costs.

I. Overview of benefits (total for all provisions) of the 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.	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.	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 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 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 quantified		

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

1.4. Sensitivity Analysis

The table below summaries the variation in the comparison of the scores of the different policy options when assigning different weights to the three criteria of effectiveness (which includes proportionality), efficiency and coherence.

Option 1 is always dominated by each suboptions of Option 2. Suboption 2A maintains its advantage in all the different weighting scenarios.

Sensitivity analysis			
Effectiveness: 40%; Efficiency: 40%; Coherence: 20%	1.80	2.60	2.05
Effectiveness: 50%; Efficiency: 30%; Coherence: 20%	1.80	2.58	2.01
Effectiveness: 50%; Efficiency: 40%; Coherence: 10%	1.78	2.60	1.98
Effectiveness: 40%; Efficiency: 50%; Coherence: 10%	1.78	2.63	2.01
Unweighted score	1.83	2.58	2.13

ANNEX 4: Analytical methods

For the assessment of the policy options and policy measures, the following main baseline assumption has been made:

1) No actions are taking place at the moment, where there is no robust evidence of them[233];
2) For the purposes of administrative costing, it is assumed that the costs incurred due to the policy option are additional to the baseline.

1.1. Analytical methods applied to estimate costs and cost reductions (economic benefits)

The overall approach to the estimation of costs and cost reductions (economic benefits) consisted of the following key steps:

1. Firstly, the cost items associated with each policy measure were assessed, considering the type of cost (i.e. one-off or recurring), and the already existing measures in the Member States.

2. For each cost item, estimates for the value of the cost were developed. Further details on how each type of cost item was estimated are set out below. Overall, estimates and assumptions were based on a combination of factors, including publicly available data (see each measure for details on sources) and the study team members' experience of conducting similar quantification exercises.

3. The administrative and compliance costs for each cost item and policy measure were then aggregated across Member States. This enabled aggregate costs across all relevant Member States to account for differences in costs across Member States (e.g. salaries of relevant professionals, prevalence rates, reporting rates etc.). In addition, to estimate aggregate costs for the implementation of each policy measure across Member States, where relevant and possible, the specific costs per Member State were estimated, considering evidence on whether policy measures were currently being implemented or partially implemented.

4. For cost reductions (economic benefits), estimations were based on figures on the overall cost of violence against women and domestic violence[234] (i.e. the overall potential for cost reduction of violence against women and domestic violence associated with all policy measures under each policy option). This is because there is a lack of evidence and available data on the potential for cost reduction thought to be associated with each policy measure. On the basis of a review of studies on the economic impact of policy measures on combatting and preventing violence against women and domestic violence, economic benefits of the policy options were considered to be generated due to a decrease in the prevalence of violence against women and domestic violence. Moreover, due to lack of evidence quantifying the causal link between prevalence and the full set of measures under each policy option, two hypothetical scenarios were assumed.

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[233] Evidence for current actions was available for the following measures: 1.4 Work with perpetrators; 2.1 Protection orders; emergency barring orders; 2.3 Special measures for the protection of children in the context of domestic violence; 2.4 Risk assessment and management; 3.4 Victim compensation; 3.6 National coordination; 4.2 Specialised support; 4.5 Shelters; 4.6 Helplines.

[234] EIGE, The costs of gender-based violence in the European Union (2021).

1.2. Estimation of compliance costs

1.2.1. Estimation of costs of prevention

a. Awareness-raising, provision of information and training of professionals

The estimation of this measure is based on the cost of:

1) general and targeted awareness raising campaign
2) online training on violence against women and domestic violence violence against women and domestic violence to professionals dealing with victims or perpetrators & professionals working with victims of violence against women and domestic violence
3) equipment of law enforcement and judicial authorities with specialized resources/training to prosecute OVAW

For awareness raising, the following calculations are used, for each Member State:

$$\boldsymbol{Cost} = twice\ yearly^{235} \times (budget\ for\ general\ awareness\ raising^{236} + budget\ for\ targeted\ awareness\ raising\ campaign^{237})$$

For training on violence against women and domestic violence, the following approach is used, for each Member State:

$$\boldsymbol{Cost} = two\ hours\ per\ year^{238} \times \big(number\ of\ police\ officers^{239} \times \%attend^{240} \times police\ officer\ salary\ per\ hour^{241} + number\ of\ prosecutors^{242} \times \%attend^{243} \times prosecutor's\ salary\ per\ hour^{244} + number\ of\ lawyers^{245} \times \%attend^{246} \times lawyers'salary\ per\ hour^{247} + number\ of\ judges^{248} \times \%attend^{249} \times judge's\ salary\ per\ hour^{250}\big) + cost\ of\ developing\ two\ training\ sessions^{251}$$

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[235] Assumes every country needs to implement at least 2 awareness raising campaigns in a year
[236] Examples from Belgium, Estonia, Italy and Poland used to provide estimates for the minimum and maximum budget needed for one campaign
[237] Grevio reports EE (2021) Targeted Campaign: Campaign to encourage victims to reach out for help with the title "Hero of our time". Budget: 10 000 euros.
[238] Attending a 2-hour course in a year.
[239] Eurostat data (2016) - https://ec.europa.eu/eurostat/databrowser/view/crim_just_job/default/table?lang=en; No data for IE: average across all countries used (57528)
[240] Assuming 15% attend training on dealing with victims or perpetrators and an additional 5% attend training on GBV/DV victims specifically.
[241] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more). No data for AT, BE, EL, PT: average across all countries used (€16.4)
[242] CEPEJ studies no.26 - 2018 (2016 data).
[243] See footnote 8.
[244] CEPEJ studies no.26- 2018 (2016 data):
[245] CEPEJ studies no.26 - 2018 (2016 data)
[246] See footnote 8.
[247] assume same as prosecutors' salary
[248] CEPEJ studies no.26 - 2018 (2016 data)
[249] See footnote 8.
[250] CEPEJ studies no.26 - 2018 (2016 data). No data for CZ: average across all countries used (€35.2)

For training on OVAW, the following approach is used, for each Member State:

$$\boldsymbol{Cost} = two\ hours\ per\ year^{252} \times \left(\frac{number\ of\ cases\ reported}{number\ of\ cases\ per\ official^{253}} \times police\ officer\ salary\ per\ hour^{254} + number\ of\ prosecutors\ required^{255} \times prosecutor's\ salary\ per\ hour^{256} + number\ of\ judges\ required^{257} \times judge's\ salary\ per\ hour^{258}\right) + fixed\ cost\ of\ developing\ a\ training\ session^{259}$$

$$number\ of\ cases\ reported = population\ of\ females\ 15\ to\ 64^{260} \times proportion\ with\ personal\ experience\ with\ online\ violence^{261} \times proportion\ reporting\ such\ experience\ to\ an\ online\ platform^{262}$$

Assumptions used:

- the assessment of the baseline finds that all Member States have some form of awareness-raising in place. Therefore, we assume an additional 2 general campaigns and 2 additional targeted campaigns are needed per year needed to ensure regular campaigns
- selected officials attend a 2-hour training sessions
    - the assessment of the baseline did not find information hours of trainings provided or the presence of tailored training on violence against women and domestic violenceor OVAW, therefore assume all Member States incur additional costs
    - the cost for the provision of information to victims of violence against women and domestic violencewill be fulfilled through awareness-raising campaigns and training of professionals

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[251] Assuming one 2-hour training is needed for all relevant professionals and one 2-hour tailored training is needed for professionals working with GBV/DV victims. Estimated cost of developing an online training session obtained from: European Commission (2019) Skills for Industry Strategy: Promoting Online Training Opportunities for the Workforce in Europe based on findings from https://raccoongang.com/blog/how-much-does-it-cost-create-online-course/

[252] attending a 2-hour course in a year

[253] 1350 cases is used - Internet Watch Foundation (2020), 299,619 reports assessed by 330 employees. We assume that 2/3 (220 employees) work on the reports, as the IF also carries out other secondary functions. Available at: https://annualreport2020.iwf.org.uk/trends

[254] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more)

[255] CEPEJ studies no.26 - 2018 (2016 data). Assuming 15% attend.

[256] CEPEJ studies no.26- 2018 (2016 data): Annual salary to hourly wage is converted using the following: ($50000 per year / 52 weeks) / 40 hours per week = $24.04 per hour. No data for CZ: average across all countries used (35.21

[257] see number of prosecutors required above.

[258] see prosecutor's salary above

[259] Estimate of the cost of developing an online training session obtained from: European Commission (2019) Skills for Industry Strategy: Promoting Online Training Opportunities for the Workforce in Europe based on findings from https://raccoongang.com/blog/how-much-does-it-cost-create-online-course/

[260] Eurostat Population on 1st January 2020, [demo_pjanbroad]

[261] **38%** - Economist Intelligence Unit (2020) -Measuring the prevalence of online violence against women. Available at: https://onlineviolencewomen.eiu.com/ .

[262] **25%** - Economist Intelligence Unit (2020) -Measuring the prevalence of online violence against women. Available at: https://onlineviolencewomen.eiu.com/ .

b. Gender-based cyber violence - self-regulatory standards

The total investment required is assumed to be negligible as large online platforms provide codes of conduct that are stricter in nature in identifying illegal content online to be removed than national law[263].

c. Specific prevention measures against gender-based work harassment

The estimation of this measure is based on the cost to train managers on sexual harassment in the workplace. This cost falls mostly on employers.

The following calculation is used, for each Member State:

$$\begin{aligned}\textbf{Cost} \;=\; & Number\ of\ managers\ (per\ large\ employer\ and\ SME) \\ & \times \left(\ hourly\ compensation\ for\ managers^{264} \times 2\ hours\ attended\ per\ year\right) \\ & \times (Number\ of\ SMEs\ and\ large\ enterprises^{265}) \\ & + Cost\ of\ developing\ one\ online\ training\ session^{266}\end{aligned}$$

Assumptions used:

- all managers attend a 2-hour training session
- one manager per 10 employees
- costs of awareness-raising and information provision on sexual harassment in the workplace at governmental, social partners' and company levels would already be covered by 1.1b and 1.1c
- the cost of development of policies on anti-harassment and risk assessments at governmental, social partners' and/or employer level is already included under existing EU health and safety legislation
- there is no comparable training for managers in the baseline and therefore all Member States incur full costs

d. Work with perpetrators

The estimation of this measure is based on the cost providing a series of sessions (online or face-to-face) to all perpetrators (2B), only to repeated offenders (2A) or voluntary (assumed 5% of perpetrators).

The following approach is used, for each Member State:

[263] See: https://www.europarl.europa.eu/RegData/etudes/STUD/2020/652718/IPOL_STU(2020)652718_EN.pdf
[264] Eurostat, [earn_ses18_14]
[265] Eurostat, Structural Business Statistics (2018) [SBS_SC_SCA_R2]
[266] Estimate of the cost of developing a training session obtained from: European Commission (2019) Skills for Industry Strategy: Promoting Online Training Opportunities for the Workforce in Europe based on findings from https://raccoongang.com/blog/how-much-does-it-cost-create-online-course/

$$\boldsymbol{Cost} = Relevant\ share\ of\ Number\ of\ perpetrators^{267} \times \left(hourly\ compensation\ for\ health\ and\ social\ worker^{268} \times 6\ sessions\ per\ year \right)$$

It is important to note that costs were not calculated for five Member States (BE, CY, EL, IE, IT) with missing data on total number of convicted persons and therefore, costs might be higher than estimated.

Assumptions used:

- 6 one-on-one sessions of 1 hour of health and social worker support provided per perpetrator with no set-up costs
- the compensation of social and health workers equals the European average for Member States with missing data
- no Member State currently provides sufficient perpetrator intervention and treatment programme, but the costs would be lower for countries that have a programme in place. The total cost is discounted by 50% for Member States that have a perpetrator programme in place in the baseline[269]
- for Member States (LT, MT) with no information on baseline, it is assumed that no programmes are in place and therefore full costs would be incurred.

1.2.2. Estimation of costs of protection

a. Protection orders, emergency barring orders

The estimation of this measure is based on the cost of adopting minimum standards in relation to the issuance and conditions of national emergency barring orders and ensuring effective enforcement of the order.

The following approach is used, for each Member State:

$$\boldsymbol{Cost} = \left(number\ of\ women\ victims\ of\ sexual/physical\ violence \times application\ rate^{270} \right) \times \left(cost\ of\ a\ PO\ to\ police\ and\ justice\ sector^{271} \right) \times 1.1$$

[267] Number of convicted persons for sexual assault or rape from: Joint Eurostat and UNODC data; Eurostat's online code crim_hom_soff

[268] Eurostat, [earn_ses18_13]

[269] Based on the study's mapping of baseline situation

[270] Application rate is estimated from UK crime statistics Appendix tables on number of victims of domestic abuse divided by number of domestic violence protection orders. Available at: https://www.ons.gov.uk/file?uri=%2fpeoplepopulationandcommunity%2fcrimeandjustice%2fdatasets%2fdomesticabuseinenglandandwalesappendixtables%2fyearendingmarch2018/da2018appendixtablesfinalv8.xlsx

[271] Unit cost of a protection order to the police and justice sector estimated to be €1,185 and €213 in UK prices, adjusted for each Member State's price level using PPP GDP/capita. Estimates based on Evaluation of the Pilot of Domestic Violence Protection Orders in England (2013): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/260897/horr76.pdf

$$Number\ of\ women\ victims\ of\ sexual\ violence$$
$$= population\ of\ females\ 15\ to\ 64[272]$$
$$\times prevalence\ of\ physical\ violence\ against\ a\ woman[273]$$
$$\times\ rate\ of\ physical\ violence\ that\ was\ of\ sexual\ nature[274]$$

$$Number\ of\ women\ victims\ of\ physical\ violence$$
$$= (population\ of\ females\ 15\ to\ 64[275]$$
$$\times prevalence\ of\ physical\ violence\ against\ a\ woman[276])$$
$$-\ Number\ of women\ victims\ of\ sexual\ violence$$

Note that costs were not estimated for two Member States (IT, MT) with missing data on prevalence and therefore the total costs might be higher than estimated.

Assumptions used:

- due to lack of comparable data on the number of women victims of violence against women and domestic violence by Member State, a minimum and maximum estimate of women victims of violence against women and domestic violence is used based on FRA 2014 survey results
- for the minimum cost estimate, only physical violence of a sexual nature against women is considered and for the maximum cost estimate, all types of physical violence against women are considered
- application rate is constant across Member States
- relative unit costs of a protection order is constant across Member States and there are no set-up costs
    - no Member State issues a sufficient number of protection orders on violence against women and domestic violence but costs would be lower for Member States that already have the possibility to apply for protection orders. Therefore, the total cost is discounted by 50% for Member States where emergency protection orders are available in the baseline, and by 25% for Member States where they are partially available in the baseline[277]
- each Member State incurs an additional 10% of total costs to increase efficiency and ensure timely issuance and more effective enforcement.

b. Violence reporting and transmission of personal data between services

The total investment required is assumed to be negligible as costs to encourage reporting of violence against women and domestic violence would be covered in training of relevant professionals and awareness-raising campaigns.

[272] Eurostat, Population on 1st January 2020 [demo_pjanbroad]
[273] Based on FRA 2020 survey results: https://fra.europa.eu/en/data-and-maps/2021/frs?mdq1=theme&mdq2=982
[274] Based on FRA 2020 survey results: https://fra.europa.eu/en/data-and-maps/2021/frs?mdq1=theme&mdq2=982
[275] Eurostat, Population on 1st January 2020 [demo_pjanbroad]
[276] Based on FRA 2020 survey results: https://fra.europa.eu/en/data-and-maps/2021/frs?mdq1=theme&mdq2=982
[277] Based on study's mapping of baseline situation

c. Special measures for the protection of children in the context of domestic violence

The estimation of this measure is based on the cost of providing support services to child witnesses of domestic violence and maintaining contact with the child in a surveyed safe place outside the alleged perpetrator's home.

The following approach is used, for each Member State:

$$\boldsymbol{Cost} = number\ of\ chid\ witnesses \times 29\ hours \times hourly\ compensation\ of\ health\ and\ social\ workers^{278}$$

$$Number\ of\ child\ witnesses = population\ under\ 15\ years^{279} \times prevalence\ of\ child\ maltreatment^{280} \times rate\ of\ co\ occurrence\ of\ child\ abuse\ and\ domestic\ violence^{281}$$

Assumptions used:

- based on 2-hours of health and social worker support per child/ week for 3 months, and an additional hour per month for three months to maintain contact. The total is 29 hours per case[282]
- rate of co-occurrence of child abuse and domestic violence is constant across Member States
- no set-up costs
- no Member State provides sufficient levels of support to child witnesses, but costs would be lower for Member States that have support services in place to account for the special needs of child witnesses of domestic violence. Therefore, the cost of support for Member States is discounted by 50% for Member States where such services are available in the baseline, and by 25% for Member States where such services are partially available[283]. For Member States (FR, HU, LI, MT) with no information available on the baseline, partially availability is assumed.
- no Member State provides services for maintaining contact with child witnesses and therefore all Member States incur full costs to provide this service.

d. Risk assessment and management

The estimation of this measure is based on the cost for law enforcement authorities to conduct individual risk assessments and risk management in a timely manner in cooperation with support services.

The following approach is used, for each Member State:

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[278] Eurostat, [earn_ses18_13]
[279] Eurostat, Population on 1st January 2020 [demo_pjanbroad]
[280]Country profiles, European Status report on preventing child maltreatment (2018): https://www.euro.who.int/__data/assets/pdf_file/0017/381140/wh12-ecm-rep-eng.pdf *Note: The prevalence rates vary considerably by country and may reflect reporting rates rather than actual rates. Therefore, a potential range of child maltreatment prevalence is used instead with Min value of 10.4% and Max value of 28.1%*
[281] Most reliable estimate of child abuse and domestic violence co-occurrence is 40%, as estimated by Walby (2004) and used in EIGE (2021).
[282] 2 hours per week x 4.345 weeks per month x 3 months) + (1 session a month x 3 months) = 29 hours per case
[283] Based on study's mapping of baseline situation

$$\boldsymbol{Cost} = number\ of\ women\ victims\ of\ physical\ violence\ that\ reported\ the\ crime \times hourly\ compensation\ of\ policy\ officer^{284} \times (one\ hour\ for\ screening + 25\% \times (two\ hours\ for\ in\ depth\ assessment + half\ an\ hour\ to\ cooperate\ with\ support\ services))$$

$$Number\ of\ women\ victims\ of\ physical\ violence\ that\ reported\ the\ crime = population\ of\ females\ 15\ to\ 64^{285} \times prevalence\ of\ physical\ violence\ against\ a\ woman^{286} \times proportion\ of\ women\ that\ report\ the\ crime\ to\ the\ police^{287}$$

Note that costs where not estimated for two Member States (IT, MT) with missing data on prevalence and therefore the total costs might be higher than estimated.

Assumptions used:

- due to lack of comparable data on the number of women victims of violence against women and domestic violence by Member State, the estimate of victims eligible for risk assessment is based on the broader category of all women victims of physical violence
- screening requires one hour, in-depth assessment requires two-hours and cooperation with victim support services required half an hour
- 25% of women victims qualify as high risk i.e. for in-depth assessment and referral to victim support services
- no set-up costs
- no Member State provides sufficient levels of individual risk assessment, but the cost is lower for Member States that carry out such assessments. Therefore, the total cost for Member States is discounted by 50% for Member States that carry out individual risk assessments in the baseline, and by 25% for Member States that partially carry out such assessments in the baseline[288].

1.2.3. Estimation of costs of access to justice

a. Criminalisation

The total investment required is assumed to be negligible as there are likely to be low administrative costs to change national and EU legislation and several Member States already have laws in place criminalising various forms of violence against women and domestic violence.

b. Measures against gender-based cyber violence

The estimation of this measure is based on the cost for Member States to allow online/other low-threshold reporting of incidents of OVAW to national law enforcement or other authorities.

[284] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more)
[285] Eurostat, Population on 1st January 2020 [demo_pjanbroad]
[286] Based on FRA 2020 survey results: https://fra.europa.eu/en/data-and-maps/2021/frs?mdq1=theme&mdq2=982
[287] Ibid.
[288] Based on study's mapping of baseline situation

The following calculation is used, for each Member State:

$$\boldsymbol{Cost} = \frac{number\ of\ cases\ reported\ under\ a\ low\ threshold}{number\ of\ cases\ per\ official}^{289} \times compensation\ for\ police\ officers\ per\ hour^{290} \times 2080\ hours\ in\ a\ working\ year.$$

$$Number\ of\ cases\ reported\ under\ a\ low\ threshold = population\ of\ females\ 15\ to\ 64^{291} \times percentage\ with\ personal\ experience\ with\ online\ violence^{292} \times proporion\ reporting\ such\ experience\ to\ an\ online\ platform^{293}$$

Assumptions used:

- constant reporting and prevalence of OVAW across Member States
- low threshold would translate into reporting of OVAW to police instead of platforms
- no set-up costs
- cost of training covered by [1.1 Training OVAW]
- cost of investigation covered by [3.5 Public prosecution]
- the assessment of the baseline did not find information on comparable measures in place, therefore it is assumed that all Member States incur full costs

c. Victim compensation

The estimation of this measure is based on the cost of providing access to compensation for victims of online serious gender based harassment. It is assumed that bodily injury and impairment of health and meaningful compensation to violence against women and domestic violence victims are covered by the baseline scenario, as current EU law already requires States to provide such compensation for violent intentional crimes.

The following approach is used, for each Member State:

[289] **1350 cases is used -** Internet Watch Foudnation (2020), 299,619 reports assessed in a year. Available at: https://annualreport2020.iwf.org.uk/trends

[290] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more)

[291] Eurostat, Population on 1st January 2020 [demo_pjanbroad]

[292] **38% -** Economist Intelligence Unit (2020) -Measuring the prevalence of online violence against women. Available at: https://onlineviolencewomen.eiu.com/ .

[293] **25% -** Economist Intelligence Unit (2020) -Measuring the prevalence of online violence against women. Available at: https://onlineviolencewomen.eiu.com/ .

$$\boldsymbol{Cost} = (number\ of\ women\ reporting\ online\ violence + number\ of\ women\ reporting\ gender\ based\ harassment) \times\ proportion\ of\ women\ that\ apply\ for\ compensation^{294} \times 50\%^{295} \times amount\ of\ state\ compensation\ awarded^{296})$$

$$number\ of\ women\ reporting\ online\ violence = population\ of\ females\ 15\ to\ 64^{297} \times percentage\ who\ personally\ experienced\ online\ violence^{298} \times\ percentage\ that\ reported\ to\ online\ platform^{299}$$

$$number\ of\ women\ reporting\ gender\ based\ harassment = (population\ of\ females\ 15\ to\ 64^{300} \times percentage\ who\ personally\ experienced\ harassment^{301} \times percentage\ reporting\ harassment\ incidents^{302})$$

Note that costs were not estimated for two Member States (IT, MT) with missing data on prevalence and therefore the total costs might be higher than estimated.

Assumptions used:

- the number of women experiencing harassment or discrimination is used as an estimate of the number of victims serious gender based harassment.
- no set-up costs
- limited to costs for the state. Obligation of the future directive would put on States to pay compensation in those situations where the victim is not able to recover such compensation from the perpetrator or other sources. It is assumed the state pays in 50% of the cases.
- negligible costs are incurred to inform victims of violence against women and domestic violence about the possibility to request compensation from the perpetrator and to provide a decision in a reasonable time.

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[294] Based on FRA 2020 survey results on percentage of respondents that reported contacting legal service/lawyers after the incidence of violence: https://fra.europa.eu/en/data-and-maps/2021/frs?mdq1=theme&mdq2=982

[295] Assumed in half the cases costs are not covered by the perpetrator but the state

[296] *Most suitable compensation is chosen from table on compensation costs provided.*
When that is not available, we use 2.5 times the minimum monthly wage.
No amount found for AT, DK and SE, therefore the average cost for the Netherlands was used

[297] Eurostat, Population on 1st January 2020 [demo_pjanbroad]

[298] Economist Intelligence Unit (2020) -Measuring the prevalence of online violence against women. Available at: https://onlineviolencewomen.eiu.com/ .

[299] Economist Intelligence Unit (2020) -Measuring the prevalence of online violence against women. Available at: https://onlineviolencewomen.eiu.com/ .

[300] Eurostat, Population on 1st January 2020 [demo_pjanbroad]

[301] Eurobarometer - In the past 12 months have you personally felt discriminated against or harassed on the basis of one or more of the following grounds? (Gender) (Percentage of respondents who mentioned each ground of discrimination)

[302] FRA (2019) - Women reporting the incident of harassment. Available at: https://fra.europa.eu/en/data-and-maps/2021/frs

d. Public prosecution

The estimation of this measure is based on the cost of investigation and prosecution *ex officio* of the new EU-crimes (on online violence).

The following approach is used, for each Member State:

$$\textbf{Cost} = (\,number\ of\ cases\ of\ OVAW - number\ of\ cases\ of\ OVAW\ seeking\ legal\ recourse\,) \times unit\ cost\ of\ prosecution[303] \times percentage\ of\ case\ pursued\ ex\ officio[304]$$

$$Number\ of\ cases\ of\ OVAW\ seeking\ legal\ recourse = number\ of\ cases\ of\ OVAW \times perentage\ of\ victims\ that\ seek\ legal\ recourse[305]$$

$$Number\ of\ cases\ of\ OVAW = population\ of\ females\ 15\ to\ 64[306] \times percentage\ with\ personal\ experience\ with\ online\ violence[307]$$

Assumptions used:

- due to lack of data available on the proportion of cases that are pursued ex officio, it is assumed that 20% of remaining of OVAW cases (i.e. cases not pursued by individual victims) are pursued ex officio for all Member States
- no set-up costs
- the assessment of the baseline did not find information on comparable measures in place, therefore it is assumed that all Member States incur full costs.

e. National coordination

The estimation of this measure is based on the cost of ensuring legal standing to equality bodies to assist and represent violence against women and domestic violence, incl. OVAW, victims in line with COM Rec on equality.

The following approach is used, for each Member State:

$$\textbf{Cost} = \left(additional\ FTEs\ required \times\ mean\ earnings\ of\ staff\ in\ equality\ bodies[308]\right)$$

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[303] The UK costs of crime report estimates the average prosecution cost of "sexual offences" to be £30 in 2015/2016: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954485/the-economic-and-social-costs-of-crime-horr99.pdf
- adjusted for each country's price level using PPP GDP/capita
- UK- EUR conversion rate of 1 GBP = 1.35503 EUR in Month 1 of 2016

[304] Assumed 20% due to lack of available information.

[305] **5% -** A resent EPRS study assumed that 5% of victims of both cyber-harassment and cyber-stalking seek legal recourse p.210. Available at : https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662621/EPRS_STU(2021)662621_EN.pdf

[306] Eurostat, Population on 1st January 2020 [demo_pjanbroad]

[307] **38% -** Economist Intelligence Unit (2020) -Measuring the prevalence of online violence against women. Available at: https://onlineviolencewomen.eiu.com/ .

Assumptions used:

- 2 additional FTEs required per Member State to assist and represent victims of violence against women and domestic violence including OVAW
- no set-up costs
- For countries with no data, assume average salary across 23 countries with data
- no costs for Member States where equality bodies already have a legal standing to receive GBV complaints or claims or sexual harassment and harassment based on sex
- for Member States where either equality bodies cannot receive GBV complaints or cannot receive claims of harassment, additional FTE's are needed. For Member State with no information on the baseline (SI), it is assumed that equality bodies have no legal standing and hence, full costs are incurred.

1.2.4. Estimated costs of victim support

a. General support – Special leave

The total investment required is negligible as general support services to victims of violence against women and domestic violence are covered in the baseline from a cost perspective. Additional costs are covered by 4.2 Specialist support, 4.3 Support to victims of OVAW, 4.4 Support to victims of gender-based harassment at work and 4.5 Access to shelters. Moreover, the cost if issuing guidelines is assumed to be minimal.

The estimation of this measure is based on the cost of the obligation for MS to provide three days of special leave compensated at the level of sick leave for all victims of violence against women and domestic violence. The cost falls on companies. The following approach is used, for each Member State:

$$\boldsymbol{Cost} = number\ of\ women\ victims\ of\ physical\ violence\ that\ reported\ the\ crime \times mean\ daily\ compensation\ of\ females\ aged\ 16\ to\ 64^{309} \times three\ days\ of\ leave$$

$$Number\ of\ women\ victims\ of\ physical\ violence\ that\ reported\ the\ crime = population\ of\ females\ 15\ to\ 64^{310} \times prevalence\ of\ physical\ violence\ against\ a\ woman^{311} \times proportion\ of\ women\ that\ report\ the\ crime\ to\ the\ police^{312}$$

Note that costs where not estimated for two Member States (IT, MT) with missing data on prevalence and therefore the total costs might be higher than estimated.

Assumptions used:

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[308] Eurostat, [earn_ses18_17] (Public administration and defence; compulsory social security; education; human health and social work activities; arts, entertainment and recreation; other service activities > 10 employees or more)
[309] Eurostat mean income by age and sex - EU-SILC and ECHP surveys. online data code: ILC_DI03
[310] Eurostat, Population on 1st January 2020 [demo_pjanbroad]
[311] Based on FRA 2020 survey results: https://fra.europa.eu/en/data-and-maps/2021/frs?mdq1=theme&mdq2=982
[312] Ibid.

- due to lack of comparable data on the number of women victims of violence against women and domestic violence by Member State, the estimate of victims eligible is based on the broader category of all women victims of physical violence
- Three-day leave is implemented in all MSs
- Level of sick leave compensation set at 100% of pay
- negligible cost of issuing guidelines
- no set-up costs.

b. Specialised support

The estimation of this measure is based on the cost of ensuring availability of specialist women's support services to all women victims of violence and their children and groups at a heightened risk of violence (such as migrant women, victims from minority communities, women with disabilities, women working in the sex industry and women prisoners).

The following calculation is used, for each Member State:

$$\boldsymbol{Cost} = \big(annual\ government\ expenditure\ for\ specialist\ services\ for\ sexualised\ violence^{313} \times percentage\ of\ missing\ services\ for\ survivors\ of\ sexualised\ violence^{314}\big) \times 1.1$$

Note that costs where not estimated for three Member States (RO, SI, SE) with missing data on the proportion of missing services and therefore the total costs might be higher than estimated.

Assumptions used:

- due to lack of data available on Member State expenditure on specialist support services for women victims of violence against women and domestic violence and their children, the annual UK expenditure adjusted by relative population size of UK and each EU Member State is used
- no set-up costs
- the expenditure needed is a function of the percentage of missing expenditure on survivors of sexualised violence
- all Member States need an additional 10% of total expenditure to ensure availability of services to groups at heightened risk.

c. Support to victims of gender-based cyber violence

The estimation of this measure is based on the cost of providing on- and offline support for victims of gender-based cyber violence against women.

The following approach is used, for each Member State:

[313] EIGE (2021) - annual UK government expenditure on specialist support services for women victims of GBV: EUR 19,653,064. MS expenditure is then adjusted by relative population size of UK and each EU MS.
[314] Specialised services for sexualized violence in EU Member States (2018) - WAVE annual report

$$\boldsymbol{Cost} = six\ hours\ per\ year^{315} \times (number\ of\ cases\ reported \times health\ and\ social\ worker\ staff\ salary\ per\ hour^{316})$$

$$Number\ of\ cases\ reported = population\ of\ females\ 15\ to\ 64^{317} \times proportion\ with\ personal\ experience\ with\ online\ violence^{318} \times proportion\ reporting\ such\ experience\ to\ an\ online\ platform^{319}$$

Assumptions used:

- no set-up costs
- each reported case of OVAW is dealt with 6 one-hour sessions
- on-line support is already covered under the helplines [4.6]
- the assessment of the baseline did not find information on comparable measures in place, therefore it is assumed that all Member States incur full costs

d. Support to victims of gender-based work harassment

The estimation of this measure is based on the cost to all employers including SMEs of providing support to victims of gender-based work harassment through one-to-one sessions (online or face-to-face).

The following calculation is used, for each Member State:

$$\boldsymbol{Cost} = health\ staff\ time\ needed\ per\ year\ per\ large\ enterprise\ and\ SME \times Hourly\ earnings\ for\ health\ staff^{320} \times number\ of\ large\ enterprises\ and\ SMEs^{321}$$

[315] assuming each case is dealt with 6 one-hour sessions for the whole year.
[316] Eurostat, [earn_ses18_13] (Human health and social work activities salary; compulsory social security > 10 employees or more)
[317] Eurostat, Population on 1st January 2020 [demo_pjanbroad]
[318] **38% -** Economist Intelligence Unit (2020) -Measuring the prevalence of online violence against women. Available at: https://onlineviolencewomen.eiu.com/ .
[319] **25% -** Economist Intelligence Unit (2020) -Measuring the prevalence of online violence against women. Available at: https://onlineviolencewomen.eiu.com/ .
[320] Eurostat, [earn_ses18_13] (Human health and social work activities salary; compulsory social security > 10 employees or more)
[321] Eurostat, Structural Business Statistics (2018) [SBS_SC_SCA_R2]

$$health\ staff\ time\ needed\ per\ year\ per\ large\ enterprise\ and\ SME$$
$$= employment\ per\ large\ enterprise\ and\ SME^{322}$$
$$\times percentage\ of\ females\ in\ total\ employment^{323}$$
$$\times of\ female\ employees\ subject\ to\ work\ based\ harassment\ in\ the\ past\ 12\ months^{324} \times 2$$
$$- hours$$

Assumptions used:

- no set-up costs
- for countries with 0% prevalence reported i.e. BG & RO, assume prevalence rate of EU-27 average
- each reported case of gender-based work harassment is dealt with two-hour sessions
- the assessment of the baseline did not find information on comparable measures in place, therefore it is assumed that all Member States incur full costs.

e. Shelters

The estimation of this measure is based on the cost of providing an additional 10% of refuge spaces needed options 1 and 2A) and all spaces needed i.e. one refuge space per 10,000 population (2B) for women victims of violence against women and domestic violence and their children.

The following calculation is used, for each Member States:

$$\boldsymbol{Cost} = \left(Additional\ beds\ needed \times \left(0.1^{325}\right) \times unit\ cost\ of\ a\ refuge\ space\ per\ year^{326}\right) + \left(\frac{Additional\ beds\ needed}{Average\ capacity\ per\ shelter^{327}} \times expenditure\ needed\ to\ establish\ a\ shelter^{328}\right)$$

[322] Eurostat, Structural Business Statistics (2018). [SBS_SC_SCA_R2].
Data for Austria, Italy and Portugal are estimated based on EU average share of employment in large enterprises to population aged 15-74. i.e.: Employees in large enterprises in Austria = Austrian population 15-74*EU share of the population employed in large enterprises (~14%).
[323] Eurostat, [lfsq_egan2].
[324] Eurofound (2015). *"Over the last 12 months, during the course of your work have you been subjected to harassment*?" (% of respondents, 15+ workers, total is for EU-28. Available at: https://eige.europa.eu/gender-statistics/dgs/indicator/genvio_sex_harass_sur__ewcs_harassment
[325] Assume 10% of additional beds are provided under 2A.
[326] Cost estimation received from WAVE on the average cost of a shelter bedspace for a woman (with or without child) for four MS (AT, MT, SI, SE). *Note: due to considerable differences across Member States, minimum and maximum estimates were used.*
[327] Assuming an average 125-person capacity/shelter based on estimated capacity from WAVE annual report (2018) data on number of accessible shelters and number of spaces available.
[328] Based on a project example where Cyprus' first purpose-built shelter to accommodate women and children received €742,920 in grants. See: https://eeagrants.org/sites/default/files/resources/Gender-based%2Bviolence_Updated092014.pdf

$$Additional\ beds\ needed = \left(\frac{Population\ on\ 1st\ Jauary\ 2020}{10{,}000}[329] - existing\ number\ of\ beds\ in\ shelters[330]\right)$$

Assumptions used:

- due to lack of available data, it is assumed that the expenditure needed to establish a shelter is the same across all Member States
- the encouragement of shelter provision (option 1 and 2A) would lead to 10% of additional beds provided and obligation to provide one refuge space for 10,000 population (2B) would lead to all additional beds provided
- the requirement for 1 space per 10,000 population would be sufficient to provide safe accommodation to all women victims of violence against women and domestic violence and their children that need it
- for Member States (CY, EE, LV, LU, MT, SI) that already exceed or meet the requirement for 1 space per 10,000 population in the baseline, no costs are incurred.

f. Helplines

The estimation of this measure is based on the cost of setting-up and operating state-wide 24/7 helpline free of charge for victims of violence against women and domestic violence.

The following calculation is used, for each Member State:

$$\boldsymbol{Cost} = (budget\ needed\ to\ establish\ a\ helpline[331] + budget\ needed\ to\ operate\ a\ helpline\ per\ year[332])$$

Assumptions used:

- due to lack of available data, it is assumed that the budget needed to establish a helpline is the same across all Member States
- for Member States (AT, BG, CY, DK, EE, FI, DE, EL, IE, IT, LT, RO, SK, ES, SE) that have 24/7 toll free helpline in place for victims of violence against women and domestic violence[333], no additional costs are incurred to set-up and operate the national helpline
- negligible cost of setting-up a harmonised EU helplines and no costs to run a harmonised EU helpline.

[329] Eurostat [DEMO_PJAN]
[330] WAVE annual report 2018, Table 7.
[331] Estimated based on GREVIO report for Poland (2018) where the state expenditure for the establishment of a 24-hour toll free hotline for victims of GBV.DV was €78,822.
[332] Cost estimation received from WAVE on how much it costs per year to operate a women's helpline which runs 24/7 for free for three MS (AT, EL, MT,). *Note: due to considerable differences across Member States, minimum and maximum estimates were used.*
[333] Based on information available from WAVE annual report (2018) on national women's helplines in EU MS meeting the standard of the Istanbul Convention.

g. Coordination of measures against gender-based work harassment

The total investment required to discuss measures against gender-based harassment with social partners is assumed to be minimal.

1.2.5. Estimated costs of coordination

a. Monitoring, incl. data collection

The estimation of this measure is based on the cost of participating in a survey coordinated at the EU-level on violence against women and domestic violence and of conducting administrative data collections at regular intervals meeting ICCS standards.

The following calculation is used, for each Member State:

$$\boldsymbol{Cost} = Costs\ to\ participate\ in\ an\ EU - \text{violence against women and domestic violence}\ survey\ per\ year + costs\ to\ fill\ national\ questionnaires\ per\ year + costs\ of\ changing\ the\ national\ data\ collection\ system^{334} + cost\ of\ maintaining\ central\ database\ on\ admin\ data^{335}$$

$$Costs\ to\ participate\ in\ an\ EU - \text{violence against women and domestic violence}\ survey\ per\ year = cost\ per\ interviewee^{336} \times sample\ size\ of\ survey^{337}$$

$$Costs\ to\ fill\ national\ questionnaires\ per\ year = hourly\ cost\ to\ fill\ questionnaire^{338} \times 360^{339}$$

Assumptions used:

- the assessment of the baseline did not find information national administrative data collection based on ICCS standards, therefore it is assumed that all Member States would incur this cost. Moreover, the costs to participate in an EU-level survey on violence against women and domestic violence represents a new cost to all Member States and therefore, all Member States would incur costs every two-years.
- assumed cost of €100 cost per interviewee includes all costs that would need to be incurred by Member States

[334] Based on the estimated hourly cost of a database developer (see: https://www.approvedindex.co.uk/database-developers/database-prices) converted to EUR based on 2021 mid-year conversation rates, assuming 120 hours are required to change the data collection system.
[335] Cost of updating and maintaining EIGE's Gender Statistics Database is used as a proxy of yearly maintenance cost.
[336] Assumed €100 cost per interviewee
[337] Based on information obtained on ESTAT on estimated sample size for countries currently implementing the EU-GBV survey
[338] Mean hourly earnings by sex, age and economic activity [EARN_SES18_13] of public administration and defence; compulsory social security; education; human health and social work activities; arts, entertainment and recreation; other service activities. EU-27 average used for countries with missing data (AT, BE, EL, PT)
[339] Assuming 120 hours are required per admin data collection, assuming three such collections in a year (police, judiciary, support services)

- for countries with no data on sample size it is assumed that, an average across all countries is assumed
- due to lack of available data on number of hours required to change a data collection system and to complete questionnaires on administrative data, it is assumed that they require 120 hours each and that three administrative data collections would be required in a year.

b. Multi-agency service provision

The estimation of this measure is based on the cost of the obligation for MS to provide multi-agency and multi-disciplinary one-stop access to relevant protection and support services in the same premises. The following approach is used, for each Member State:

$$\boldsymbol{Cost} = number\ of\ employees\ needed\ \times annual\ salary\ of\ health\ and\ ocial\ workers^{340}$$

$$number\ of\ employees = 4\ by\ default.$$

To match population differences, this is increased by 1 employee for every 2 million females aged 15 to 64[341] (when the female population is above 10 million)

Assumptions used:

- Minimum of four staff members needed for information centre
- employees compensated at the level of "health and social workers"
- Assuming 52 times 40-hour weeks every year
- no set-up costs

1.3. Estimation of cost reductions (economic benefits)

The overall costs of violence against women and domestic violence estimated to be €290 billion by EIGE were used for the costs in the status quo. The estimated reduction in costs was calculated for each of the cost categories measured by EIGE, which includes[342]:

- Lost economic output to individual victims measured in lost earnings due to time taken off work and lost productivity
- Health services costs to national authorities as victims of gender-based violence make use of health services for treatment of physical and mental harms
- Criminal justice system costs to national authorities due to involvement in investigations and prosecutions of gender-based violence
- Civil justice system costs to national authorities to provide legal aid to victims of gender-based violence to separate from a violent partner

[340] Eurostat Mean hourly earnings for human health and social work activities > 10 employees or more - Eurostat (online code EARN_SES18_13). For countries with no data average of countries with available data (10.2) was used
[341] Eurostat, Population on 1st January 2020 [demo_pjanbroad]
[342] Estimation of the costs of gender-based violence in the UK case study and extrapolation to EU Member States (forthcoming EIGE paper, 2021).

- Social welfare costs to national authorities to provide housing aid and child protection to victims of gender-based violence
- Personal costs to individual victims of moving homes due to divorce related to gender-based violence and to self-fund legal proceedings for separation from a violent partner
- Physical and emotional impacts to individual victims due to negative impacts of the crime on quality of life

The calculation of ***cost reductions*** were made using the formula below:

$$\textbf{\textit{Cost reduction}} = cost\ of\ violence\ against\ women\ and\ domestic\ violence\ \ by\ cost\ category \times \%\ reduction\ in\ prevalence$$

The following assumptions were made for the calculation:

- Two scenarios, short and long term, for each of the (sub-) options, were considered for the percentage reduction in prevalence: 15% and 20% reduction (option 1); 20% reduction and 30% reduction (2a) and 22% reduction and 32% reduction (2b). The scenario's build on the European Parliament's assessment of the added value of Gender-based violence as a new area of crime listed in Article 83(1) TFEU[343]. The assessment assumed that the prevalence of violence against women and domestic violence will decrease by 10% in the short-term (about five years) and 20% – 30% in the long-term (about 10 years) after an EU–wide legislation is introduced.
- Given that policy option 2b includes additional measures for support to victims of violence against women and domestic violence and for prevention, the reduction in prevalence was assumed to be greater than that estimated by the European Parliament's assessment. This is consistent with e.g. an assessment of the US National Crime Victimization Survey (NVCS) that found that the use of victim services was associated with a 40 percent reduction in the risk of repeat victimisation[344].
- The reduction in costs is proportionate to the decrease in prevalence of gender-based violence under each scenario.
- For the criminal and civil justice system, there are counteracting economic impacts of an increase in costs due to increased reporting of gender-based or domestic violence and a decrease in costs due to the reduction in prevalence. The assumed change is therefore a lower proportion compared to the other cost categories.

To estimate the percentage reduction for the criminal justice system and civil justice system, calculations were made using the formula below which is used by the European Parliament's assessment[345]:

$$\%\ \textbf{\textit{reduction in prevalence}} = (1 + \%change\ in\ prevalence) \times (1 + \%\ change\ in\ reporting) - 1$$

The following sources and assumption were used for the above calculation:

[343] https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662640/EPRS_STU(2021)662640_EN.pdf
[344] Ibid.
[345] https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662640/EPRS_STU(2021)662640_EN.pdf based on approach by N. Lomba, C. Navarra, M. Fernandes, Combating Gender-based Violence: Cyber Violence, briefing, EPRS, European Parliament, 2021.

- The measures under this policy option (e.g. criminalisation, awareness-raising, information provision to victims of violence against women and domestic violence and encouragement of reporting of violence against women and domestic violence by witnesses and professionals) is likely to lead to an increase in reporting of violence against women and domestic violence violence against women and domestic violencecases. This change in reporting rates would likely lead to higher costs for the criminal and civil justice system.
- The change in reporting rates is assumed to be 10% for option 2a. This assumption is based on a European Parliament study[346] which estimates that an EU Directive on gender-based cyberviolence could increase reporting rates by 5% to 10%. Given that this policy option includes measures beyond EU-level criminalisation, the higher bound of 10% is used.
- Given that reporting rates might increase further due to additional support measures in 2b, the reporting rate is assumed to be 12.5% for option 2b.
- The increase in reporting rates is assumed to be the same in the two scenarios for option 2a and 2b.

[346] N. Lomba, C. Navarra, M. Fernandes, Combating Gender-based Violence: Cyber Violence, briefing, EPRS, European Parliament, 2021.

ANNEX 5: Assessment of measures

1.1. Problem area: prevention of violence against women and domestic violence

1.1.1. Assessment of measure 1.1.b Awareness raising, provision of information and training of professionals

Measure 1.1.b will include:

- **Right to information**: Obligation of MS to provide information to victims of violence against women and domestic violence (IC art. 19).
- **Awareness raising**: Obligation of MS to conduct regular awareness-raising and provide information to the general public (Art. 13 IC, 14 IC)
- **Awareness raising (online VAW):** N/A
- **Training**: Obligation of MS to provide training on violence against women and domestic violenceto relevant professionals dealing with victims or perpetrators (IC 15):
  - voluntary to participants;
  - at intervals determined by the MS
- **Training (online VAW)**: N/A

Assessment criterion	Assessment
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)	The measure will have some impact in relation to achieving this policy objective. First, it will put in place, across the EU, in a comprehensive manner, a set of prevention measures aimed at raising awareness of the general public and specific target groups. Currently, all 27 EU Member States operate awareness raising campaigns, mostly directly towards victims of DV/VAW to guide them towards dedicated helplines and information provision. However, their quality, coverage and frequency differ to a great extent. It would therefore be important for this measure to set some minimum standards as to the substance, type and scape of campaigns. Based on available evidence, larger, well-targeted campaigns using appropriate communication tools seem to have most impact. For example, in the last few years, due to a strong EU emphasis on the awareness raising part concerning prevention of VAW, many MS joined the EU campaign of 'Orange the World' carried out on 25 November – the international day of violence against women; the UN campaigns of 16 Days of Activist against VAW and White Ribbon Campaign and by organising and participating in visible, public events on 25th November where the situation of VAW is presented, discussed, political statements formulated and some new actions or plans announced. The main impacts anticipated from awareness raising measures will be related to behavioural changes amongst victims, their immediate social environment, specific target groups, perpetrators and wider society. However, as they are aimed at the general public and not targeted, they may not engage with those who are harder to reach and potentially at heightened risk of violence. Such campaigns are also non-existent in the Member States. The measure also includes an obligation to produce training to professionals dealing with victims and perpetrators. This would improve the nature and quality of support provided to victims. Training of police has also, for example, has been shown to result in stronger prosecution.[347] Although training is available in all Member States, it is does not include all relevant professionals.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence	No impact on this objective

[347] Violence Against Women Act (VAWA) Funding A Nationwide Assessment of Effects on Rape and Assault: https://journals.sagepub.com/doi/pdf/10.1177/1077801208329146

Assessment criterion	Assessment
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence	The right to information will support women in obtaining better access to justice, as they will gain a better understanding of the legal process and relevant organisations to support them. The training of professionals will, to a similar extent, ensure that relevant practitioners are able to better detect and respond to acts of violence. They will also be better able to cooperate with other relevant agencies. This is expected to improve overall access to justice for victims.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence	The right to information will improve access to support services for women, as they will be better informed about services and organisations available. The training of professionals may also, to some extent, contribute to this objective as professionals, as part of their increased knowledge of cooperation structures, may also be able to refer victims to relevant support services.
Ensuring that gender based harassment of women at work is effectively addressed	No impact on this objective
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence	No impact on this objective
Social impacts	If implemented, this measure is expected to have **a limited extent of social impacts** on the following groups. **Victims of violence against women or domestic violence** Awareness raising measures can be expected to lead to behavioural changes in terms of victims more willing to report such violence to the authorities, understand their rights to be free from violence, and seek help. The training of professionals and right to information will improve their access to justice and to support services. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The training of professionals may lead to an improvement in the detection and handling of particular groups of victims. **Perpetrators of violence against women or domestic violence** Behavioural changes impacts from awareness raising measures can be expected in terms of perpetrators recognising their acts of violence, coming forward, and asking for help. For this, however, campaigns would need to be tailored to men. **Wider society** Positive impacts from awareness raising measures can be expected in terms of better understanding of such violence and changing social norms, raising the issue to the public attention, and increasing the public awareness of its extent and scale across society. Ultimately, they can help the wider public to take such violence more seriously and considerately and approaching it as an all-society problem. Transformative changes in social attitudes and acceptance take however relatively long time to spread into society. In the more immediate environment of the victims (friends, relatives, neighbours), awareness raising measures can encourage the willingness to support victims in reporting and taking other actions, directly intervene, and help to address such violence. This should encourage the target groups to take action, intervene and help the victims by contacting the authorities and getting help. Awareness raising measures aimed at children and young people can help to decrease the likelihood of such violence at a later life stage and increase the likelihood of reporting such violence when witnessed in their environment. **National authorities** Overall, political acceptance of the measure is likely to be high, considering that most already have similar ones in place.
Fundamental rights	*Victims of violence against women and domestic violence:* - Right to life (Article 2) - Right to the integrity of the person (Article 3) - Prohibition of torture and inhuman or degrading treatment (Article 4) - Non-discrimination (Article 21) - Rights of the elderly (Article 25) - Integration of persons with disabilities (Article 26) - Right to an effective remedy and to a fair trial (Article 47)

<table>
<tr><th>Assessment criterion</th><th>Assessment</th></tr>
<tr><td></td><td>Child victims /witnesses
- Protection of the rights of the child (Article 24).</td></tr>
<tr><td>Environmental impacts</td><td>No impacts expected.</td></tr>
<tr><td>Administrative and compliance costs</td><td>The costs of the measures are expected to be born by the EC, Member State authorities and support of other organisations (if running awareness-raising campaigns). More specifically:
The EC is expected to incur costs for the development of the Directive, and for providing additional guidance and organising consultation during transposition. It will also incur costs for monitoring and reporting on the implementation of the Directive.
Possibly, the EC may also co-fund awareness raising campaigns, but the costs of these are presented below and relate to public authorities.
Public authorities will incur costs for running the awareness-raising campaigns and developing and organising training to relevant professionals that are shown below.
<table>
<tr><th></th><th>One-off development cost</th><th>Running cost per annum</th><th>Total EU cost (Millions of euros)</th></tr>
<tr><td>Awareness-raising</td><td>0.5</td><td>1.7 – 4.0</td><td>1.7 – 4.0</td></tr>
<tr><td>Training</td><td>0.6</td><td>18.4</td><td>19.0</td></tr>
</table>
Costs for awareness-raising are based on minimum and maximum estimates for conducting one awareness-raising for the general public on violence against women and domestic violence. Costings assume that Member States would conduct an additional two such campaigns in a year compared to the baseline. Therefore, all Member States are assumed to incur the same costs for awareness-raising. While it is likely that a group of Member States that currently meet the IC standards would incur lower or close to zero costs and hence the total EU cost might be lower, information is not available to the number of campaigns conducted in these Member States in the baseline.
Training costs are based on the cost of developing a 2-hour online training session and the cost of attending a 2-hour training session for police officers, lawyers, prosecutors, and judges. The cost of attending a training session is based on number of police officers, lawyers, prosecutors, and judges (assuming 15% of the total number in each group attend the training session) and their hourly national wages. Costings assume that no Member States conduct training for relevant professionals dealing with victims or perpetrators in the baseline. Although details are not available on hours of training provided, Member States already provide training to relevant professionals on victims' rights in the baseline which means total EU costs might be lower. However, since existing trainings to do necessarily target violence against women and domestic violence victims, it is assumed that all Member States would incur additional costs.
The cost for the provision of information to victims of violence against women and domestic violence will be fulfilled through awareness-raising campaigns and training of professionals and therefore, costs are assumed to be zero.</td></tr>
</table>

Overall, introducing a legal obligation and setting regular and mandatory awareness-raising, training and the right to information in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to strengthen the implementation of relevant measures and improve their quality in many Member States, in particular in those which have not ratified the IC and those in which current measures are found to be lacking or insufficient in scale or scope. These measures are crucial are tackling embedded negative gender stereotypes and norms that are at the heart of violence against women. The training is not however mandatory which may mean gaps in the provision of training remain. It will bring benefits to victims and wider society, and may also help potential and actual perpetrators to change their behaviour.

The total investment required amount to Million Euros 20.7 – 22.9.

The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.

1.1.2. Assessment of measure 1.1.c Awareness raising, provision of information and training of professionals

- **Right to information**:
  - Obligation of MS to provide information to victims of violence against women and domestic violence (IC art. 19).

- **Awareness raising**:
  - Obligation of MS to conduct regular awareness-raising and provide information to the general public (Art. 13 IC, 14 IC)
  - Targeted awareness-raising and provision of information for **groups at a heightened risk** of violence against women and domestic violence
- **Awareness raising (online VAW):**
- **Information provision** on OVAW to the general public and relevant professionals (incl. media literacy).
- **Training**:
  - Obligation of MS to provide **mandatory and regular** training on violence against women and domestic violence to relevant professionals dealing with victims or perpetrators (IC 15):
    - voluntary to participants;
    - at intervals determined by the MS
- **Training (online VAW)**:
  - Equipment of law enforcement and judicial authorities with **specialized resources/training** to prosecute OVAW.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		The measure will have some impact in relation to achieving this policy objective. First, as with measure 1.1.b, it will put in place, across the EU, in a comprehensive manner, a set of prevention measures aimed at raising awareness of the general public. Currently, all 27 EU Member States operate awareness raising campaigns, mostly directly towards victims of violence against women and domestic violenceto guide them towards dedicated helplines and information provision. However, their quality, coverage and frequency differ to a great extent. It would therefore be important for this measure to set some minimum standards as to the substance, type and scape of campaigns. Based on available evidence, larger, well-targeted campaigns using appropriate communication tools seem to have most impact. For example, in the last few years, due to a strong EU emphasis on the awareness raising part concerning prevention of VAW, many MS joined the EU campaign of 'Orange the World' carried out on 25 November – the international day of violence against women; the UN campaigns of 16 Days of Activist against VAW and White Ribbon Campaign and by organising and participating in visible, public events on 25th November where the situation of VAW is presented, discussed, political statements formulated and some new actions or plans announced. The main impacts anticipated from awareness raising measures will be related to behavioural changes amongst victims, their immediate social environment, specific target groups, perpetrators and wider society. The measure will also implement **targeted** awareness-raising and provision of information for groups at a heightened risk of violence against women and domestic violence, which will engage with those who are harder to reach and potentially at heightened risk of violence. Such campaigns are also non-existent in the Member States. Finally, the measure will add provisions on **online violence against women**. Information will be provided to the general public and relevant professionals specifically on this topic, including on media literacy. This will help prevent this form of violence, and will educate victims and the wider public about their rights related to online violence. Further, including this type of targeted information provision in a legal instrument about gender-based violence and violence against women will send the message that this form of gendered violence is unacceptable and must be addressed. The measure will also equip law enforcement and judicial authorities with specialized resources and training to prosecute online violence against women, which will increase investigation, prosecution and sanctioning of such perpetrators. The **training of professionals** is also expected to positively impact on this objective, as it will help professionals on how to prevent secondary victimisation. This measure will implement **mandatory and regular** training, which will enhance prevention through ensuring consistency in professional conduct. Training professionals in a mandatory and regular way will also send the

Assessment criterion	Score	Assessment
		message that it is crucial to appropriately and adequately help victims of gender-based violence and violence against women. While in place in all Member States, it is not mandatory in all Member States (see Mapping in Annex) and the new Directive will add important value in terms of setting out the minimum standards for such training, based on the IC.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		As with measure 1.1.b, the right to information will support women in obtaining better access to justice, as they will gain a better understanding of the legal process and relevant organisations to support them. The **regular and mandatory** training of professionals will, to a similar extent, ensure that relevant practitioners are able to better detect and respond to acts of violence. They will also be better able to cooperate with other relevant agencies. This is expected to improve overall access to justice for victims. The measure will also equip law enforcement and judicial authorities with specialized resources and training to prosecute online violence against women, which will increase investigation, prosecution and sanctioning of such perpetrators.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		As with measure 1.1.b, the right to information will improve access to support services for women, as they will be better informed about services and organisations available. The regular and mandatory training of professionals may also, to some extent, contribute to this objective as professionals, as part of their increased knowledge of cooperation structures, may also be able to refer victims to relevant support services.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective
Effectiveness – other impacts		
Social impacts		If implemented, this measure is expected to have **a limited extent of social impacts** on the following groups. **Victims of violence against women and domestic violence** Awareness raising measures can be expected to lead to behavioural changes in terms of victims more willing to report such violence to the authorities, understand their rights to be free from violence, and seek help, including specifically related to online violence against women. The training of professionals and right to information will improve their access to justice and to support services. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The regular and mandatory training of professionals may lead to an improvement in the detection and handling of particular groups of victims. Awareness-raising and provision of information will also be targeted for groups at a heightened risk of gender-based violence and domestic violence, which will ensure particular groups of victims (including those at risk of intersectional discrimination) will receive information about their rights which is specific and sensitive to their needs. **Perpetrators of violence against women and domestic violence** Behavioural changes impacts from awareness raising measures can be expected in terms of perpetrators recognising their acts of violence, coming forward, and asking for help. For this, however, campaigns would need to be tailored to men. The measure will equip law enforcement and judicial authorities with specialized resources and training to prosecute online violence against women, which will increase investigation, prosecution and sanctioning of such perpetrators.

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>Wider society
Positive impacts from awareness raising measures can be expected in terms of better understanding of such violence and changing social norms, raising the issue to the public attention, and increasing the public awareness of its extent and scale across society. The information provision in this measure will also include specific information about online violence against women, and ultimately, they can help the wider public to take such violence more seriously and considerately and approaching it as an all-society problem.
In the more immediate environment of the victims (friends, relatives, neighbours), awareness raising measures can encourage the willingness to support victims in reporting and taking other actions, directly intervene, and help to address such violence. This should encourage the target groups to take action, intervene and help the victims by contacting the authorities and getting help.
Awareness raising measures aimed at children and young people can help to decrease the likelihood of such violence at a later life stage and increase the likelihood of reporting such violence when witnessed in their environment.
National authorities
Overall, political acceptance of the measure is likely to be high, considering that most already have similar ones in place.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
- Right to life (Article 2)
- Right to the integrity of the person (Article 3)
- Prohibition of torture and inhuman or degrading treatment (Article 4)
- Non-discrimination (Article 21)
- Rights of the elderly (Article 25)
- Integration of persons with disabilities (Article 26)
- Right to an effective remedy and to a fair trial (Article 47)
Child victims /witnesses
- Protection of the rights of the child (Article 24).</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><td colspan="3">Efficiency: comparison of benefits and costs</td></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>This option requires that Member States conducted targeted awareness-raising campaigns providing information to groups at heightened risk of violence against women and domestic violence and provide regular and mandatory training to professionals working with violence against women and domestic violence. Therefore, in addition to the costs estimated under 1.1b, public authorities will incur costs for running more targeted awareness-raising campaigns and developing and organising tailored trainings for relevant professionals.
<table>
<tr><th></th><th>One-off development cost</th><th>Running cost per annum</th><th>Total EU cost (Millions of euros)</th></tr>
<tr><td>Awareness-raising</td><td>-</td><td>2.2 – 4.4</td><td>2.2 – 4.4</td></tr>
<tr><td>Training</td><td>1.2</td><td>24.5</td><td>25.7</td></tr>
</table>
Costs for awareness raising are based on the unit cost of a campaign that targets groups at heightened risk of violence against women and domestic violence. Costings assume that Member States would conduct two such campaigns in a year in addition to two campaigns in a for the general public on violence against women and domestic violence year compared to the baseline
Training costs are based on the cost of developing an additional 2-hour online training session tailored to violence against women and domestic violence victims and the cost of attending a 2-hour training session for police officers, lawyers, prosecutors, and judges that work with victims of violence against women and domestic violence. The cost of attending a training session is based on number of police officers, lawyers, prosecutors, and judges (assuming an additional 5% of the total number in each group attend the training session) and their hourly national wages. Costings assume that no Member States conduct regular training for professionals working with victims of violence against women and domestic violence in the baseline.
The approach to right to information is the same as the second policy option and therefore no additional costs are incurred.</td></tr>
<tr><td colspan="3">Overall assessment</td></tr>
</table>

Assessment criterion	Score	Assessment
Overall, introducing a legal obligation and setting regular and mandatory awareness-raising, training and the right to information in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to strengthen the implementation of relevant measures and improve their quality in many Member States, in particular in those which have not ratified the IC and those in which current measures are found to be lacking or insufficient in scale or scope. This measure **improves upon measure 1.1.b** as it adds targeted awareness-raising and provision of information for groups at a heightened risk, information provision on OVAW to the general public and relevant professionals (including media literacy), equipment of law enforcement and judicial authorities with specialized resources/training to prosecute online violence against women, and makes the training of professionals regular and mandatory. The measure will contribute to meeting three policy objectives by bringing positive changes in terms of a greater awareness, better understanding, etc. It will bring benefits to victims and wider society, and may also help perpetrators to change their behaviour and seek help. In comparison to measure 1.1.b, the measure will additionally include targeted awareness-raising and provision of information for groups at a heightened risk, improving vulnerable groups' awareness about their rights. The total investment required amount to 31.7 – 36.2 Million Euros. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.		

1.1.3. Assessment of measure 1.2.b gender-based cyber violence against women - self-regulatory standards

- **Self-regulatory standards**: Encouragement of MS to encourage IT platforms and the media to establish self-regulatory standards to address violence against women and domestic violence and the root causes of such violence (Art. 17 IC).

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		This measure will encourage Member States to incentivise the private sector, the information and communication technology sector, and the media to implement self-regulatory standards. These standards will prevent online violence against women and domestic violence and will enhance respect for the dignity of such victims, an area which has been severely lacking in regulation and monitoring. Guidelines and standards brought in by the sector will limit the sharing of violent or abusive content, therefore reducing the capacity of perpetrators to conduct online abuse. Victims of gender-based online violence against women have benefitted somewhat from the general EU provisions applicable to all victims, for example Art. 21(2) of the Victims Rights Directives requires Member States to encourage the media to take self-regulatory measures to protect the privacy of victims. However, a strength of this measure will be to specifically address online **violence against women** which will more effectively and comprehensively contribute to effective protection and support. Currently, no countries, except Romania, have a specific definition of online violence in law. Eleven states (BE, FR, IE, IT, MT, NL, PL, PT, ES, SE) have criminalised or are about to criminalise non-consensual dissemination of intimate/private/sexual images specifically. A clear definition and/or criminalisation would facilitate the establishment of self-regulatory standards, as the latter could be based on principles in the law. However, for Member States without a definition or criminalisation, the standards will not have such a basis. Industry's own self-regulatory standards brought in by this measure should nevertheless reduce the availability of online violence, including non-consensual dissemination of intimate/private/sexual images. The self-regulatory standards could include measures recommended by GREVIO, including offering easily accessible effective complaint mechanisms for users to report harmful content, incentivising commercial online activities that incorporate a human rights perspective at all stages of their activity, and making legal information and information about requesting the removal of non-consensual content, including images or videos, available on their platforms. Another standard could be to ensure that spy software or stalkerware cannot do harm. However, the measure is **self-regulatory** and therefore will have less impact and harmonisation than a binding measure. Further, the effects of this measure will be dependent on the **content** of the guidelines and measures the industry chooses to bring in. GREIVO baseline evaluation reports for some Member States noted that existing self-regulatory instruments did not address the representation of women in a stereotyped and sexualised manner and/or address the reporting on violence against women and the harm caused by violence to child witnesses.

Assessment criterion	Score	Assessment
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		The measure will help protect victims of gender-based violence against women and domestic violence from further violence if the repeated violence is occurring online, as the industry's self-regulatory standards may prohibit certain materials and images being used.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		If implemented, this measure is expected to have **a limited extent of social impacts** on the following groups. **Victims of violence against women and domestic violence** Self-regulatory standards can enhance the dignity and safety of the victims of online violence against women and domestic violence as the sector will limit the opportunity for perpetrators to share violent or abusive content. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The impact on particular groups will depend on the content of the standards and guidelines; the standards could for example include specific rules related to content of children. **Perpetrators of violence against women and domestic violence** The measure is expected to impact perpetrators as sharing violent or abusive content would violate platforms' guidelines or standards, and therefore perpetrators would be expected to be less likely to share such content. The measure may also have an impact on the freedom of expression rights of perpetrators if their content is (unjustly) removed for violating self-regulatory standards. **Wider society** The measure would improve the experience of all users of online platforms, as all users will be less likely to encounter violent or abusive content. It will also clearly impact the private and ICT sector as they will be creating and implementing the self-regulatory standards. **National authorities** This will likely find political acceptance as it will not require Member States to enact binding or obligatory measures.
Fundamental rights		The measure is expected to enhance in particular the following fundamental rights. *Victims of online violence against women* - Right to the integrity of the person (Article 3) - Prohibition of torture and inhuman or degrading treatment (Article 4) - Respect for private and family life (Article 7) - Non-discrimination (Article 21) - Equality between women and men (Article 23) - Protection of personal data (Article 8) - Freedom of expression and information (Article 11) *Child victims /witnesses*

Assessment criterion	Score	Assessment
		- Protection of the rights of the child (Article 24).
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		N/A
Overall assessment		
Overall, encouraging Member States to encourage the online sector to establish self-regulatory standards to address violence against women and domestic violence and the root causes of such violence is expected to prevent online violence against women and domestic violence to some extent in many Member States, in particular in those which have not ratified the IC and those in which current measures are found to be lacking or insufficient in scale or scope. As the measures will be self-regulatory, they may not be as strong or effective as binding rules. The total investment required is negligible as large online platforms provide codes of conduct that are stricter in nature in identifying illegal content online to be removed than national law. This measure is likely find political acceptance as it will not require Member States to enact binding or obligatory measures.		

1.1.4. Assessment of measure 1.2.c gender-based cyber violence against women - self-regulatory standards

- **Self-regulatory standards**: Obligation for MS to oblige very large platforms to implement Codes of Conduct to mitigate risk of OVAW.
- **Measures directed at intermediary service providers**: Measures obliging to:
  - Act on or inform law enforcement upon request in cases of OVAW (see Art. 8, 9 DSA)
  - Process data for the voluntary detection, reporting or removal of criminalized ICT-facilitated gender-based violence as defined, in particular on the basis of a central repository of hashes.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		This measure will oblige Member States to require very large online platforms to implement **Codes of Conduct**. For smaller stakeholders in the private sector, the information and communication technology sector, and the media, Member States will be encouraged to incentivise self-regulatory standards, as in measure 1.2.b. Both the Codes (for large platforms) and the self-regulatory standards (for smaller stakeholders) will mitigate risk and prevent online violence against women and domestic violence and will enhance respect for the dignity of such victims, an area which has been severely lacking in regulation and monitoring. Codes of Conduct (for large platforms) and self-regulatory standards (for smaller stakeholders) brought in by the sector will limit the sharing of violent or abusive content, therefore reducing the capacity of perpetrators to conduct online abuse. The Codes of Conduct and self-regulatory standards could include measures recommended by GREVIO, including offering easily accessible effective complaint mechanisms for users to report harmful content, incentivising commercial online activities that incorporate a human rights perspective at all stages of their activity, and making legal information and information about requesting the removal of non-consensual content, including images or videos, available on their platforms. Another preventative action which could be in the Codes and standards is to ensure that spy software or stalkerware cannot do harm. The measure will also oblige the large platforms to act on or **inform** law enforcement upon request in cases of online violence against women, and to **process data** for the voluntary detection, reporting or removal of criminalized ICT-facilitated gender-based violence as defined, in particular on the basis of a central repository of hashes. As with measure 1.2.b., a clear definition and/or criminalisation in a Member State will facilitate the establishment of Codes of Conduct and self-regulatory standards in the Member States which have them (only RO has a specific definition of online violence in law; the following have criminalised or are about to criminalize non-consensual dissemination of intimate/private/sexual

Assessment criterion	Score	Assessment
		images: BE, FR, IE, IT, MT, NL, PL, PT, ES, SE), as the standards could be based on principles in the law. However, for Member States without a definition or criminalisation, the Codes will not have such a basis. Nevertheless, the Codes of Conduct and standards brought in by this measure will reduce the availability of online violence, and the involvement of the online platforms in detecting and processing data related to online violence against women will reduce ICT-facilitated gender-based violence. Victims of gender-based online violence against women have benefitted somewhat from the general EU provisions applicable to all victims, for example Art. 21(2) of the Victims Rights Directives requires Member States to encourage the media to take self-regulatory measures to protect the privacy of victims. However, a strength of this measure (as with measure 1.2.b) will be to specifically address online **violence against women** which will more effectively and comprehensively contribute to effective protection and support. Compared to measure 1.2.b, this measure will be more effective as large platforms will be **obliged** to implement Codes of Conduct, rather than encouraged to implement self-regulatory standards. This will be more effective as they will be mandatory, and there will be more scope for controlling the **content** of the Codes. However, proportionality will be ensured as smaller platforms and providers will simply be encouraged to implement self-regulatory standards.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		The measure will help protect victims of gender-based violence against women and domestic violence from further violence if the repeated violence is occurring online, as the Codes of Conduct (for large platforms) and self-regulatory standards (for smaller stakeholders) will prohibit certain materials and images being used. The obligation for platforms to report and process data relating to online violence against women on their platforms will facilitate the removal of content and potential prosecution of perpetrators, therefore protecting victims from potential further online violence.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		The obligation for platforms to report and process data relating to online violence against women on their platforms will facilitate the work of law enforcement, enabling faster and more effective removal of content and prosecution of perpetrators.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		If implemented, this measure is expected to have **a limited extent of social impacts** on the following groups. **Victims of violence against women and domestic violenceGBVviolence against women and domestic violence** Codes of Conduct (for large platforms) and self-regulatory standards (for smaller stakeholders) can be expected to enhance the safety and dignity of the victims of online violence against women and domestic violence, as the sector will limit the opportunity for perpetrators to share violent or abusive content. The participation of large platforms in informing law enforcement and processing data related to online violence against women will also facilitate justice for victims through punitive measures. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The impact on particular groups will depend on the content of the Codes of Conduct and standards; they could for example include specific rules related to content of children. **Perpetrators of violence against women and domestic violenceGBVviolence against women and domestic violence**

Assessment criterion	Score	Assessment
		The measure is expected to impact perpetrators as sharing violent or abusive content would violate platforms' Codes of Conduct (for large platforms) and self-regulatory standards (for smaller stakeholders), and therefore perpetrators would be expected to be less likely to share such content. When platforms act or inform law enforcement in cases of online violence against women, this will facilitate investigation, prosecution and sanctioning of perpetrators. The measure may also have an impact on the freedom of expression and data protection rights of perpetrators if their content is (unjustly) removed for violating self-regulatory standards or Codes of Conduct, and if personal information is shared with law enforcement. **Wider society** The measure would improve the experience of all users of online platforms, as all users will be less likely to encounter violent or abusive content. It will also clearly impact the private and ICT sector as they will need to implement the Codes of Conduct and self-regulatory standards, and monitor and act on cases of online violence against women. **National authorities** Political acceptance of this measure may be somewhat lower, as it would require Member States to monitor and enforce implementation, and law enforcement to act upon reporting. As mentioned earlier, Member States which do not have a definition in law, or a working definition in practice, will have to introduce one and criminalise this type of offence. On the other hand, several Member States may consider the measure a welcome EU action, providing the opportunity for a more harmonised approach, given the high cross-border dimension of online abuse.
Fundamental rights		The measure is expected to enhance in particular the following fundamental rights. *Victims of online violence against women and domestic violence* - Right to the integrity of the person (Article 3) - Prohibition of torture and inhuman or degrading treatment (Article 4) - Respect for private and family life (Article 7) - Non-discrimination (Article 21) - Equality between women and men (Article 23) - Protection of personal data (Article 8) - Freedom of expression and information (Article 11) *Child victims /witnesses* - Protection of the rights of the child (Article 24). The measure may have a somewhat negative impact on: *Perpetrators of online violence against women and domestic violence* - Freedom of expression and information (Article 11) - Protection of personal data (Article 8) Especially if the latter are unjustly identified and investigated.
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		N/A
Overall assessment		
Overall, obliging large platforms to implement Codes of Conduct (for large platforms) and self-regulatory standards (for smaller stakeholders) related to online violence against women is expected to prevent online violence against women to some extent in many Member States, in particular in those which have not ratified the IC and those in which current measures are found to be lacking or insufficient in scale or scope. Requiring large platforms to act on, inform law enforcement, and process data when acts of violence against women are conducted on their platforms will facilitate the removal of such violent material and assist law enforcement to act swiftly in such cases. This will contribute to increased safety for women and enhanced prosecution of perpetrators, which may have a deterrent effect. The total investment required is negligible as large online platforms provide codes of conduct that are stricter in nature in identifying illegal content online to be removed than national law. Political acceptance of this measure may be somewhat lower, as it would require Member States to monitor and enforce implementation, and law enforcement to act upon reporting.		

1.1.5. Assessment of measure 1.3.c.I - specific prevention measures against gender-based work harassment

- **Obligation on MS and employers to provide information and raise awareness**
- **Obligation on all employers to provide training of managers, develop anti-harassment policies and risk assessments**

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		The EELN report highlights shortcomings in the implementation of the EU directives in terms of effectiveness, including insufficient prevention measures.[348] In the majority of baseline evaluation reports, (including those on AT, DK, IT, and SE), GREVIO called on the authorities to ensure that the private sector/employers take an active part in the prevention of violence against women, for example, by engaging them actively in policy development processes or by encouraging them to develop self regulatory standards, or, more generally, to take an active part in preventing and combating violence against women in all its forms. More specifically, in some Member States these actions do not appear to be implemented or its implementation is difficult to assess. This measure would improve these shortcomings by implementing awareness-raising and information provision on gender-based work harassment; mandatory training of managers, and mandatory policies and risk assessments on gender-based harassment at work. These actions are crucial for **preventing** violence against women and gender-based violence and harassment in the workplace, and further building awareness in this way can limit gender based behaviours which, while not reaching the threshold of severity that would allow them to be qualified as violence under the Istanbul Convention, are often the **precursors** of violence and/or promote its emergence or minimise it, as a manifestation of the structural inequalities that persist between women and men in the world of employment. See the row below on addressing the harassment of women at work for a more specific assessment related to workplace harassment.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring that gender based harassment of women at work is		In its baseline evaluation reports, GREVIO highlights some current examples of good practice related to harassment at work, including in Portugal, France, and Malta, as described in measure

[348] EELN report p.82

Assessment criterion	Score	Assessment
effectively addressed		1.3.b. Further, social partners have engaged in a wide range of measures and successfully provided assistance, particularly through collective bargaining.[349] However, as described in measure 1.3.b, there are many described shortcomings with the current state of affairs in Europe. Social partners cited ILO Violence and Harassment Convention, 2019 (No.190) as guiding their work in this area because they provide far more comprehensive and specific provisions,[350] and this measure is based on ILO-190. The measure will implement awareness-raising and information provision on gender-based work harassment; training of managers; and mandatory policies and risk assessments on gender-based harassment at work. This will ensure that when work-based harassment occurs, a victim's colleagues and managers, as well as the government and social partners, will be informed and prepared to help support the victim and address the harassment swiftly and effectively. Currently, sexual harassment is defined in gender-neutral terms across Directive 2006/54/EC, 2004/113/EC and 2010/41/EU, and the EELN report highlights fragmentation of the provisions across different legal instruments as shortcomings in the implementation of the EU directives.[351] Bringing in a comprehensive and specific legal framework on violence against women and domestic violence will emphasize the experience of women at work, sending a powerful message of zero tolerance towards gender based violence in the work environment, and will harmonise fragmented provisions. The measure will also clearly reference harassment on the basis of **gender rather than sex**. Having a strong legal framework is also essential to enabling unions to negotiate concrete sectoral and workplace measures. Further, there has been a 'slow transition' from an understanding of sexual harassment at work from a health and safety approach that views it as an issue of 'dignity', to an approach that recognises sexual harassment as due to discrimination and rooted in gender equality and thus a form of gender based violence.[352] The ETUC found that, as violence and harassment have become a part of mainstream safety and health and wellbeing at work policies, they are not gender-sensitive and 'not seen as a structural gender equality issue'.[353] GREVIO has also identified the provision of training to relevant stakeholders including a component on the recognition of gendered dynamics, and the impact and consequences of violence on victims as a necessary pathway to ensure service provision based on a gendered understanding. The **awareness-raising, information provision, and mandatory training** brought in by this measure would accelerate this shift in understanding as employers, employees, and officials gain understanding. The mandatory **policies** and risk assessments on gender-based harassment at work will ensure structures are in place to punish perpetrators and address situations of violence and harassment effectively and quickly. Finally, there will be benefits to bringing in a comprehensive and specific legal framework on violence against women and domestic violence through this measure. It will emphasize the experience of women at work, sending a powerful message of zero tolerance towards gender-based violence in the work environment, and will harmonise fragmented provisions. Another key impact will be a focus on gender rather than sex when referring to discrimination, which will more appropriately address the underlying causes of gender discrimination and structural obstacles that women face due to socially constructed roles, behaviours, expressions and identities rather than biological attributes.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		

[349] ETUC (2017) 'Safe at home, safe at work: trade union strategy to prevent, manage and eliminate work-place harassment and violence against'. https://www.etuc.org/sites/default/files/document/files/en_-_brochure_-_safe_at_home_1.pdf
[350] DG Just meeting with employer associations, 30 June 2021; DG Just/ICF meeting with social partners 29 June 2021.
[351] EELN report p.82
[352] Petroglou, P., (2019) Sexual Harassment and harassment related to sex at work: time for a new directive building on the EU gender equality acquis', *European Equality Law Review*, Issue 2.
[353] Ibid

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td>Social impacts</td><td></td><td>Victims of violence against women and domestic violence
Awareness-raising, information provision, and mandatory training will ensure all relevant actors are primed and prepared to recognise and prevent violence and harassment in the workplace, to reduce the number of victims and ensure justice when violence and harassment occurs.
Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
The impact on particular groups will depend on the content of the training and awareness raising; for example they could cover employees at risk of intersectional discrimination in the workplace, including potential victims of both gender-based and race-based harassment.
Perpetrators of violence against women or domestic violence
The measure is expected to impact perpetrators as harassment would violate the mandatory policies, and therefore perpetrators would be expected to be less likely to engage in harassment and violence. When other actors are trained and prepared to recognise instances of violence and harassment, this will facilitate investigation, prosecution and sanctioning of perpetrators.
Wider society
There will be an impact on government (as awareness-raising, information provision, and mandatory policies are brought in), social partners (awareness-raising, information provision, and mandatory policies), companies (awareness-raising, information provision, and mandatory policies), managers (mandatory training), and staff (voluntary training).
Importantly, this will be mandatory only for large employers, as SMEs will only need to offer training on a voluntary basis and are encouraged to develop anti-harassment policies and risk assessments.
National authorities
The measure could encounter some resistance by some Member States, due to the sensibilities around the gender versus sex debate also in relation to the IC</td></tr>
<tr><td>Fundamental rights</td><td></td><td>The measure is expected to enhance in particular the following fundamental rights.
Victims of violence against women or domestic violence:
- Right to the integrity of the person (Article 3)
- Prohibition of torture and inhuman or degrading treatment (Article 4)
- Non-discrimination (Article 21)
- Equality between women and men (Article 23)
Victims of sex-based harassment
- Right to fair and just working conditions (Article 31)
- Right to an effective remedy and to a fair trial (Article 47)</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><td colspan="3">Efficiency: comparison of benefits and costs</td></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>The costs are expected to be borne by employers and Member State authorities. More specifically:
Public authorities may develop their own training on violence against women or domestic violence in the workplace that can be used across Member States.
This policy option requires mandatory training of all managers in all companies on violence against women or domestic violence in the workplace. Employers will incur costs for developing and organising trainings for all managers on violence against women or domestic violence.
<table>
<tr><th></th><th>One-off development cost</th><th>Running cost per annum</th><th>Total EU cost (Millions of euros)</th></tr>
<tr><td>Training</td><td>0.6</td><td>1893.9</td><td>1894.5</td></tr>
</table>
Training costs are based on the cost of developing a 2-hour online training session on violence against women or domestic violence in the workplace and the cost of attending a 2-hour training session for managers. The cost of attending a training session is based on an estimate of the number of managers per employer, assuming an average of one manager per 10 employees, and their hourly national wages. Costings assume that no Member States conduct such trainings in the baseline.</td></tr>
<tr><td colspan="3">Overall assessment</td></tr>
<tr><td colspan="3">Overall, this measure would represent a large improvement over the current baseline situation (and therefore over measure 1.3.b). The introduction</td></tr>
</table>

Assessment criterion	Score	Assessment
of awareness-raising and information provision; mandatory of managers on violence against women and domestic violence; and mandatory policies and risk assessments on gender-based harassment at work will ensure awareness and preparedness of relevant stakeholders to prevent and deal with gender-based violence and harassment when it occurs. It will also formalise and harmonise provisions at the EU level, sending a powerful message of zero tolerance towards gender-based violence in the work environment, harmonising fragmented provisions. The measure will bring benefits to victims and wider society, and will impact perpetrators by facilitating investigation, prosecution and sanctioning of perpetrators. Depending on the content of the implemented provisions, the measure may be able to reach more vulnerable groups as well. The total investment required amount to 1,894.5 Million Euros. The measure could encounter some resistance by some Member States, due to the sensibilities around the gender versus sex debate also in relation to the IC		

1.1.6. Assessment of measure 1.4.b - work with perpetrators

- **Perpetrator intervention and treatment programmes:**
  - Obligation of MS to have perpetrator intervention and treatment programmes in place for those sentenced for perpetrating violence against women and domestic violence (IC Art. 16); mandatory participation for re-offenders or mandatory participation for all offenders.
  - Leaving flexibility to MS as to programme availability, format (online or in person) etc.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		The measure will oblige Member States to have perpetrator intervention and treatment programmes in place for those sentenced for perpetrating gender-based violence and violence against women, whilst leaving flexibility to Member States regarding programme availability and format (online or in person). By engaging and working with perpetrators, this will reduce the chances that a previous perpetrator will engage in violence against women or domestic violence in the future. At present, the EU provisions do not regulate treatment of perpetrators as such. The European Network for Work with Perpetrators (WWP EN) said that most countries do not have structured programmes in place for perpetrators, although there are more in prison.[354] Although all but one country (HU) reported having set up support programmes for perpetrators of VAW/DV, attribution cannot be made to the directives.[355] Similarly, WWP EN said that the directives had limited relevance to their work. The measure will bring in **mandatory** perpetrator intervention and treatment programmes at the EU level, expanding the present provision of such programmes. WWP EN stated that at present, the Istanbul Convention is the main driver of change across the EU;[356] the measure corresponds to Art 16 of the Istanbul Convention and will therefore expand provisions already existing in Member States which have ratified and implemented the Istanbul Convention to other Member States. GREVIO has called on the authorities to increase the number of available programmes for perpetrators of domestic violence in its baseline evaluation reports on several countries. In the Member States with programmes in place, description of the existing measures show that most target domestic violence and not all are compulsory. At present, there are mandatory programmes for perpetrators in seven Member States (BE, CZ, ES, LV, PL, PT, FR for those in prison, and HR as part of probation service), and programmes are voluntary in ten Member States (DK, EE, FI, IE, IT, LU, NL, RO, SE, SI). Making the programme **compulsory** for those sentenced for perpetrating gender-based violence and violence against women will therefore have the largest impact on prevention in these ten Member States. In its baseline evaluation reports for some countries (including AT, DK, FI, IT, MT, NL, PT), GREVIO also called on the authorities to increase the levels of attendance of perpetrator programmes for domestic violence. The introduction of mandatory programmes would clearly have an impact on increasing attendance and accordingly more effectively preventing future violence. Further, gender is included and considered in the present programmes in most Member States (AT, BE, BG, CY, DE, DK, EE, FR, IE, IT, LU, NL, RO, SE, SI), although it is not included in three (CZ, LV, PT) therefore the inclusion of these mandatory programmes in a **gender-focused** instrument will bring the most impact in these countries. The effectiveness of the programmes will depend somewhat on their **content**. The programmes would be expected to have a larger preventative effect if they are designed to encourage perpetrators to take responsibility for their actions, examine their attitudes and beliefs towards women and incorporate a gendered understanding of violence against women, as recommended by GREVIO. GREVIO also recommends that authorities ensure that the programmes incorporate

[354] Interview with European Network for Work with Perpetrators (WWP EN), 2 July 2021.
[355] Targeted Consultation q. 29. No response: PL, HR, LT
[356] Interview with European Network for Work with Perpetrators (WWP EN), 2 July 2021.

Assessment criterion	Score	Assessment
		a uniform gendered approach and deconstruction of sexist stereotypes. The programmes could also take an approach such as that taken in Andorra, whereby a programme is aimed at boys who reproduce violent patterns of behaviour to which they were exposed or of which they were direct victims. Further, details of the programmes such as their availability and format (online or in person) in this measure would be left as **flexible** to the Member States. If programmes have limited availability this will clearly limit participation and therefore effectiveness in preventing violence and abuse. If programmes are online, this would increase accessibility but may be less impactful than in person. The policy measure should, where possible, include some minimum standards for the programmes, in relation to reach, duration, elements to be covered, etc.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		The measure will ensure that sentenced perpetrators undergo programmes to reduce the likelihood they re-victimise the same victims, for the same reasons described above.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		GREVIO has expressed concerns that in Austria and Portugal, perpetrator programmes were ordered to replace prosecution, conviction or sentencing. Therefore, these programmes will be most effective if authorities ensure that the interplay between perpetrator programmes and criminal proceedings does not work against the principle of victims' access to fair and just legal processes.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women or domestic violenceviolence against women or domestic violence** Introducing mandatory perpetrator programmes will protect victims and potential victims of gender-based violence and violence against women as they will reduce the likelihood that previous perpetrators will offend again. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The impact of the perpetrator programmes will depend on the content of the programmes; they could include for example learnings on intersectionality and child victims as well. **Perpetrators of violence against women or domestic violenceviolence against women or domestic violence** The programmes will clearly impact perpetrators most directly, as they will be the attendees at the programmes and will therefore be less likely to engage in violence against women or domestic violence again. The presence of certain measures in the programmes, such as encouraging perpetrators to take responsibility for their actions, examine their attitudes and beliefs towards women and incorporating a gendered understanding of violence against women, will increase the effectiveness of the programmes. However, the measure will only address those sentenced for perpetrating gender-based violence and domestic violence, and will not consider those in the population who are at risk of offending. **Wider society** The existence and publicization of the programmes could raise awareness among the general population about the severity of gender based violence and violence against women, as well as the importance of reducing re-occurrence of violence.

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>National authorities
All but one country (HU) reported having set up support programmes for perpetrators of VAW/DV. However, the compulsoriness and inclusion of gender varies across Member States.
Programmes are mandatory for perpetrators in seven Member States (BE, CZ, ES, LV, PL, PT, FR for those in prison, and HR as part of probation service), and voluntary in ten Member States (DK, EE, FI, IE, IT, LU, NL, RO, SE, SI). Gender is included and considered in the present programmes in most Member States (AT, BE, BG, CY, DE, DK, EE, FR, IE, IT, LU, NL, RO, SE, SI), and not included in three (CZ, LV, PT). Therefore, the scale of impact will be largest in those with voluntary rather than mandatory programmes, and those which do not include gender as a consideration.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>The measure is expected to enhance in particular the following fundamental rights.
Victims of violence against women or domestic violenceviolence against women or domestic violence:
- Right to life (Article 2)
- Right to the integrity of the person (Article 3)
- Prohibition of torture and inhuman or degrading treatment (Article 4)
- Right to an effective remedy and to a fair trial (Article 47)
Victims of sex-based harassment
- Right to an effective remedy and to a fair trial (Article 47)
Perpetrators of violence against women or domestic violenceviolence against women or domestic violence:
- Right to an effective remedy and to a fair trial (Article 47)</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><th colspan="3">Efficiency: comparison of benefits and costs</th></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>The costs of the measures are expected to be borne by the EC, Member State authorities and support of other organisations (if running intervention and treatment programmes). More specifically:
Possibly, the EC may co-fund intervention and treatment programmes, but the costs presented relate to public authorities.
Public authorities will incur costs for running treatment and intervention programmes for perpetrators of violence against women or domestic violenceviolence against women or domestic violence that are shown below.
<table>
<tr><th></th><th>Max Total EU cost (Millions of euros)</th></tr>
<tr><td>Perpetrator intervention and treatment (running cost per annum)</td><td>0.7</td></tr>
</table>
Costs are based on the estimated costs of providing 6 sessions of 1 hour health and social worker support per perpetrator of violence against women or domestic violenceviolence against women or domestic violence. The total costs are based on the total number of convicted persons under sexual offences (including sexual assault and rape) and the hourly national wages of health and social workers. The costs assume that no Member State currently provides sufficient perpetrator intervention and treatment programmes. Therefore, countries that have a programme in place in the baseline need reach provide support to 50% more perpetrators and countries that do not have a programme in place need to provide support to all perpetrators. For countries with no data on baseline, it is assumed no programmes in place. Furthermore, costs are not estimated for five MS (BE, CY, EL, IE, IT) due to lack of data on number of convictions and hence, total costs might be higher.</td></tr>
<tr><th colspan="3">Overall assessment</th></tr>
<tr><td colspan="3">Overall, introducing perpetrator intervention and treatment programmes for those sentenced for perpetrating violence against women or domestic violenceviolence against women and domestic violence in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to strengthen the implementation of relevant measures and improve their quality in many Member States, in particular in those which have not ratified the IC and those in which current measures are found to be lacking or insufficient in scale or scope.
The measure will contribute to meeting three policy objectives by bringing positive changes by reducing the likelihood that perpetrators will re-offend. It will bring benefits to victims and wider society, and will also help perpetrators to change their behaviour. However, a limitation of the measure is its focus on those sentenced for perpetrating gender-based violence and domestic violence, and it does not consider those in the population who are at risk of offending.</td></tr>
</table>

Assessment criterion	Score	Assessment
The total maximum investment required amount to 0.7 Million Euros. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up. Notably, this measure leaves flexibility to MS as to programme availability and format, which on one hand will improve political acceptance, yet on the other hand may limit the effectiveness if programmes are not widely available in all Member States.		

violence against women and domestic violence**violence against women and domestic violenceviolence against women and domestic violence***violence against women and domestic violence**violence against women and domestic violence*violence against women and domestic violence

1.2. Problem area: protection from violence against women and domestic violence

1.2.1. Assessment of measure 2.1.a - protection orders, emergency barring orders

- Obligation for MS of protection orders (emergency barring orders, restraining or protection orders at national level of violence against women or domestic violenceviolence against women or domestic violence in all cases.
- Art. 4(1)(c) VRD: information on available protection measures upon first contact with the authorities.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Protection order and emergency protection/barring orders are a crucial method to ensure victims of violence against women or domestic violence are effectively protected from further violence. The **availability in law of protection orders is high** and therefore the measure is unlikely to have a significant impact. Mid and long-term **protection orders** are available in all Member States. **Emergency protection** orders, according to the 'Austrian model', are available in 18 states (AT, BE, BC, CZ, DE, DK, FI, HR, HU, IE, IT, LV, LU, NL, PO, RO, SI, SK). In all other Member States (CY, LT, EL, FR, EE, PT, ES), the laws suggest that protection orders could be applicable in emergency situations, yet there are many difficulties in accessing protection in practice. The obligation to have protection orders available 'in all cases' could have more impact in France and Portugal as protection orders are only available for victims of domestic violence, rather than all types of violence. **Information** about protection orders is important as victims may not be aware of the possibility of this measure, which can negatively impact uptake which is overall low. As the measure is the same as the baseline, little impact is expected. Detailed mapping is not available about if information is available for victims about available protection measures upon first contract with authorities (rather than later in the process). However, it is noted that information is not always available in suitable languages which may create particular challenges for migrant women and in cross-border cases. The measure however does not address some of the core challenges in accessing emergency protection orders such as lengthy proceedings which delay access at a critical time (for example in Malta, Spain and Sweden). Similarly, enforcement can be lacking, particularly because of insufficient sanctions for breaching protection orders. A lack of minimum standards and conditions also hinders mutual recognition of protection orders in cross-border cases.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Protection orders will help victims feel protected against the perpetrator which may make them more willing to press charges, especially as fear of reprisal attack and further violence may be higher if such a step is taken. This measure may therefore increase victims' access to justice.
Ensuring the effective availability of		No impact on this objective

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td>support for victims of all forms of gender-based violence against women and domestic violence</td><td></td><td></td></tr>
<tr><td>Ensuring that gender based harassment of women at work is effectively addressed</td><td></td><td>No impact on this objective</td></tr>
<tr><td>Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence</td><td></td><td>No impact on this objective</td></tr>
<tr><td colspan="3">Effectiveness – other impacts</td></tr>
<tr><td>Social impacts</td><td></td><td>If implemented, this measure is expected to have a limited extent of social impacts on the following groups.
Victims of violence against women or domestic violence
Protection orders can provide a high level of physical protection for victims of violence against women or domestic violence from further violence. However as there is already a high legal availability of protection and emergency barring orders, this measure will have limited impact. Information about protection orders is important for ensuring uptake but the measure is the same as the baseline
Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
The availability of protection orders to victims of all types of violence could have particular impact for victims of VAW that are not domestic violence related e.g. FGM, forced marriage and stalking.
Perpetrators of violence against women or domestic violence
The measure will impose legal restrictions on perpetrators. The focus of the measure is on the protection of the victim, rather than behavioural/attitudinal change of the perpetrator.
Wider society
The focus of the measure is on the victim so any impact on wider society will be indirect.
National authorities
There may be impact on national authorities in France and Portugal as this measure would likely require legal changes to make protection orders available for all victims of GBV, as well as potentially an increase in issuance of protection orders.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women or domestic violence:
- Right to life (Article 2)
- Right to the integrity of the person (Article 3)
- Right to an effective remedy and to a fair trial (Article 47)</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><td colspan="3">Efficiency: comparison of benefits and costs</td></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>Public authorities will incur costs for providing decisions and enforcing protection orders for cases of violence against women or domestic violence that are shown below.
<table><tr><th></th><th>Total EU cost (Millions of euros)</th></tr><tr><td>Availability of protection orders
(running cost per annum)</td><td>3.3 – 22.8</td></tr></table>
Protection order costs are based on the estimated unit costs of a protection order to the police and justice sector per application. The total costs are calculated by multiplying the unit costs with minimum and maximum estimates of the total number of applications filed. The total number of</td></tr>
</table>

Assessment criterion	Score	Assessment
		applications are estimated using an estimation of application rates and an estimated number of women victims of violence against women or domestic violence. Due to lack of comparable data on the number of women victims of violence against women or domestic violence by Member State, a minimum and maximum estimate of women victims of violence against women or domestic violence is based on FRA 2020[357] survey results on percentage of women respondents that reported experiencing a physical incident of sexual nature and percentage of women respondents that reported experiencing any type of physical violence, respectively. The costs assume that no Member State has issued a sufficient number of protection orders for women victims of violence against women or domestic violence in the baseline. It is assumed that countries that have availability of emergency protection orders in the baseline need to issue 50% more PO's and countries that have partial availability need to issue 75% more PO's. Furthermore, costs are not calculated for two MS (IT, MT) due to lack of data to estimate the number of women victims of violence against women or domestic violence and therefore, costs might be higher. The costs for provision of information are the same as the baseline and therefore, costs are assumed to be zero.
Overall assessment		
The impact of this measure will be low as availability of protection orders and emergency baring orders is already high across Member States. The main impact will be ensuring protection orders are available for all forms of violence, not just domestic violence, in Portugal and France. This could improve protection for victims of FGM, forced, marriage and stalking. Recognition of protection orders across Member States is likely to remain low as there are not minimum standards in place. Similarly, although information about protection orders is very important for ensuring uptake, the measures is the same as the baseline so limited change is expected. The total investment required amount to 3.3 – 22.8 Million Euros. The measure will probably find political acceptance as little change is required.		

1.2.2. Assessment of measure 2.1.b - protection orders, emergency barring orders

Obligation for Member States to increase the efficiency of national emergency barring orders in violence against women and domestic violence cases, in particular by:

- adopting minimum standards in relation to the issuance and conditions of national emergency barring orders;
- requiring them to be issued within 24 hours
- ensuring effective enforcement of the order.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Protection order and emergency protection/barring orders are a crucial method to ensure victims of GBVAW/DV are effectively protected from further violence. Mid and long-term protection orders **are available in all Member States**. Emergency protection orders, according to the 'Austrian model', are available in 18 states (AT, BE, BG, CZ, DE, DK, FI, HR, HU, IE, IT, LV, LU, NL, PO, RO, SI, SK). In all other Member States (CY, LT, EL, CY, FR, EE, PT, ES), the laws suggest that protection orders could be applicable in emergency situations, yet there are

[357] https://fra.europa.eu/en/data-and-maps/2021/frs?mdq1=theme&mdq2=982

Assessment criterion	Score	Assessment
		many difficulties in accessing protection in practice. The obligation to have protection orders available 'in all cases' could have more impact in France and Portugal as protection orders are only **available for victims of domestic violence**, rather than all types of violence. **Information** about protection orders is important as victims may not be aware of the possibility this measure, which can impact uptake. As the measure is the same as the baseline, little impact is expected. Detailed mapping is not available about if information is available for victims about available protection measures upon first contract with authorities (rather than later in the process). However, it is noted that information is not always available in **suitable languages** which may create particular challenges for migrant women and cross-border cases. The measure addresses some of the core challenges in accessing emergency protection orders. Lengthy proceedings (for example in Malta, Spain and Sweden) leave victims without protection at a time when they are often most needed. Requiring that they are issued within **24 hours** will significantly contribute to achieve effective physical protection for victims. Similarly, ensuring **effective enforcement** will improve the effectiveness of protection orders. Measures across Member States currently varies. Best practice is demonstrated in Spain, for example, where the system for ensuring compliance with protection orders entails monitoring of perpetrators through GPS tracking, as well as systematic analysis of violations of protective orders that is also factored into ongoing risk assessments. Enforcement will also require effective sanctions for breaching protection orders, which currently vary significant across member states. **Minimum standards and conditions** are important for addressing the currently low recognition and enforcement of foreign protection orders which Member State authorities attributed to a divergence of sanctions in different Member States for similar types of protection orders (NL, BG) and divergence among the protection measures in the EU Member States (NL, RO).
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Efficient protection orders will help victims feel protected against the perpetrator which may make them more willing to press charges, especially as fear of reprisal attack and further violence may be higher if such a step is taken. This measure may therefore increase victims' access to justice.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective
Effectiveness – other impacts		
Social impacts		If implemented, this measure is expected to have **a limited extent of social impacts** on the following groups. **Victims of violence against women or domestic violence** Protection orders can provide a high level of physical protection for victims of violence against women or domestic violence from further violence. Increasing the effectiveness and timeliness of the issuance of emergency protection orders will significantly increase physical protection for victims at a time when they are most needed. Similarly, the measure stands to improve the effectiveness of protection through ensuring they protection orders are enforced. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The availability of protection orders to victims of all types of violence could have particular impact for victims of VAW that are not domestic violence e.g. FGM, forced marriage and stalking. Similarly, challenges with mutual recognition across Member States will be better addressed through minimum standards and conditions which will particularly benefit victims in cross-border

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>situations.
Perpetrators of violence against women or domestic violence
The measures will impose legal restrictions on perpetrators. The focus of the measure is on the protection of the victim, rather than behavioural/attitudinal change of the perpetrator to prevent future incidents.
Wider society
The focus of the measure is on the victim so the impacts on wider society will only be indirect.
National authorities
Measures will likely involve procedural and legal changes to ensure the efficiency of protection orders, as well as possibly training with police to enforce changes.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women or domestic violence:
- Right to life (Article 2)
- Right to the integrity of the person (Article 3)
- Right to an effective remedy and to a fair trial (Article 47)</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><th colspan="3">Efficiency: comparison of benefits and costs</th></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>In addition to the costs incurred under 2.1b, public authorities will incur additional costs to increase the efficiency of national protection orders in violence against women or domestic violence to ensure timely issuance and more effective enforcement.
<table><tr><th></th><th>Total EU cost (Millions of euros)</th></tr><tr><td>Availability of protection orders
(running cost per annum)</td><td>3.7 – 25.2</td></tr></table>It is assumed that costs under 2.1b would need to increase by 10% under this option.

The costs for provision of information are the same as the baseline and therefore, costs are assumed to be zero.</td></tr>
<tr><th colspan="3">Overall assessment</th></tr>
<tr><td colspan="3">The impact of this measure will be high, especially compared to the baseline and policy option 'Istanbul light'. It addresses core issues around the speed with which emergency baring orders, ensuring physical protection is available when it is often most needed, the measure ensures minimum standards which will help address the low recognition of foreign protection orders across Member States, and better enforcement of them as sanctions for breaching them are currently viewed as insufficient and inconsistency in sanctions further hinder recognition of foreign protection orders. It also ensures protection orders are available for all forms of violence, not just domestic violence, in Portugal and France. This could improve protection for victims of FGM, forced, marriage and stalking in those countries.
The total investment required amount to 3.7 – 25.2 Million Euros
The measure may struggle to find political acceptance because of the significant changes that will be required in some Member States.</td></tr>
</table>

1.2.3. Assessment of measure 2.2.b - violence reporting and transmission of personal data between services

The policy measures entail an obligation on Member States to encourage **reporting** of violence against women or domestic violenceviolence against women and domestic violence by witnesses and professionals.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		Reporting can increase the number of perpetrators who are brought to justice and tackle impunity which can act as a deterrent to perpetrators and thus help prevent further violence against women or domestic violence.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Reporting a crime can bring victims into contact with professionals who can provide information about protection available to victims which may reduce further incidents of violence.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Reporting of crimes is crucial in ensuring effective access to justice. Rates of underreporting are, naturally, difficult to obtain but they are widely viewed as low. A survey conducted by FRA in 2021 shows that most incidents of violence and harassment are not reported to the authorities; only 30% of incidents involving physical violence, and 11% of those involving harassment were reported.[358] Rates of reporting of physical violence vary between countries, from 40% to 9%. It is important to note that these statistics are not specific to gender-based violence. Given the increased stigma and lack of awareness of GBV, it is likely that statistics related to such crimes may be even lower. Moreover, in cases of domestic violence, the close proximity of the perpetrator may further hinder reporting. An obligation on Member States to encourage witnesses and professionals would likely help to increase reporting. **Training** of professionals is also important but is not included in this measure which could reduce effective access to justice: the very low number of reports of cases of violence made by professionals indicates that this may be related to the need to improve training of professionals in the identification of victims of violence and of the links between intimate partner violence and violence against children. Impact may also be limited because some professionals may be hesitant to report incidents of violence against women or domestic violence if they think it breaches **confidentiality** rules in domestic law. EU legislation provides specific measures to remove obstacles related to confidentiality regarding reporting of child sexual exploitation in Article 16 of CSAMD but not violence against women or domestic violence more generally. As this obligation is in place under the Istanbul Convention, this measure could have more impact on countries who have not ratified it (BG, CZ, LV, LT, SK), although comprehensive mapping on implementation is not available.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Reporting a crime can bring victims into contact with professionals who can provide information about support available to victims which may increase access to support. Unlike Istanbul Plus, this measure does not include an obligation on witnesses and professionals to report which could raise issues around the provision of victim centred and gender-sensitive support services.
Ensuring that gender based harassment of women at work is effectively addressed		Reporting obligations would apply to witnesses and professionals in work environments so it could increase reporting of gender based harassment at work and thus help ensure it is effectively addressed.

[358] FRA (2021) 'Crime, safety and victims' rights: Fundamental rights survey'. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-crime-safety-victims-rights_en.pdf

Assessment criterion	Score	Assessment
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impacts expected.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women or domestic violence** The measure will increase the right of victims of violence against women or domestic violence, including in the workplace, to access to justice, which is a fundamental right. The measures may also increase access to support and protection through contact with relevant professionals and authorities. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The measure might have particular impact on victims of violence against women or domestic violencewho currently least likely to report a crime. Such groups are often the most marginalised and may face intersectional discrimination, such as women living with a disability. **Perpetrators of violence against women or domestic violence** An increase in reporting would help ensure perpetrators are brought to justice. **Wider society** The measure would have an impact on wider society as member of the public and professionals would be encouraged to report incidents of VAW/DV. **National authorities** The measure may impact national authorities because of potentially increased reporting rates that would need to be responded to and investigated.
Fundamental rights		*Victims of violence against women or domestic violence:* - Right to an effective remedy and to a fair trial (Article 47) *Victims of sex-based harassment* - Right to an effective remedy and to a fair trial (Article 47)
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		Zero – costs to encourage reporting of violence against women or domestic violence would be covered in training of relevant professionals and awareness-raising campaigns
Overall assessment		
Overall, the measure could increase reporting by members of the public and professionals. Creating on obligation specific to GBV could help focus efforts and increase the currently low rates of reporting of this type of crime. However, the measure does not address some of the barriers to reporting that mean some individuals do not understand their obligations, such as a lack of training or barriers (perceived or real) about confidentiality rules. The total investment required amount to zero. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.		

1.2.4. Assessment of measure 2.2.c - violence reporting and transmission of personal data between services

- The policy measures entail an obligation on MS to ensure that **confidentiality rules** do not prevent the reporting of violence against women or domestic violence by witnesses and professionals to the competent services.
- Obligation on MS to ensure that staff likely to receive complaints are **trained** to facilitate the reporting.
- Obligation on MS to permit the **transmission of personal data** between law enforcement authorities and support services in accordance with GDPR.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		Reporting can increase the number of perpetrators who are brought to justice and tackle impunity which can act as a deterrent to perpetrators and thus help prevent further GBVAW/DV. This measure takes away a further obstacle to reporting – confidentiality rules - and adds training of relevant staff, thus having an even more positive effect on this objective.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Reporting a crime can bring victims into contact with professionals who can provide information about protection and support available to victims, which in turn may reduce further incidents of violence.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Reporting of crimes is crucial in ensuring effective access to justice. Rates of underreporting are, naturally, difficult to obtain but they are widely viewed as low. A survey conducted by FRA in 2021 shows that most incidents of violence and harassment are not reported to the authorities; only 30% of incidents involving physical violence, and 11% of those involving harassment were reported.[359] Rates of reporting of physical violence vary between countries, from 40% to 9%. It is important to note that these statistics are not specific to gender-based violence. Given the increased stigma and lack of awareness of violence against women or domestic violence, it is likely that statistics related to such crimes may be even lower. Moreover, in cases of domestic violence, the close proximity of the perpetrator may further hinder reporting. An obligation on Member States to encourage witnesses and professionals would likely help to increase reporting, although it would depend on the mechanisms to encourage reporting. Measures would need to target the general public through **awareness-raising** campaigns to increase knowledge of support and protection available, information about the rights of victims. **Training** of professionals is also important as a very low number of reports of cases of violence made by professionals indicates that this may be related to the need to improve training of professionals in the identification of victims of violence and of the links between intimate partner violence and violence against children. Ensuring confidentiality rules do not preventing third-party reporting, including training on this, as well as the permission to transfer personal data, will help remove barriers to reporting. This is important as it is often the most vulnerable who are unable to report a crime and access justice, such as children or victims living with a cognitive disability. Mapping is not available of whether Member States have measures in place to ensure ensure that **confidentiality rules** do not prevent the reporting of violence against women or domestic violence by witnesses and professionals to the competent services, if training is available and if there are obstacle to the transfer of personal data.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women		The inclusion of actions to ensure that confidentiality rules do not prevent the reporting of violence against women or domestic violence by witnesses and professionals and an obligation to permit the transmission of personal data between law enforcement authorities and support services in accordance with GDPR could negatively impact the support available for victims for

[359] FRA (2021) 'Crime, safety and victims' rights: Fundamental rights survey'. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-crime-safety-victims-rights_en.pdf

Assessment criterion	Score	Assessment
and domestic violence		certain victims (discussed below) however many more victims are likely to be able to access justice and receive support because of increased reporting. Similarly, the transfer of data could facilitate greater multi-agency cooperation and provision of more coordinated and comprehensive support services. Blanket reporting obligations may raise issues around the provision of victim-centred and gender-sensitive support services, as has been noted in Italy, Malta, the Netherlands and Spain. Maltese authorities have specified that, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected, the obligation to report should be contingent upon the prior consent of the victim, unless the victim is a child or is unable to protect her/himself due to a disability. Making support contingent on reporting may restrict access to support from irregularly-staying migrant victims who may fear any contact with law enforcement officials because of a fear of deportation.
Ensuring that gender based harassment of women at work is effectively addressed		Reporting obligations would apply to witnesses and professionals in work environments so it could increase reporting of gender based harassment at work and thus help ensure incidents are effectively addressed.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impacts expected.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women or domestic violence** The measure will increase victims of violence against women or domestic violence, including in the workplace, access to justice, which is a fundamental right, through encouraging witnesses and professionals to report instances and removing obstacles related to confidentiality. Similarly, removing obstacle to the transmission of data could facilitate greater multi-agency cooperation and provision of more coordinated and comprehensive support services. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The measure might have particularly positive impact on victims of violence against women or domestic violence who are currently least likely to report a crime. Such groups are often the most marginalised or victimised / fearful of their perpetrator. Irregularly staying women victims however may be particularly negatively disadvantages by this measure as compulsory reporting may deter victims from seeking support for fear of contract with law enforcement authorities and ultimately deportation. **Perpetrators of violence against women or domestic violence** An increase in reporting would help ensure perpetrators are brought to justice. **Wider society** The measure would have an impact on wider society as member of the public would be encouraged to report incidents of VAW/DV that they witness. **National authorities** The measure may impact national authorities because of potentially increased reporting rates that would need to be responded to and investigated.
Fundamental rights		*Victims of violence against women or domestic violence:* - Right to an effective remedy and to a fair trial (Article 47) *Victims of sex-based harassment* - Right to an effective remedy and to a fair trial (Article 47) *Victims of online GBV* - Protection of personal data (Article 8)
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		

Assessment criterion	Score	Assessment
Administrative and compliance costs		Zero – costs to encourage reporting of violence against women or domestic violence would be covered in training of professionals likely to work with victims of violence against women or domestic violence and awareness-raising campaigns

Overall assessment

Overall, the measure could increase reporting by members of the public and professionals. Creating on obligation specific to GBV could help focus efforts and increase the currently low rates of reporting of this type of crime. The measure will increase victims of violence against women or domestic violence, including in the workplace, access to justice, which is a fundamental right, through encouraging witnesses and professionals to report instances and removing obstacles related to confidentiality. Similarly, removing obstacle to the transmission of data could facilitate greater multi-agency cooperation and provision of more coordinated and comprehensive support services. This will have particularly benefits to vulnerable victims, although irregularly staying migrants may have restricted access to services if there are blanket reporting obligations.

The total investment required amount to zero.

The likelihood of political acceptance is difficult to assess as mapping is not available of current measures in place and thus the changes required but as reporting crimes is foundational to a functioning judicial system and a fundamental right, it may be likely to find political acceptance.

1.2.5. Assessment of measure 2.3.b - special measures for the protection of children in the context of domestic violence

- The policy measures involves an obligation to ensure that due account is taken of the rights and needs of child victims and witnesses in the provision of protection and support services, including an obligation to provide age-appropriate psychosocial counselling.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impacts expected.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impacts expected.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		If child victims and witnesses are protected and supported, they might be more willing to act as witnesses in judicial proceedings and press charges. Children's effective participation in judicial proceedings is vital for improving the operation of justice, and European and international human rights instruments recognise the importance of their participation.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Availability of age-appropriate psychosocial counselling is an important measure to help address the long-term harm potentially inflicted on children who witness domestic violence. The obligation to provide these services could have a significant impact as specific services for the children are not currently systematically available across Member States. In 13 Member States specialist **support services** systematically take into account the special needs of child victims and child witnesses of domestic violence based on a child-sensitive approach (DE, IE, NL, AT, PL, LV, BG, LU, DK, ES, BE, HR, IT) and eight said they do but not systematically (EE, CZ, FI, PT, EL, SK, RO, CY). The provision of services also face a range of more specific access barriers that this measure could address: in Austria and Finland, for example, services are provided in shelters only; in the Netherlands, Portugal, and Sweden, shelters support children accompanying their mothers, but such services are not specialised and tailored to address their specific needs; in Belgium, provision of services for children relies on the initiative of individual shelters, with no structural support from the state. Access to counselling services outside of shelters is even more limited. The promptness and sustainability of services can however be affected by insufficient **funding** (Austria, Finland, France, and Spain). The impact of this measure could therefore be limited if the services made available lack the funding needed to provide quality services.
Ensuring that gender based harassment of women at work is effectively addressed		No impacts expected.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impacts expected.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** The measure has limited impact of victims of violence against women and domestic violence as the focus is on children who are witnesses (not direct victims).

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
The measures has a significant impact on child witnesses as it addresses gaps in the provision of services that are specific to children to ensure they have services that are tailored to their needs and psychosocial counselling that could reduce long-term harm.
Perpetrators of violence against women and domestic violence
No impact.
Wider society
No impact.
National authorities
The measure would impact authorities as they would be obliged to increase availability of support services.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Child victims /witnesses
- Protection of the rights of the child (Article 24).</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><th colspan="3">Efficiency: comparison of benefits and costs</th></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>The costs of the measure are expected to be borne by the EC, Member State authorities and support of other organisations (if providing support services to children). More specifically:
Possibly, the EC may co-fund support services for children who witness domestic violence, but the costs of these are presented below and relate to public authorities.
Public authorities will incur costs for protection and provision of support to child witnesses including age-appropriate psychosocial counselling as shown below.
<table>
<tr><th></th><th>Minimum Total EU cost (Millions of euros)</th><th>Maximum Total EU cost (Millions of euros)</th></tr>
<tr><td>Protection and support of children (running cost per annum)</td><td>599</td><td>1,618</td></tr>
</table>
Costs for protection and support to child witnesses are based on minimum and maximum estimates for the prevalence of child maltreatment (which includes abuse and neglect) combined with an estimate of the concurrence of child abuse and domestic violence to obtain an estimate of the number of child witnesses of domestic violence. Total cost calculations are based on the cost of 2-hours of health and social worker support per child witness for a period of 3-months and the hourly national wage of health and social workers. The costs assume that Member States do not provide sufficient protection and support to child witnesses in the baseline. Therefore, it is assumed that countries that have a programme in place need provide support to 50% more child witnesses and countries that have a partial programme in place need to provide support to 75% more child witnesses. For countries with no data on baseline, it is assumed that partial programmes are in place.</td></tr>
<tr><th colspan="3">Overall assessment</th></tr>
<tr><td colspan="3">Overall, this measure addresses significant gaps in services provisions. Availability of age-appropriate psychosocial counselling is an important measure to help address the long-term harm potentially inflicted on children who witness domestic violence and could increase their willingness to act as witnesses in judicial proceedings. Currently, some Member States do not systematically ensure the special needs of child victims and child witnesses are taken into account or only available in shelters and overall provision is low.
The total investment required amount to 599 – 1,618 Million Euros.
The measure may struggle to find political acceptance because significant funds will be needed to ensure that due account is taken of the rights and needs of child witnesses in the provision of protection and support services and to provide age-appropriate psychosocial counselling.</td></tr>
</table>

1.2.6. Assessment of measure 2.3.c –special measures for the protection of children in the context of domestic violence

- Obligation on Member States to ensure that, in custody and access rights matters in situations of domestic violence, competent authorities can ensure maintaining

contact with the child in a surveyed safe place outside the alleged perpetrator's home.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		The measure includes an obligation on Member State authorities to ensure maintaining contact with the child in a **surveyed safe place** outside the alleged perpetrator's home. Supervised visitations are way for parents of a child to maintain contact but in an environment that is safe for the child and ensures the location of the child is not identifiable by the perpetrator. It is therefore important to effectively protect children from further violence. This measure would improve protection as some Member States lack the necessary resources/infrastructure to ensure safe supervised visitation. In France such meeting spaces are more equipped to deal with conflictual relationships than cases involving violence; in Malta a lack of adequate infrastructure meant that victims had to wait in the same waiting area as the perpetrator. There are also shortcoming in in regards to sufficient trained personnel for supervised visitation in Austria, Malta, and Spain.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		If child witnesses are protected and supported, they might be more willing to act as witnesses in judicial proceedings and press charges. Children's effective participation in judicial proceedings is vital for improving the operation of justice, and European and international human rights instruments recognise the importance of their participation.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Availability of age-appropriate psychosocial counselling is an important measure to help address the long-term harm potentially inflicted on children who witness or are victim of domestic violence. The obligation to provide these services could have a significant impact as specific services for the children are not currently systematically available across Member States. In 13 Member States specialist **support services** systematically take into account the special needs of child victims and child witnesses of domestic violence based on a child-sensitive approach (DE, IE, NL, AT, PL, LV, BG, LU, DK, ES, BE, HR, IT) and eight said they do but not systematically (EE, CZ, FI, PT, EL, SK, RO, CY). Provision of services also face a range of more specific access barriers that this measure could address: in Austria and Finland services are provided in shelters only; in the Netherlands, Portugal, and Sweden, shelters support children accompanying their mothers, but such services are not specialised and tailored to address their specific needs; in Belgium, provision of services for children relies on the initiative of individual shelters, with no structural support from the state. Access to counselling services outside of shelters is even more limited. The promptness and sustainability of services can however be affected by insufficient **funding** (Austria, Finland, France, and Spain). The impact of this measure could therefore be limited if the services made available lack the funding needed to provide quality services.
Ensuring that gender based harassment of women at work is effectively addressed		No impacts expected.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impacts expected.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women or domestic violence** The measure has limited impact of victims of violence against women or domestic violence as the focus is on children who are witnesses (not direct victims). **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The measures has a significant impact on child witnesses as it address gaps in the provision of services that are specific to children and in the provision of safe spaces for maintaining parent

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>contact with children.
Perpetrators of violence against women or domestic violence
The measure would enable perpetrators to main contact with their child, as applicable, but in an environment where further violence cannot be inflicted both during the visitation and prevents the identification of the location of the child.
Wider society
No impact.
National authorities
The measure would impact authorities as they would be obliged to increase availability of support services and safe spaces for visitations.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>- Respect for private and family life (Article 7)
Child victims /witnesses
- Protection of the rights of the child (Article 24).</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><td colspan="3">Efficiency: comparison of benefits and costs</td></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>This policy option would incur additional costs from under 2.3b to ensure authorities maintain contact with the child in a surveyed safe place.
<table>
<tr><th></th><th>Minimum Total EU cost (Millions of euros)</th><th>Maximum Total EU cost (Millions of euros)</th></tr>
<tr><td>Protection and support of children (running cost per annum)</td><td>719</td><td>1,942.6</td></tr>
</table>
Costs for additional protection and support to child witnesses are based on minimum and maximum estimates for the prevalence of child maltreatment (which includes abuse and neglect) combined with an estimate of the concurrence of child abuse and domestic violence to obtain an estimate of the number of child witnesses of domestic violence. Total cost calculations are based on cost of 1 hour of health and social worker support (to maintain contact) per child witness for a period of 3-months and the hourly national wage of health and social workers in addition to costs estimated under 2.3b. No information is available on the availability of existing measures to maintain safe contact with children in the baseline and therefore, it is assumed that all Member States incur the additional cost.</td></tr>
<tr><td colspan="3">Overall assessment</td></tr>
<tr><td colspan="3">Overall, this measure addresses significant gaps in services provisions. Availability of age-appropriate psychosocial counselling is an important measure to help address the long-term harm potentially inflicted on children who witness domestic violence and could increase their willingness to act as witnesses in judicial proceedings. Currently, some Member States do not systematically ensure the special needs of child victims and child witnesses are taken into account or only available in shelters and overall provision is low. Providing a surveyed safe place outside the alleged perpetrator’s home could provide important protection for children from further violence. This measure would improve protection as some Member States lack the necessary resources/infrastructure to ensure safe supervised visitation such as France, Malta, Austria and Spain.

The total investment required amount to 120.1 – 324.4 Million Euros.
The measure may struggle to find political acceptance because significant funds will be needed to ensure that due account is taken of the rights and needs of child witnesses in the provision of protection and support services and to provide age-appropriate psychosocial counselling, and a suitable surveyed safe place for visitations.</td></tr>
</table>

1.2.7. Assessment of measure 2.4.b - risk assessment and management

- Obligation on MS to ensure an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence, is carried out by relevant authorities. The assessment to duly take into account if perpetrators have access to firearms.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Member States are currently encouraged, but not obligated, as they would be under this policy measure, to conduct an individual/risk assessment of victims to identify specific protection needs. Currently, implementation of individual assessments is weak across Member States, hence this measure could increase use of individual assessments and thus individuals' protection from further violence. Individual assessment are absent in eight Member States (CZ, BE, EE, LU, MT, RO, SI and SK). In three Member States, protection needs are assessed only for some types of crimes, such as domestic violence or human trafficking (BE, SI, SK). There are also concerned, even if individual assessments are in place in law, they are conducted regularly and/or adequately. In Finland and France concerns have been raised about whether proper efforts have been made to assess the perpetrator's access to firearms when carrying out risk assessments. Existing provisions also do not include an assessment about if the perpetrator has access to firearms, which, if included, could help prevent extreme harm, intimidation and potentially femicide. Information is not available about how widely this is currently carried out. However, in Finland and France concerns have been raised about whether proper efforts have been made to assess the perpetrator's access to firearms when carrying out risk assessments. Although victims of gender based violence are specifically indicated as requiring 'particular attention' in the Victims Rights Directive, the inclusion of an individual assessment in the context of a single EU instrument tailored to GBV could ensure it is always carried out in a gender-sensitive manner and tailored to the needs of victims of GBV. The measure does not include obligations for the enforcement authorities to conduct individual risk assessments and risk management *in a timely manner*, potentially delaying access to protection.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		No impacts expected, although individual risk assessment may be done in cooperation with support services and facilitate access to support available.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence / Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The measure will provide increase protection for victims through an individual assessment, especially those who are most vulnerable or at risk of future violence. **Perpetrators of violence against women and domestic violence** Individual assessment may lead to measures taken against the perpetrator, such as a protection order or removal of firearm.

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>Wider society
No impacts expected.
National authorities
The measure will require some Member State authorities to implement individual assessments and a few Member State authorities to improve the comprehensiveness of the assessment to include all types of violence and a full assessment of perpetrators' access to firearms.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
- Right to life (Article 2)
- Right to the integrity of the person (Article 3)</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><th colspan="3">Efficiency: comparison of benefits and costs</th></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>The costs of the measure are expected to be borne by public authorities to ensure assessment of lethality risk and seriousness of the situation and risk of repeated violence.
<table><tr><th></th><th>Total EU cost (Millions of euros)</th></tr><tr><td>Risk assessment (running cost per annum)</td><td>43.3</td></tr></table>Costs are based on the estimated number of women victims of physical violence that reported the crime to the police multiplied by the unit costs of screening for risk (i.e. completing a risk assessment form) and for conducting an in-depth assessment which are based on the national wages for police officers. Costings assume that police officers need to spend 1-hour on screening for risk and 2-hours for an in-depth assessment (assuming 25% of women victims qualify as high risk i.e. for in-depth assessment). It is further assumed that no Member States provides sufficient individual assessment in the baseline. For countries that that have assessment in place in the baseline, it is assumed that 50% more victims would need to be assessed, for countries that have a partial assessment in the baseline, 75% more victims would need to be assessed and for countries that have no assessment in place in the baseline, all victims would need to be assessed. Further, costs were not estimated for two countries (IT, MT) that lacked data for the estimation of number of women victims of physical violence and hence, costs might be higher.</td></tr>
<tr><th colspan="3">Overall assessment</th></tr>
<tr><td colspan="3">Overall, the measure will provide increase protection for victims through an individual assessment, especially those who are most vulnerable or at risk of future violence. The measures will ensure individual assessments are in place in all Member States (they are currently missing eight) and increase the language from encouraged to 'obligated'. It would also help improve the quality of assessment, for example that to assess the perpetrator's access to firearms when carrying out risk assessments.
The measure does not include obligations for the enforcement authorities to conduct individual risk assessments and risk management in a timely manner, potentially delaying access to protection.
The total investment required amount to 43.3 Million Euros.
The measure may struggle to find political acceptance as not all Member States carry out individual assessments and thus require legal changes. The measure would also obligate relevant professionals to carry out the assessment for GBV victims specifically which could significantly increase professional workloads.</td></tr>
</table>

1.2.8. Assessment of measure 2.4.c - risk assessment and management

- Obligation for law enforcement authorities to conduct individual risk assessments and risk management in a timely manner in cooperation with support services.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for		No impact on this objective

Assessment criterion	Score	Assessment
preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Member States are currently encouraged, but not obligated, as they would be under this policy measure, to conduct an individual/risk assessment of victims to identify specific protection needs. Currently, implementation of individual assessments is weak across Member States so this measure could increase use of individual assessment and thus individuals' protection from further violence. Individual assessment are absent in eight countries (CZ, BE, EE, LU, MT, RO, SI and SK). In three countries, protection needs are assessed only for some types of crimes, such as domestic violence or human trafficking (BE, SI, SK). There are also concerned, even if individual assessments are in place in law, they are conducted regularly and/or adequately. Existing provisions also do not include an assessment about if the perpetrator has access to firearms, which, if included, could help prevent extreme harm, intimidation and potentially femicide. Information is not available about how widely this is currently carried out. However, in Finland and France concerns have been raised about whether proper efforts have been made to assess the perpetrator's access to firearms when carrying out risk assessments. The measure further ensures effective protection by obligating law enforcement authorities to conduct individual risk assessment in a timely matter. This is important as individual assessments can identify victims in need of an emergency protection order and other protection measures needed in a quick timeframe that provide crucial physical protection for victims from further violence. Although victims of gender based violence are specifically indicated as requiring 'particular attention' in the Victims Rights Directive, the inclusion of an individual assessment in the context of a single EU instrument tailored to GBV could ensure it is always carried out in a gender-sensitive manner and tailored to the needs of victims of GBV.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		The measure could lead to increased access to support for victims as there is an obligation that the individual risk assessment is done in cooperation with support services and thus ensure they access the support they need during the judicial process and a coordinated approach to the victim's safety. No mapping is available about whether risk assessments are done in cooperation with support services.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence / Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The measure will provide increase protection and support for victims through an individual assessment, especially those who are most vulnerable or at risk of future violence. **Perpetrators of violence against women and domestic violence** Individual assessment may lead to measures taken against the perpetrator, such as protection orders or removal of firearm. **Wider society** No impacts expected.

Assessment criterion	Score	Assessment
		National authorities The measure will require some Member State authorities to implement individual assessments and a few Member State authorities to improve the comprehensiveness of the assessment to include all types of violence and a full assessment of perpetrators' access to firearms.
Fundamental rights		*Victims of violence against women and domestic violence:* - Right to life (Article 2) - Right to the integrity of the person (Article 3)
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		This policy measure would incur additional costs from 2.4b to ensure that individual risk assessments are completed in cooperation with support services. **Total EU cost (Millions of euros)** **Risk assessment** (running cost per annum): **46.9** Total cost calculations are on the cost of 30 minutes of police time needed to corporate with support services in addition to costs from 2.4b. Similar to measure 2.4b, it is assumed that no Member States provides sufficient individual assessment and hence, cooperation with support services in the baseline. For countries that that have assessment in place in the baseline, it is assumed that 50% more victims would need to be assessed with cooperation with support services, for countries that have a partial assessment in the baseline, 75% more victims would need to be assessed with cooperation with support services and for countries that have no assessment in place in the baseline, all victims would need to be assessed with cooperation with support services. Further, costs were not estimated for two countries (IT, MT) that lacked data for the estimation of number of women victims of physical violence and hence, costs might be higher.
Overall assessment		
Overall, the measure will provide increase protection for victims through an individual assessment, especially those who are most vulnerable or at risk of future violence. The measures will ensure individual assessments are in place in all Member States (they are currently missing in eight), tailored to GBV victims, and ensure professionals are not just encouraged but 'obligated'. It would also help improve the quality of assessment, for example that to assess the perpetrator's access to firearms. This measure also ensures these assessments are carried out in a timely manner which is crucial as this can be critical for accessing time-sensitive protection measures such as emergency barring orders. The total investment required amount to 46.9 Million Euros. The measure may struggle to find political acceptance as not all Member States carry out individual assessments and thus require legal changes. The measure would also obligate relevant professionals to carry out the assessment for GBV victims specifically which could significantly increase professional workloads		

1.3. Problem area: access to justice in cases of violence against women or domestic violence

1.3.1. Assessment of measure 3.1b – additional criminalisation

EU-level criminalisations of certain forms of violence against women or domestic violence.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No direct impact on this objective, although criminalisation of a type of violence may mean it is included in prevention activities. The impact is however low as most states have already criminalised these types of violence (see row 3).
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively		Criminalisation will increase the availability of protection measures for the specific type of violence. The degree to which the measure will ensure victims are effectively protected from (further violence) is overall low because most states have already criminalised these

Assessment criterion	Score	Assessment
protected from (further) violence		types of violence (see row 3).
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Overall, the majority Member States criminalise psychological violence, stalking, physical violence, sexual violence, forced marriage, FGM, forced abortion and forced sterilization. This means the impact of this measure across all policy objectives is low. The only form of violence where this is significant variation among Member States is psychological violence so the greatest impact would be achieved in this regard. Member States tend to vary, instead, in how these forms of violence are criminalised and the exact definition. Of note, most are criminalised in a gender-neutral manner, except for FGM, and forced marriage is not widely considered a form of GBV. **Psychological violence** is addressed in divergent ways in Member States: in 13 Member States it is a specific element of a crime in domestic violence definitions (Belgium, Bulgaria, Croatia, Cyprus, Greece, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Spain, Slovakia), in others it through other offences such as insults, threats or coercion, and others as an aggravating factor. **Stalking** is specifically criminalised in 24 countries (AT, BE, BG, HR, CZ, EE, FI, FR, DE, EL, HU, IE, IT, LV, LU, MT, NL, PL, PT, RO, SI, SV, ES, SW). Lithuania and Cyprus have other criminal law provisions that are related but not specific to stalking. Only Denmark has no criminal provisions applicable to stalking and has opted for non-criminal sanctions. Aggregated factors for stalking and penalties vary across Member States. Of note, all definitions of stalking are gender-neutral. **Physical violence** is typically criminalised under a range of provisions so is difficult to map by itself. However, in 16 countries, offences of domestic violence allow for the crimination of physical violence (AT, BE, BG, HR, CY, CZ, HU, LT, MT, PL, PT, RO, SI, ES, SE). **Sexual violence:** Rape is criminalised in all countries although the definitions used to criminalise rape vary across Member States, some focusing on the lack of consent, as recommended by human rights norms, and some relying on the element of force or threats. Nine states have adopted purely consent-based definitions of rape (Belgium, Croatia, Cyprus, Denmark, Germany, Ireland, Luxembourg, Malta, Sweden). Definitions of sexual violence and rape are consistently gender neutral. Twenty-two states criminalise other forms of sexual violence, in addition to rape (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Sweden). The differentiation between rape and other sexual offences is not consistent between states. **Forced marriage** is criminalised in some form in all Member States. 16 have a specific provision on forced marriage (Austria, Belgium, Bulgaria, Croatia, Cyprus, France, Germany, Ireland, Italy, Luxembourg, Malta, Norway, Portugal, Slovenia, Spain and Spain). Almost all countries have incorporated the definition of the Istanbul Convention. The crime of forced marriage is described in a gender-neutral way and is not considered as a form of violence against women. Regarding **FGM**, all Member States have offences dealing with bodily injury, mutilation, and crimes against health that are applicable to the practice of FGM and may be a basis for criminal prosecution. 18 Member States have a specific criminal law on FGM. At least half of the specific offences refer explicitly to women and girls. All of the reviewed parties have criminalised **forced abortion**. Conversely, **forced sterilisation** has been introduced as a specific criminal offence only in France, Malta, Portugal and Spain. In Belgium and Italy, forced sterilisation can be prosecuted under other offences such as aggravated personal injury, grievous bodily harm or assault.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Criminalization would increase the availability of support for victims of these specific forms of violence, although, as criminalisation is already high, the impact on this policy objective will be low (see row 3).
Ensuring that gender based harassment of women at work is effectively addressed		Criminalization would help ensure gender-based harassment of women at work is effectively addressed, although, as criminalisation is already high, the impact on this policy objective will be low (see row 3).
Ensuring more effective governance structures in relation to gender-based		No impact on this objective.

Assessment criterion	Score	Assessment
violence against women and domestic violence		
Effectiveness – other impacts		
Social impacts		**Victims of violence against women or domestic violence/ Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** Criminalisation of criminalise psychological violence, stalking, physical violence, sexual violence, forced marriage, FGM, forced abortion and forced sterilization would have limited impact on victims of violence against women or domestic violence as these types of violence are already criminalised in nearly all Member States. The main benefit would be for victims of psychological violence as this is most inconsistently criminalised. Criminalisation could lead to more support and protection, as well as access to justice, but again the impact would be low as there are strong existing measures in place. **Perpetrators of violence against women and domestic violence** The impact on perpetrators would be limited except for perpetrators of psychological violence whose actions would be criminalised. **Wider society** No impact. **National authorities** A few national authorities would need to make legal amendments to criminalise all forms of violence, with potentially a knock-on effect to ensure protection and support is also available to previously unrecognised victims.
Fundamental rights		*Victims of violence against women and domestic violence:* - Right to life (Article 2) - Right to the integrity of the person (Article 3) - Prohibition of torture and inhuman or degrading treatment (Article 4) - Non-discrimination (Article 21) - Equality between women and men (Article 23) - Rights of the elderly (Article 25)Right to an effective remedy and to a fair trial (Article 47) -
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		N/A
Overall assessment		
Overall, the majority Member States criminalise psychological violence, stalking, physical violence, sexual violence, forced marriage, FGM, forced abortion and forced sterilization. This means the impact of this measure across all policy objectives is low. The only form of violence where this is significant variation among Member States is psychological violence so the greatest impact would be achieved in this regard. Member States tend to vary, instead, in how these forms of violence are criminalised and the exact definition. Of note, most are criminalised in a gender-neutral manner, except for FGM, and forced marriage is not widely considered a form of GBV. The total investment required is negligible there are likely to be low administrative costs to change legislation and several MS already have laws in place criminalising various forms of violence against women and domestic violence. The measure is likely to find political acceptance, as Member States overall already have the legal measures in place.		

1.3.2. Assessment of measure 3.1.c.I – additional criminalisations

EU-level criminalisations of certain forms of violence against women and domestic violence.

Additional EU-level criminalisations of certain forms of ICT-facilitated online violence

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line		No direct impact on this objective, although criminalisation of a type of violence may mean it is included in prevention activities. The impact is however low as most states have already criminalised these types of violence (see row 3).

Assessment criterion	Score	Assessment
with Chapter III of the Istanbul Convention)		Criminalisation of online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images could have more impact as criminalisation is lower across Member States (see row 3).
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Criminalisation will increase the availability of protection measures for the specific type of violence. The degree to which the measure will ensure victims are effectively protected from (further violence) is overall low because most states have already criminalised these types of violence (see row 3). Criminalisation of online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images could have more impact as criminalisation is lower across Member States (see row 3).
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Overall, the majority Member States criminalise psychological violence, stalking, physical violence, sexual violence, forced marriage, FGM, forced abortion and forced sterilization. This means the impact of this measure across all policy objectives is low, although its potential impact on access to justice is highest. The only form of violence where this is significant variation among Member States is psychological violence so the greatest impact would be achieved in this regard. Member States tend to vary, instead, in how these forms of violence are criminalised and the exact definition. Of note, most are criminalised in a gender-neutral manner, except for FGM, and forced marriage is not widely considered a form of GBV. Of note, most are criminalised in a gender-neutral manner, with the exception of FGM, and forced marriage is not widely considered a form of GBV. The framing of these forms of violence as types of violence against women or domestic violence, through being part of an EU legislative instrument on GBV, under Article 83(1) TFEU could lead to a reinterpretation of the meaning of these forms of violence and recognition of them as forms of gender discrimination. **Psychological violence** is addressed in divergent ways in Member States: in 13 Member States it is a specific element of a crime in domestic violence definitions (Belgium, Bulgaria, Croatia, Cyprus, Greece, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Spain, Slovakia), in others it through other offences such as insults, threats or coercion, and others as an aggravating factor. **Stalking** is specifically criminalised in 24 countries (AT, BE, BG, HR, CZ, EE, FI, FR, DE, EL, HU, IE, IT, LV, LU, MT, NL, PL, PT, RO, SI, SV, ES, SW). Current legal provisions on online stalking are uncertain because it is unclear if it is included under existing stalking provisions. Some countries have language that could include online stalking such as stalking 'by any means' (Slovenia, Ireland, Malta, Slovakia, Estonia, Hungary, Bulgaria). In Italy and France the online dimension of stalking is an aggravating circumstance.[360] **Physical violence** is typically criminalised under a range of provisions so is difficult to map by itself. However, in 16 countries, offences of domestic violence allow for the crimination of physical violence (AT, BE, BG, HR, CY, CZ, HU, LT, MT, PL, PT, RO, SI, ES, SE). **Sexual violence:** Rape is criminalised in all countries although the definitions used to criminalise rape vary across Member States, some focusing on the lack of consent, as recommended by human rights norms, and some relying on the element of force or threats. Nine states have adopted purely consent-based definitions of rape (Belgium, Croatia, Cyprus, Denmark, Germany, Ireland, Luxembourg, Malta, Sweden). Definitions of sexual violence and rape are consistently gender neutral. Twenty-two states criminalise other forms of sexual violence, in addition to rape (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Sweden). The differentiation between rape and other sexual offences is not consistent between states. **Forced marriage** is criminalised in some form in all Member States. 16 have a specific provision on forced marriage (Austria, Belgium, Bulgaria, Croatia, Cyprus, France, Germany, Ireland, Italy, Luxembourg, Malta, Norway, Portugal, Slovenia, Spain and

[360] EELN report.

Assessment criterion	Score	Assessment
		Spain). Almost all countries have incorporated the definition of the Istanbul Convention. The crime of forced marriage is described in a gender-neutral way and is not considered as a form of violence against women. Regarding **FGM**, all Member States have offences dealing with bodily injury, mutilation, and crimes against health that are applicable to the practice of FGM and may be a basis for criminal prosecution. 18 Member States have a specific criminal law on FGM. At least half of the specific offences refer explicitly to women and girls. All of the reviewed parties have criminalised forced abortion. Conversely, forced sterilisation has been introduced as a specific criminal offence only in France, Malta, Portugal and Spain. In Belgium and Italy, forced sterilisation can be prosecuted under other offences such as aggravated personal injury, grievous bodily harm or assault. Ten Member States (Belgium, France, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Spain, Sweden) have specifically criminalised the non-consensual dissemination/publication/disclosure of intimate/private/sexual images. Only France, Lithuania, Malta and Spain consider whether the offence has been committed on the grounds of the victim's gender as an aggravating factor. Criminalisation and inclusion of it as a form GBV may have more impact, compared to other criminalisations proposed in this measure, due to low rates of criminalisation and lack of gender-sensitivity. Current legal provisions on **online stalking** are uncertain because it is unclear if is included under existing stalking provisions. Some countries have language that could include online stalking such as stalking 'by any means' (Slovenia, Ireland, Malta, Slovakia, Estonia, Hungary, Bulgaria). In Italy and France the online dimension of stalking is an aggravating circumstance.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Criminalization would increase the availability of support for victims of these specific forms of violence, although, as criminalisation is already high, the impact on this policy objective will be low (see row 3). Criminalisation of online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images could have more impact as criminalisation is lower across Member States (see row 3).
Ensuring that gender based harassment of women at work is effectively addressed		Criminalization would help ensure gender-based harassment of women at work is effectively addressed, although, as criminalisation is already high, the impact on this policy objective will be low (see row 3). Criminalisation of online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images could have more impact as criminalisation is lower across Member States (see row 3).
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence / Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** ***1.3.3. Criminalisation of most forms of violence would have limited impact on victims of violence against women and domestic violence as they are criminalised in nearly all Member States. The main benefit would be for victims of psychological violence, online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images as this is most inconsistently criminalised. Criminalisation would lead to more support and protection, as well as access to justice for these victims.*** **Perpetrators of violence against women and domestic violence** The impact on perpetrators would be limited except for perpetrators of psychological

Assessment criterion	Score	Assessment
		violence, online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images whose actions would be criminalised. **Wider society** No impact. **National authorities** A few national authorities would need to make legal amendments to criminalise all forms of violence, with potentially a knock-on effect to ensure protection and support is also available to previously unrecognised victims.
Fundamental rights		*Victims of violence against women and domestic violence:* - Right to life (Article 2) - Right to the integrity of the person (Article 3) - Prohibition of torture and inhuman or degrading treatment (Article 4) - Non-discrimination (Article 21) - Equality between women and men (Article 23) - Rights of the elderly (Article 25) - Right to an effective remedy and to a fair trial (Article 47) -
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		N/A
Overall assessment		
Overall, the majority Member States criminalise psychological violence, stalking, physical violence, sexual violence, forced marriage, FGM, forced abortion and forced sterilization. This means the impact of this measure across all policy objectives is low. The only form of violence where this is significant variation among Member States is psychological violence so the greatest impact would be achieved in this regard. Of note, most are criminalised in a gender-neutral manner, except for FGM, and forced marriage is not widely considered a form of GBV. The framing of these forms of violence as types of GBV, through being part of an EU legislative instrument on GBV, under Article 83(1) TFEU could lead to a reinterpretation of the meaning of these forms of violence as GBV. This could lead to much increased and stronger prosecution as these acts of violence are investigated and prosecuted in ways that recognise the specificity of GBV crimes. The total investment required is negligible there are likely to be low administrative costs to change legislation and several MS already have laws in place criminalising various forms of violence against women and domestic violence. The measure is likely to find political acceptance, as Member States overall already have the legal measures in place.		

1.3.4. Assessment of measure 3.1.c.II – additional criminalisations

- EU-level criminalisations of certain forms of violence against women and domestic violence.
- Additional EU-level criminalisations of certain forms of ICT-facilitated online violence
- Introduction of violence against women and domestic violence as a Eurocrime.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No direct impact on this objective, although criminalisation of all types of violence may mean it is included in prevention activities. The impact is however low as most states have already criminalised these types of violence (see row 3). Criminalisation of online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images could have more impact as criminalisation is lower across Member States (see row 3).
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are		Criminalisation will increase the availability of protection measures for the specific type of violence. The degree to which the measure will ensure victims are effectively protected from (further violence) is overall low because most states have already criminalised these

Assessment criterion	Score	Assessment
effectively protected from (further) violence		types of violence (see row 3). Criminalisation of online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images could have more impact as criminalisation is lower across Member States (see row 3).
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Overall, the majority Member States criminalise psychological violence, stalking, physical violence, sexual violence, forced marriage, FGM, forced abortion and forced sterilization. This means the impact of this measure across all policy objectives is low, although its potential impact on access to justice is highest. The only form of violence where this is significant variation among Member States is psychological violence so the greatest impact would be achieved in this regard. Member States tend to vary, instead, in how these forms of violence are criminalised and the exact definition. Of note, most are criminalised in a gender-neutral manner, except for FGM, and forced marriage is not widely considered a form of GBV. Of note, most are criminalised in a gender-neutral manner, with the exception of FGM, and forced marriage is not widely considered a form of GBV. **The framing of these forms of violence as types of GBV, through being part of an EU legislative instrument on GBV, under Article 83(1) TFEU could lead to a reinterpretation of the meaning of these forms of violence and recognition of them as forms of gender discrimination.** **Psychological violence** is addressed in divergent ways in Member States: in 13 Member States it is a specific element of a crime in domestic violence definitions (Belgium, Bulgaria, Croatia, Cyprus, Greece, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Spain, Slovakia), in others it through other offences such as insults, threats or coercion, and others as an aggravating factor. **Stalking** is specifically criminalised in 24 countries (AT, BE, BG, HR, CZ, EE, FI, FR, DE, EL, HU, IE, IT, LV, LU, MT, NL, PL, PT, RO, SI, SV, ES, SW). Current legal provisions on online stalking are uncertain because it is unclear if it is included under existing stalking provisions. Some countries have language that could include online stalking such as stalking 'by any means' (Slovenia, Ireland, Malta, Slovakia, Estonia, Hungary, Bulgaria). In Italy and France the online dimension of stalking is an aggravating circumstance.[361] **Physical violence** is typically criminalised under a range of provisions so is difficult to map by itself. However, in 16 countries, offences of domestic violence allow for the crimination of physical violence (AT, BE, BG, HR, CY, CZ, HU, LT, MT, PL, PT, RO, SI, ES, SE). **Sexual violence:** Rape is criminalised in all countries although the definitions used to criminalise rape vary across Member States, some focusing on the lack of consent, as recommended by human rights norms, and some relying on the element of force or threats. Nine states have adopted purely consent-based definitions of rape (Belgium, Croatia, Cyprus, Denmark, Germany, Ireland, Luxembourg, Malta, Sweden). Definitions of sexual violence and rape are consistently gender neutral. Twenty-two states criminalise other forms of sexual violence, in addition to rape (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Sweden). The differentiation between rape and other sexual offences is not consistent between states. **Forced marriage** is criminalised in some form in all Member States. 16 have a specific provision on forced marriage (Austria, Belgium, Bulgaria, Croatia, Cyprus, France, Germany, Ireland, Italy, Luxembourg, Malta, Norway, Portugal, Slovenia, Spain and Spain). Almost all countries have incorporated the definition of the Istanbul Convention. The crime of forced marriage is described in a gender-neutral way and is not considered as a form of violence against women.

[361] EELN report.

Assessment criterion	Score	Assessment
		Regarding **FGM**, all Member States have offences dealing with bodily injury, mutilation, and crimes against health that are applicable to the practice of FGM and may be a basis for criminal prosecution. 18 Member States have a specific criminal law on FGM. At least half of the specific offences refer explicitly to women and girls. All of the reviewed parties have criminalised forced abortion. Conversely, forced sterilisation has been introduced as a specific criminal offence only in France, Malta, Portugal and Spain. In Belgium and Italy, forced sterilisation can be prosecuted under other offences such as aggravated personal injury, grievous bodily harm or assault. Ten Member States (Belgium, France, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Spain, Sweden) have specifically criminalised the **non-consensual dissemination/publication/disclosure of intimate/private/sexual images**. Only France, Lithuania, Malta and Spain consider whether the offence has been committed on the grounds of the victim's gender as an aggravating factor. Criminalisation and inclusion of it as a form GBV may have more impact, compared to other criminalisations proposed in this measure, due to low rates of criminalisation and lack of gender-sensitivity. Current legal provisions on **online stalking** are uncertain because it is unclear if is included under existing stalking provisions. Some countries have language that could include online stalking such as stalking 'by any means' (Slovenia, Ireland, Malta, Slovakia, Estonia, Hungary, Bulgaria). In Italy and France the online dimension of stalking is an aggravating circumstance.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Criminalization would increase the availability of support for victims of these specific forms of violence, although, as criminalisation is already high, the impact on this policy objective will be low (see row 3). Criminalisation of online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images could have more impact as criminalisation is lower across Member States (see row 3).
Ensuring that gender based harassment of women at work is effectively addressed		Criminalization would help ensure gender-based harassment of women at work is effectively addressed, although, as criminalisation is already high, the impact on this policy objective will be low (see row 3). Criminalisation of online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images could have more impact as criminalisation is lower across Member States (see row 3).
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence / Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** Criminalisation of most forms of violence would have limited impact on victims of violence against women and domestic violence as they are criminalised in nearly all Member States. The main benefit would be for victims of psychological violence, online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images as this is most inconsistently criminalised. Criminalisation would lead to more support and protection, as well as access to justice for these victims. **Perpetrators of violence against women and domestic violence** The impact on perpetrators would be limited except for perpetrators of psychological violence, online stalking and the non-consensual dissemination/publication/disclosure of intimate/private/sexual images whose actions would be criminalised. **Wider society** No impact. **National authorities** A few national authorities would need to make legal amendments to criminalise all forms of violence, with potentially a knock-on effect to ensure protection and support is also available to previously unrecognised victims.
Fundamental rights		*Victims of violence against women and domestic violence:*

Assessment criterion	Score	Assessment
		- Right to life (Article 2) - Right to the integrity of the person (Article 3) - Prohibition of torture and inhuman or degrading treatment (Article 4) - Non-discrimination (Article 21) - Equality between women and men (Article 23) - Rights of the elderly (Article 25) - Right to an effective remedy and to a fair trial (Article 47) -
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		N/A
Overall assessment		
Overall, the majority Member States criminalise psychological violence, stalking, physical violence, sexual violence, forced marriage, FGM, forced abortion and forced sterilization. This means the impact of this measure across all policy objectives is low. The only form of violence where this is significant variation among Member States is psychological violence so the greatest impact would be achieved in this regard. Of note, most are criminalised in a gender-neutral manner, except for FGM, and forced marriage is not widely considered a form of GBV. The framing of these forms of violence as types of GBV, through being part of an EU legislative instrument on GBV, under Article 83(1) TFEU could lead to a reinterpretation of the meaning of these forms of violence as GBV. This could lead to much increased and stronger prosecution as these acts of violence are investigated and prosecuted in ways that recognise the specificity of GBV crimes. The total investment required is negligible there are likely to be low administrative costs to change legislation and several MS already have laws in place criminalising various forms of violence against women and domestic violence. The measure is likely to find political acceptance, as Member States overall already have the legal measures in place.		

1.3.5. Assessment of measure 3.2.b - measures against gender-based cyber violence against women

Same as the baseline.

1.3.6. Assessment of measure 3.2.c - measures against gender-based cyber violence against women

Encourage/oblige member states to allow online/other low-threshold reporting of incidents of online violence against women to national law enforcement or other authorities.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		In an increase in reporting, if it leads to prosecution and ultimately ending impunity, could act as deterrence to potential perpetrators and thus prevent further incidents.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Overall, as reporting of online violence against women is low, even compared to other forms of VAW, low-threshold reporting options – that make is easier for victims to report crimes – would likely help overcome barriers rooted in the perception that the process is difficult. This would help ensure effective access to justice for victims. The extent of the impact would however depend on how reports are responded to and prosecuted. The measure's impact may be limited if prosecutors are not clear how the law applies to online crimes and if investigation is not tailored to the specificities on online crime and frequently cross-border nature.

		Reporting of measures across forms of online violence is low, often as an extension of the same challenges offline. These challenges include the tendency for victims to believe their experiences will not be taken seriously by law enforcement. The fact that law enforcement often does not have the tools or training to properly handle such cases can worsen these problems. Fear of stigma, shame and victim-blaming, embedded in wider societal norms, further deter women from reporting. An additional factor is the absence of a legal definition covering gender-based online violence in all EU Member States. This leads to incidents not being possible to investigate and prosecute. A number of cases in which victims do report to social media platforms or law enforcement, only a small percentage are pursued, sometimes perceived to be because authorities do not understand the severity of harm caused by online violence. Low reporting rates can be also due in part to a lack of awareness among victims that their experiences qualify as violence and is a crime.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence / Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The measure would have an impact on victims of online violence against women. It would reduce barriers to reporting and improve access to justice for victims. There would be a significant impact as current reporting is very low. **Perpetrators of violence against women and domestic violence** The measure would ensure more perpetrators are brought to justice. This would address a high level of impunity for perpetrators operating online, as it often enables individuals to act with perceived anonymity. **Wider society** No impact. **National authorities** The measure would likely increase reporting and thus increased number of cases to be handled by authorities.
Fundamental rights		*Victims of violence against women and domestic violence:* • Right to an effective remedy and to a fair trial (Article 47)
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		The costs of the measure are expected to be borne by public authorities to assess reports of illegal gender-based content online. **Total EU cost (Millions of euros)** **Measures against illegal gender-based content online** (running cost per annum): **326.5** Costs are based on the estimated number of women victims of online violence that report the incident to an online platform and the number of police officers required to assess the reports. Total costs are calculated by multiplying the number of police officers required to assess reports of illegal gender-based content online and the hourly national wage of police officers. No information is available on Member States that allow online/other low threshold reporting of incidents of OVAW in the baseline and therefore it assumed that all Member States would incur costs to assess reports.
Overall assessment		
Overall, the measure could have a significant impact on the online sphere which is increasingly embedded in all women's personal and		

professional lives. Currently, levels of reporting are low and perpetrators often act knowing they can do so with anonymity and impunity. Reporting is very low because some victims do not know the violence inflicted is a crime and, like crimes committed offline, fear victim-blaming and stigma if they report the crime to authorities. The measure's impact may however be limited if prosecutors are not clear how the law applies to online crimes and if investigation is not tailored to the specificities on online crime, for example its frequent cross-border element.

The total investment required amount to 326.5 Million Euros.

The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.

1.3.7. Assessment of measure 3.4.b - victim compensation

- Obligation for judges and prosecutors to inform victims of violence against women and domestic violence about the possibility to request compensation from the perpetrator and the steps needed.
- Obligation for MS to ensure access to state compensation to those who have sustained serious bodily injury or impairment of health when the damage is not covered by other sources.
- Obligation for MS to provide victims of violence against women and domestic violence with a right to a compensation decision in a reasonable time.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		**Information**: Member States use various way to provide information to victims about compensation. The most common way is for victims to be informed by the police (orally and by leaflets), or they are informed via information online. An online application form for compensation is now available in 17 Member States (AT, BE, BG, CY, CZ, DE, EL, ES, FI, FR, HR, HU, IE, NL, PT, SE, SK). However, it is widely noted by stakeholders that victims often do not obtain information about how to claim compensation and, if they do, it is from victims support organisations. Information provided by judges and prosecutors would help ensure women access the information. **Access:** Victims of crime can claim compensation from the perpetrator in all states. State-funded compensation is not widely available in the EU. In 21 states, in line with Council Directive 2004/80/EC, (BE, BG, HR, CZ, DE, EE, FI, EL, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SI, SK, SE) state compensation is in most cases provided only to victims of violent crimes. In 11 Member States (BE, CZ, DE, HU, LU, MT, NL, PL, PT RO, ES) it is also available if victims have sustained serious bodily injury or impairment of health. In the majority of states, state-funded compensation is available subsidiarily, thus only when the victim cannot procure payment from the perpetrator, either because they have not been identified, cannot afford the compensation, or compensation was denied in the criminal or civil proceedings. **Time:** The time taken to receive compensation is widely seen as 'long and difficult'. Victims often receive their compensation several years after the crime was committed. In some Member States, there are no concrete deadlines to be compensated and, when there are deadlines, they are not always respected. Only a few cases are closed and compensated in a state compensation scheme within the first 12 months and 50% after 24 months. The measure may be limited in impact without clear definitions of 'timely' or deadlines.
Ensuring the effective availability of		The measure may provide complementary to support services who often provide

<table>
<tr><td>support for victims of all forms of gender-based violence against women and domestic violence</td><td></td><td>information to victims about access to information.</td></tr>
<tr><td>Ensuring that gender based harassment of women at work is effectively addressed</td><td></td><td>No impact on this objective</td></tr>
<tr><td>Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence</td><td></td><td>No impact on this objective</td></tr>
<tr><td colspan="3">Effectiveness – other impacts</td></tr>
<tr><td>Social impacts</td><td></td><td>Victims of violence against women and domestic violence
The measure could have a significant impact on victims as many do not currently obtain compensation. Compensation is part of their right to access effective remedy, recognition of the harm they have suffered and may help victims obtain the economic resources they need to move forward. Obligating judges and prosecutors to inform victims about their rights would help victims to access compensation, ensure it is available for serious bodily injury or impairment of health (which is only available in 11 Member States) and in a more timely manner.
Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
No impact on particular groups.
Perpetrators of violence against women and domestic violence
More perpetrators may be expected to pay compensation to their victims, including because state compensation is only available subsidiarily if a perpetrator is unable to pay.
Wider society
No impact.
National authorities
National authorities may have to handle more compensation cases, instil measures to handle them more quickly, and pay compensation.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
Right to an effective remedy and to a fair trial (Article 47)</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><td colspan="3">Efficiency: comparison of benefits and costs</td></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>The costs of the measures are expected to be borne Member State authorities or individual perpetrators (if compensation is paid by the perpetrator). Public authorities or individual perpetrators will incur costs due to the provision of compensation to women victims that have sustained serous bodily injury or impairment.
The costs provided below are for public authorities, assuming compensation is provided by the state.
<table>
<tr><th></th><th>Minimum Total EU cost (Millions of euros)</th><th>Maximum Total EU cost (Millions of euros)</th></tr>
<tr><td>Compensation to women victims (costs per annum)</td><td>Baseline</td><td>Baseline</td></tr>
</table>
Costs for compensation to women victims are based on minimum and maximum estimates for the average amount of state compensation awarded to women victims physical violence (which is broader than violence against women and domestic violence victims) that apply for compensation. The estimated number of women victims of physical violence is used as an estimate of the number of victims of bodily injury or impairment of health due to lack of data on the latter. The total costs are calculated by multiplying the total number of women victims of physical violence with the proportion of women victims that apply for state compensation with the estimates for average state compensation awarded. It is assumed that no Member States provides access to compensation to all women victims. Countries that have state compensation for violent crimes in the baseline would need to pay 50% more victims and countries that do not have state compensation for violent crimes would need to pay all victims. For countries with no information available on the baseline, it is assumed that no compensation is available for violence crime and therefore, all victims would need to be paid. Further, costs are not estimated for 2 MS (IT, MT) with missing information on the number of women victims of physical violence and therefore, costs might be higher.
Little to zero costs are incurred to inform victims of violence against women and domestic violence about the possibility to request compensation from the perpetrator and</td></tr>
</table>

		to reach a decision in a reasonable time.

Overall assessment

Overall, the measure could have a significant impact on victims and their access to justice and effective remedy. Victims have a right to compensation but this often is not realised in cases of VAW/DV. The measures will make significant changes to ensure compensation is available to victims through providing information, which is currently a major barrier, make sure it is available from the state, as perpetrators often cannot or do not pay, and make sure it is available in a timely manner, as current timeframes are very long.
The total investment required amount to 769 – 6,353 Million Euros.
The measure may struggle to find political acceptance because it could result in major changes and costs to the state in terms of implementing the obligation on judges and prosecutors to provide information, pay compensation subsidiary, and changes to the judicial process to ensure compensation is paid in a timely manner.

1.3.8. Assessment of measure 3.4.c - victim compensation

- Obligation for judges and prosecutors to inform victims of violence against women and domestic violence about the possibility to request compensation from the perpetrator and the steps needed.
- Right to meaningful compensation for violence against women or domestic violence victims in criminal proceedings in line with CJEU C-129/19
- Art. 30 IC: Obligation for MS to ensure access to state compensation to those who have sustained serious bodily injury or impairment of health, or impairment of health, when the damage is not covered by other sources.
- Obligation for MS to provide victims of violence against women and domestic violence with a right to a compensation decision in a reasonable time.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		**Information**: Member States use various way to provide information to victims about compensation. The most common way is for victims to be informed by the police (orally and by leaflets), or they are informed via information online. An online application form for compensation is now available in 17 Member States (AT, BE, BG, CY, CZ, DE, EL, ES, FI, FR, HR, HU, IE, NL, PT, SE, SK). However, it is widely noted by stakeholders that victims often do not obtain information about how to claim compensation and, if they do, it is from victims support organisations. Information provided by judges and prosecutors would help ensure women access the information. **Access:** Victims of crime can claim compensation from the perpetrator in all states. State-funded compensation is not widely available in the EU. In 21 states, in line with Council Directive 2004/80/EC, (BE, BG, HR, CZ, DE, EE, FI, EL, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SI, SK, SE) state compensation is in most cases provided only to victims of violent crimes. In 11 Member States (BE, CZ, DE, HU, LU, MT, NL, PL, PT RO, ES) it is also available if victims have sustained serious bodily injury or impairment of health. In the majority of states, state-funded compensation is available subsidiarily, thus only when the victim cannot procure payment from the perpetrator, either because they have not been identified, cannot afford the compensation, or compensation was denied in the criminal or civil proceedings. **Time:** The time taken to receive compensation is widely seen as 'long and difficult'. Victims often receive their compensation several years after the crime was committed. In some Member States, there are no concrete deadlines to be compensated and, when there are deadlines, they are not always respected. Only a few cases are closed and compensated in a state compensation scheme within the first 12 months and 50% after 24 months. The measure may be limited in impact without clear definitions of 'timely' or deadlines. **Meaningful compensation:** The amount of compensation attributed in gender-based violence cases is often very low. For example, in Spain, the average compensation is around €150. CJEU in C-129/19 doubted that the fixed rate of €4800 for a case of sexual violence in Italy was "not manifestly insufficient," because "sexual violence…gives rise to the most serious consequences of violent intentional crime". Low compensation rates can be particularly damaging for victims of domestic violence which can often occur in situations of economic dependence and because it signals to the public and the victim that such crimes are not viewed as having serious consequences to the victim.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women		The measure may provide complementary to support services who often provide information to victims about access to information.

<table>
<tr><td>and domestic violence</td><td></td><td></td></tr>
<tr><td>Ensuring that gender based harassment of women at work is effectively addressed</td><td></td><td>No impact on this objective</td></tr>
<tr><td>Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence</td><td></td><td>No impact on this objective</td></tr>
<tr><td colspan="3">Effectiveness – other impacts</td></tr>
<tr><td>Social impacts</td><td></td><td>Victims of violence against women and domestic violence
The measure could have a significant impact on victims as many do not currently obtain compensation. Compensation is part of their right to access effective remedy, recognition of the harm they have suffered and may help victims obtain the economic resources they need to move forward. Obligating judges and prosecutors to inform victims about their rights would help victims to access meaningful compensation, ensure it is available for serious bodily injury or impairment of health (which is only available in 11 Member States) and in a more timely manner.
Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
No impact on particular groups.
Perpetrators of violence against women and domestic violence
More perpetrators may be expected to pay compensation to their victims, including because state compensation is only available subsidiarily if a perpetrator is unable to pay.
Wider society
No impact.
National authorities
National authorities may have to handle more compensation cases, instil measures to handle them more quickly, and pay more, and higher amounts, of compensation.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
Right to an effective remedy and to a fair trial (Article 47)</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><td colspan="3">Efficiency: comparison of benefits and costs</td></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>This policy measure would incur additional costs from 3.4b to ensure meaningful compensation for violence against women and domestic violence victims.<table><tr><th></th><th>Total Min EU cost (Millions of euros)</th><th>Total Max EU cost (Millions of euros)</th></tr><tr><td>Compensation to women victims (costs per annum)</td><td>1,569.1</td><td>1,569.1</td></tr></table>Costs for compensation to women victims are based on estimated number of women victims of sexual violence that apply for compensation and the maximum estimate for the average amount of state compensation of EUR 35,000. Due to lack of available information on women victims of violence against women and domestic violence, the estimated number of women victims of sexual violence is used instead.
The total costs are calculated based on the number of women victims of sexual violence that again access to state compensation in addition to women victims of physical violence (3.4b). It is assumed that no Member States provide meaningful compensation specifically to women victims of sexual violence in the baseline and hence, all Member States incur costs.</td></tr>
<tr><td colspan="3">Overall assessment</td></tr>
<tr><td colspan="3">Overall, the measure could have a significant impact on victims and their access to justice and effective remedy. Victims have a right to compensation but this often is not realised in cases of VAW/DV. The measures will make significant changes to ensure meaningful levels of compensation are available to victims through providing information, which is currently a major barrier, make sure it is available from the state, as perpetrators often cannot or do not pay, and make sure it is available in a timely manner, as current timeframes are very long.

The total investment required amount to 1,569.1 Million Euros.

The measure may struggle to find political acceptance because it could result in major changes and costs to the state in terms of implementing the obligation on judges and prosecutors to provide information, pay compensation subsidiary, including at potentially higher amounts, and changes to the judicial process to ensure compensation is paid in a timely manner</td></tr>
</table>

1.3.9. violence against women and domestic violenceAssessment of measure 3.6.b - national coordination

Same as baseline.

1.3.10. Assessment of measure 3.6.c - national coordination

- Legal standing to equality bodies to assist and represent victims of violence against women and domestic violence, including online violence against women.
- Obligation for MS to ensure equality bodies are mandated to provide information and conduct awareness raising on violence against women and domestic violence/OVAW.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		Information and awareness-raising measures could focus, for example, on challenging negative gender stereotypes which could act as a preventative measure.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Only six equality bodies have the capacity to receive gender-based violence related complaints (AT, BE, EE, IT, PT, SL). 19 Member States report that national equality bodies can receive claims of sexual harassment and harassment based on sex (BE, BG, HR, CY, DK, EE, FR, DE, EL, IE, LT, MT, NL, PL, PT, RO, SI, SK, SE). Equality bodies currently provide information and support and carry out awareness raising on GBV, focusing on discrimination and sexual harassment in the workplace, for example through webpages, written materials, training, guidance and targeted campaigns. There is however no obligation on Member States to ensure that equality bodies to provide information and conduct awareness raising on violence against women and domestic violence. This measure will likely contribute to systematising efforts which are currently ad hoc and varied across Member States.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Equality bodies as part of assisting and representing victims of violence against women and domestic violence would provide support to victims through legal proceedings. Information can also help victims access support.
Ensuring that gender based harassment of women at work is effectively addressed		The equality directives set out provisions on the role of equality bodies in combatting sex-based discrimination, including harassment. They therefore have a core role in ensuring that gender based harassment of women at work is effectively addressed. This measure would ensure they can support victims of all forms of gender-based violence.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** Victims in 21 Member States would have the option to be assisted and represented by equality bodies, where previously this was unavailable. Victims would receive information with more consistency about support available. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** Victims of gender based harassment at work would be particularly supported by this measure. **Perpetrators of violence against women and domestic violence** No specific measures target perpetrators, although awareness raising campaigns may change the behaviour or attitude of potential perpetrators.

		Wider society Wider society could be impacted by awareness-raising campaigns. **National authorities** National authorities would be obliged to ensure equality bodies are mandated to provide information and conduct awareness raising on violence against women and domestic violence/OVAW. This would have an impact in 21 Member States where this is not currently the case.
Fundamental rights		*Victims of violence against women and domestic violence:* • Right to an effective remedy and to a fair trial (Article 47)
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		Public authorities will incur costs to hire additional staff in equality bodies to assist and represent victims of violence against women and domestic violence. **Total EU cost (Millions of euros)** **Equality bodies** (running cost per annum): **2.0** Costs are based on the number of additional FTE's needed in equality bodies to assist and represent victims of violence against women and domestic violence and their national mean annual earnings. It is assumed that there are no costs for Member States where equality bodies already have a legal standing to receive complaints and to receive claims of sexual harassment in the baseline. For countries where either equality bodies cannot receive GBV complaints or receive claims of harassment, it is assumed that an additional 2 FTEs are needed. For countries (SI) with no information available on the baseline, it is assumed no legal standing is in place and hence, an additional 2 FTEs would be needed.
Overall assessment		
Overall, this measure would mean victims in 21 Member States would have the option to be assisted and represented by equality bodies, where previously this was unavailable. This would greatly strengthen their access to justice and effective remedy. Victims would receive information with more consistency about support available, further enforcing their ability to access justice and the support needed. The total investment required amount to 2.0 Million Euros. The measure may struggle to find political acceptance as it would involve significant changes in most Member States.	

1.4. Problem area: support to violence against women and domestic violence victims

1.4.1. Assessment of measure 4.1.b - support to violence against women and domestic violence victims

- Obligation on MS to ensure availability and adequate resourcing of general support services.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the		No impact on this objective.

Assessment criterion	Score	Assessment
Istanbul Convention)		
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		The measure is focused on providing support to victims rather than legal recourse, however a consideration which should be taken into account is that access to services should not be dependent on a victim's willingness to press charges or testify against the perpetrator. For example, in some parts of Spain, women's access to domestic violence shelters will depend on official recognition of her as a victim of intimate partner violence, with women's access barred to such shelters where protection orders are denied. This rooted practice may determine women's decisions to seek support from these services, affecting their rights to receive protection and support regardless of her willingness to press charges. For this reason, GREVIO strongly encouraged the authorities to develop, within and/or in addition to state-run services, alternative, low threshold specialist support services acting in the interest of victims and giving them the **choice to decide whether or not to press charges** against the perpetrator. This will favour access to justice, as it will support victims through support services so that they are encouraged to seek justice and participate in the proceedings on their own terms.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		The measure will oblige Member States to ensure general support services are available to victims of gender-based violence and domestic violence, including an obligation to ensure access to general health care and social services. At present, Art. 8(1) of the Victims Rights Directive requires access to general victim support services (confidential, free of charge, acting in the interest of the victim) for all victims of all crime. 23 Member States who responded to the targeted consultation stated that support services (general or specialised) are available to victims of gender-based and domestic violence. 64% of all respondents to the public consultation believe that support services are available to victims of gender-based and domestic violence, and among respondents from Germany and Italy, the proportion is higher at over 82%.[362] However, 50% of respondents to the public consultation do not believe that general support services systematically take into account the needs of victims of VAW/DV in their Member State.[363] The measure will address this as inclusion of this measure in an instrument **specific to gender-based violence** will emphasise the importance of making these services available to and considerate of such victims. GREVIO noted that many general support services have insufficient **funding** and/or human resources; this measure will require that general services are adequately resourced in order to reach and support as many victims as possible. In terms of referrals, all 24 Member States who responded stated that that general support services refer victims to appropriate specialist services. And all but one (EL) said that law enforcement authorities 'can do' (11) or 'have to' (12) inform a support service of cases of VAW/DV, although this discretion may be leading to gaps as professionals of 'an overall lack of knowledge among professionals about the different services victims need contact with'.[364] In some baseline reports (including for BE and IT), GREVIO identified issues with regard to the training of the relevant professionals that are directly involved in the provision of social services in relation to the gendered dynamics of violence. GREVIO also noted issues with training of professionals in the health sector, for example, in the reports on Finland and Spain. Lack of such training hinders their ability to properly address victims' needs and support them. Another benefit of the measure will be it will **require that professionals are trained to assist victims and refer them** to the appropriate services. However, a limitation of the measure is that it will not provide guidelines to relevant health care and social services professionals, for example on how to identify and refer victims to support services. GREVIO has further noted that tailored support is lacking for groups including ethnic minorities

[362] Public consultation q.21.
[363] Public consultation q.23.
[364] Victim Support Europe (2019) 'Victims of Crime Implementation Analysis of Rights in Europe: Synthesis report' p. 57. https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf.

Assessment criterion	Score	Assessment
		(such as Sami and Roma women), migrant women, and women with disabilities, as these women experience cultural, language or other barriers when turning to social and health care services. GREVIO recommended that parties ensure that service provision pay particular attention to the needs of women victims who are or may be exposed to intersectional discrimination. The extent to which this issue will be addressed by this measure will depend on the **content of the training**.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** This measure will clearly improve the provision of general support to victims of violence against women and domestic violence, as when they access general services such as general health care and social services, the services will be adequately resourced and the professionals they interact with will be trained to assist victims and refer them to the appropriate services. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The impact on ethnic minorities (such as Sami and Roma women), migrant women, and women with disabilities will depend on the content of the professionals' training. **Perpetrators of violence against women and domestic violence** The measure is not expected to impact perpetrators. **Wider society** Professionals working in general support services such as health and social care will receive training to help them assist victims and refer them to the appropriate services. This will raise awareness among such professionals. **National authorities** The Victims Rights Directive requires access to general victim support services for all victims of all crime, and nearly all Member States reported that support services are available to victims of gender-based and domestic violence. However, the measure is still expected to have an impact, as sufficient training and funding will need to be provided. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.
Fundamental rights		*Victims of violence against women and domestic violence:* - Rights to social assistance and health care (Article 34 and 35)
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		N/A
Overall assessment		
Overall, introducing a legal obligation for ensuring general support services such as health and social services are available to victims of gender-based violence and domestic violence and ensuring such services are resourced and trained in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to strengthen the implementation of relevant measures and improve their quality in many Member States. It would be important to ensure that the new legislative instrument would also set some requirements in relation to sufficient resources, and that training pay particular attention to the needs of women victims who are or may be exposed to intersectional discrimination. The measure will bring benefits to victims and wider society, however its ability to fully reach more vulnerable group will depend on the content provided to the professionals, which could for example include information on ethnic minorities (such as Sami and Roma women), migrant women, and women with disabilities, as these women experience cultural, language or other barriers when turning to social and health care services The total investment required is negligible as general support services to victims of violence against women and domestic violence are covered in the baseline from a costs perspective. Additional costs are derived from specialist support, support to victims of OVAW, gender-based harassment at work and access to shelters.		

Assessment criterion	Score	Assessment
The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.		

1.4.2. Assessment of measure 4.1.c.I - support to violence against women and domestic violence victims

- Obligation on MS to ensure availability and adequate resourcing of general support services.
- Obligation on MS to issue guidelines to health care and social service professionals on violence against women or domestic.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		As with measure 4.1.b, authorities should develop, within and/or in addition to state-run services, alternative, low threshold specialist support services acting in the interest of victims and giving them the **choice to decide whether or not to press charges** against the perpetrator. As with measure 4.1.b, this will favour access to justice as it will support victims through support services so that they are encouraged to seek justice and participate in the proceedings on their own terms.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		As with measure 4.1.b, the measure will oblige Member States to ensure general support services are available to victims of gender-based violence and domestic violence, including an obligation to ensure access to general health care and social services. This measure will also introduce an obligation on Member States to issue **guidelines** to health care and social service professionals on gender-based violence and domestic violence. At present, Art. 8(1) of the Victims Rights Directive requires access to general victim support services (confidential, free of charge, acting in the interest of the victim) for all victims of all crime. 23 Member States who responded to the targeted consultation stated that support services (general or specialised) are available to victims of gender-based and domestic violence. 64% of all respondents to the public consultation believe that support services are available to victims of gender-based and domestic violence, and among respondents from Germany and Italy, the proportion is higher at over 82%.[365] However, 50% of respondents to the public consultation do not believe that general support services systematically take into account the needs of victims of VAW/DV in their Member State.[366] The measure will address this, as it will be part of a legislative instrument **specific to gender-based** violence, thus emphasising the importance of making these services available to and considerate of such victims.

[365] Public consultation q.21.
[366] Public consultation q.23.

Assessment criterion	Score	Assessment
		GREVIO noted that many general support services have insufficient **funding** and/or human resources; this measure will require that general services are adequately resourced in order to reach and support as many victims as possible. In terms of referrals, all 24 Member States who responded stated that that general support services refer victims to appropriate specialist services. And all but one (EL) said that law enforcement authorities 'can do' (11) or 'have to' (12) inform a support service of cases of VAW/DV, although this discretion may be leading to gaps as professionals of 'an overall lack of knowledge among professionals about the different services victims need contact with'.[367] In some baseline reports (including for BE and IT), GREVIO identified some issues with regards to the training of the relevant professionals that are directly involved in the provision of social services in relation to the gendered dynamics of violence. GREVIO also noted issues with training of professionals in the health sector, for example, in the reports on Finland and Spain. Lack of such training hinders their ability to properly address victims' needs and support them. Another benefit of the measure will be it will **require that professionals are trained to assist victims and refer them** to the appropriate services. Further, at present, only a few Member States (DE, IT, PT, SE) have in place guidelines to health care and social service professionals on violence against women and domestic violence or more detailed minimum standards on the availability and quality of health care and social services, including counselling, in cases of violence against women and domestic violence. A strength of this measure over measure 4.1.b is that it will also introduce **guidelines** to health care and social service professionals on gender-based violence and domestic violence, which will further enhance the provision for such victims. Assuming that guidelines will set out how to identify and refer victims to support services, this will enhance referrals and therefore support received by victims. GREVIO has noted tailored support is lacking for groups including ethnic minorities (such as Sami and Roma women), migrant women, and women with disabilities, as these women experience cultural, language or other barriers when turning to social and health care services. GREVIO recommended that parties ensure that service provision pay particular attention to the needs of women victims who are or may be exposed to intersectional discrimination. The extent to which this issue will be addressed by this measure will depend on the **content of the training and guidelines**; guidelines should provide information allowing professionals to provide tailored support and referrals for victims in vulnerable groups.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** This measure will clearly improve the provision of general support to victims of violence against women and domestic violence, as when they access general services such as general health care and social services, the services will be adequately resourced and the professionals they interact with will be trained to assist victims and refer them to the appropriate services. Guidelines in place for the services will also ensure victims receive the best possible support and referrals. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The impact on ethnic minorities (such as Sami and Roma women), migrant women, and women with disabilities will depend on the content of the professionals' training and the guidelines. **Perpetrators of violence against women and domestic violence** The measure is not expected to impact perpetrators.

[367] Victim Support Europe (2019) 'Victims of Crime Implementation Analysis of Rights in Europe: Synthesis report' p. 57. https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf.

Assessment criterion	Score	Assessment
		Wider society Professionals working in general support services such as health and social care will receive training and guidelines to help them assist victims and refer them to the appropriate services. This will raise the awareness among such professionals and likely have a multiplier effect amongst their organisations. **National authorities** The Victims Rights Directive requires access to general victim support services for all victims of all crime, and nearly all Member States reported that support services are available to victims of gender-based and domestic violence. However, the measure is still expected to have an impact, as sufficient training, guidelines, and funding will need to be provided. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.
Fundamental rights		*Victims of violence against women and domestic violence:* - Rights to social assistance and health care (Article 34 and 35)
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		The total cost is estimated between € 328,418,000 and € 2,629,770,000. The minimum is estimated based on special leave for victims of sexual physical violence, whereas the maximum assumes all women victims of physical violence are entitled to the three-day leave.
Overall assessment		
Overall, introducing a legal obligation for ensuring general support services such as health and social services are available to victims of gender-based violence and domestic violence and ensuring such services are resourced and trained in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to strengthen the implementation of relevant measures and improve their quality in many Member States. The measure introduces benefits over and above measure 4.1.b, as guidelines will be produced for the general services related to gender-based violence and domestic violence, so that they are able to better identify, refer and assist victims. The measure will bring benefits to victims and wider society, however its ability to fully reach more vulnerable group will depend on the content of the guidelines and information provided to the professionals, which could for example include information on ethnic minorities (such as Sami and Roma women), migrant women, and women with disabilities, as these women experience cultural, language or other barriers when turning to social and health care services. The total investment required amount to zero. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.		

1.4.3. Assessment of measure 4.1.c.II support to violence against women and domestic violence victims

Obligation on MS to ensure availability and adequate resourcing of general support services.
Obligation on MS to issue guidelines to health care and social service professionals on violence against women and domestic violence.
Obligation for MS to provide three days of special leave compensated at the level of sick leave for all victims of violence against women and domestic violence.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective.

Assessment criterion	Score	Assessment
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		As with measure 4.1.b, authorities should develop, within and/or in addition to state-run services, alternative, low threshold specialist support services acting in the interest of victims and giving them the **choice to decide whether or not to press charges** against the perpetrator. As with measure 4.1.b, this will favour access to justice as it will support victims through support services so that they are encouraged to seek justice and participate in the proceedings on their own terms.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		As with measure 4.1.b, the measure will oblige Member States to ensure general support services are available to victims of gender-based violence and domestic violence, including an obligation to ensure access to general health care and social services. This measure will also introduce an obligation on Member States to issue **guidelines** to health care and social service professionals on gender-based violence and domestic violence. At present, Art. 8(1) of the Victims Rights Directive requires access to general victim support services (confidential, free of charge, acting in the interest of the victim) for all victims of all crime. 23 Member States who responded to the targeted consultation stated that support services (general or specialised) are available to victims of gender-based and domestic violence. 64% of all respondents to the public consultation believe that support services are available to victims of gender-based and domestic violence, and among respondents from Germany and Italy, the proportion is higher at over 82%.[368] However, 50% of respondents to the public consultation do not believe that general support services systematically take into account the needs of victims of VAW/DV in their Member State.[369] The measure will address this, as it will be part of a legislative instrument **specific to gender-based** violence, thus emphasising the importance of making these services available to and considerate of such victims. GREVIO noted that many general support services have insufficient **funding** and/or human resources; this measure will require that general services are adequately resourced in order to reach and support as many victims as possible. In terms of referrals, all 24 Member States who responded stated that that general support services refer victims to appropriate specialist services. And all but one (EL) said that law enforcement authorities 'can do' (11) or 'have to' (12) inform a support service of cases of VAW/DV, although this discretion may be leading to gaps as professionals of 'an overall lack of knowledge among professionals about the different services victims need contact with'.[370] In some baseline reports (including for BE and IT), GREVIO identified some issues with regards to the training of the relevant professionals that are directly involved in the provision of social services in relation to the gendered dynamics of violence. GREVIO also noted issues with training of professionals in the health sector, for example, in the reports on Finland and Spain. Lack of such training hinders their ability to properly address victims' needs and support them. Another benefit of the measure will be it will **require that professionals are trained to assist victims and refer them** to the appropriate services. Further, at present, only a few Member States (DE, IT, PT, SE) have in place guidelines to health care and social service professionals on violence against women and domestic violence or more detailed minimum standards on the availability and quality of health care and social services, including counselling, in cases of violence against women and domestic violence. A strength of this measure over measure 4.1.b is that it will also introduce **guidelines** to health care and social service professionals on gender-based violence and domestic violence, which will further enhance the provision for such victims. Assuming that guidelines will set out how to identify and refer victims to support services, this will enhance referrals and therefore support received by victims. The final type of support offered by this measure will be the obligation for MS to provide three days of special leave compensated at the level of sick leave for all victims of violence against

[368] Public consultation q.21.
[369] Public consultation q.23.
[370] Victim Support Europe (2019) 'Victims of Crime Implementation Analysis of Rights in Europe: Synthesis report' p. 57. https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf.

Assessment criterion	Score	Assessment
		women and domestic violence. This will ensure psychological, physical, and emotional space from the workplace when a victim has experienced violence against women and domestic violence and may help with the victim's recover. GREVIO has noted tailored support is lacking for groups including ethnic minorities (such as Sami and Roma women), migrant women, and women with disabilities, as these women experience cultural, language or other barriers when turning to social and health care services. GREVIO recommended that parties ensure that service provision pay particular attention to the needs of women victims who are or may be exposed to intersectional discrimination. The extent to which this issue will be addressed by this measure will depend on the **content of the training and guidelines**; guidelines should provide information allowing professionals to provide tailored support and referrals for victims in vulnerable groups.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** This measure will clearly improve the provision of general support to victims of violence against women and domestic violence, as when they access general services such as general health care and social services, the services will be adequately resourced and the professionals they interact with will be trained to assist victims and refer them to the appropriate services. Guidelines in place for the services will also ensure victims receive the best possible support and referrals. Finally, all victims will be able to take three days of special leave compensated at the level of sick leave which will further support victims. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The impact on ethnic minorities (such as Sami and Roma women), migrant women, and women with disabilities will depend on the content of the professionals' training and the guidelines. **Perpetrators of violence against women and domestic violence** The measure is not expected to impact perpetrators. **Wider society** Professionals working in general support services such as health and social care will receive training and guidelines to help them assist victims and refer them to the appropriate services. This will raise the awareness among such professionals and likely have a multiplier effect amongst their organisations. **National authorities** The Victims Rights Directive requires access to general victim support services for all victims of all crime, and nearly all Member States reported that support services are available to victims of gender-based and domestic violence. However, the measure is still expected to have an impact, as sufficient training, guidelines, and funding will need to be provided. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.
Fundamental rights		*Victims of violence against women and domestic violence:* - Rights to social assistance and health care (Article 34 and 35)
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		The total cost is estimated between € 328,418,000 and € 2,629,770,000. The minimum is estimated based on special leave for victims of sexual physical violence, whereas the maximum assumes all women victims of physical violence are entitled to the three-day leave. Negligible cost of guidelines to health and social care professionals

Assessment criterion	Score	Assessment
Overall assessment		
Overall, introducing a legal obligation for ensuring general support services such as health and social services are available to victims of gender-based violence and domestic violence and ensuring such services are resourced and trained in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to strengthen the implementation of relevant measures and improve their quality in many Member States. The measure introduces benefits over and above measure 4.1.b, as guidelines will be produced for the general services related to gender-based violence and domestic violence, so that they are able to better identify, refer and assist victims. The measure will bring benefits to victims and wider society, however its ability to fully reach more vulnerable group will depend on the content of the guidelines and information provided to the professionals, which could for example include information on ethnic minorities (such as Sami and Roma women), migrant women, and women with disabilities, as these women experience cultural, language or other barriers when turning to social and health care services. The total investment required amount to zero. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.		

1.4.4. Assessment of measure 4.2.b - specialised support

Specialist support:

- Obligation for MS to provide or arrange for immediate, short- and long-term specialist support services in an adequate geographical distribution to victims of all forms of violence against women and domestic violence (Art. 22(1) IC).
- Obligation to arrange for specialist women's support services to all women victims of violence and their children. (Art. 22(2) IC).
- Obligation for MS to ensure adequate regional availability of protection and support: primarily in physical format and if not possible, through online provision.
- Obligation for MS to provide appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers. These provide: medical and forensic examination and trauma support and counselling for victims throughout the geographical area of the MS (Art. 25 IC).

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		A part of the measure will include ensuring appropriate, easily accessible **rape crisis or sexual violence referral centres** for victims in sufficient numbers, to provide, amongst other services, medical and forensic examination. This will facilitate more effective access to justice and punishment for perpetrators of rape and sexual violence.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		The measure will broadly improve the offer and quality of specialist support services for victims of domestic violence and violence against women through provision of support in an adequate geographical distribution to victims of all forms of gender-based violence and domestic violence. Currently, Art. 8(2) of the Victims Rights Directive requires Member States to take measures to establish specialist support services in addition to, or as an integrated part of, general victim support services. As discussed under measure 4.1, 23 Member States who responded to the targeted consultation stated that support services (general or specialised) were available to victims of gender-based and domestic violence, of which 20 said there were specialist support services accessible only to women victims. According to the targeted consultation, nearly all Member States (AT, BE, BG, CY, CZ, DE, DK, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, PT, RO, SE, SK, SL) ensure adequate funding to specialised support services. However, in practice, the availability of support services is **widely noted to be lacking**. GREVIO noted that there are widespread specialist support services that assist victims of domestic violence, yet inadequacies have been identified in terms of the number, distribution, and type of such services. For example, counselling and trauma care were scarce in countries including Denmark and Sweden. There is also a need to set up specialist support services for forms of violence other than domestic violence such as sexual violence, FGM, forced marriage, forced abortion and sterilisation or sexual harassment. 64% of all respondents to the public consultation

Assessment criterion	Score	Assessment
		believe that support services are available to victims of gender-based and domestic violence, although respondents from Germany and Italy, the proportion is higher at over 82%.[371] 50% of respondents do not believe that general support services systematically take into account the needs of victims of VAW/DV in their Member State.[372] The measure will address these problems by obliging Member States to provide or arrange for immediate, short- and long-term specialist support services to victims of all forms of gender-based violence and domestic violence, as well as specialist women's support services to all women victims of violence and their children. This will ensure services are **not solely focused on domestic violence**, allowing victims of other forms of violence to receive the support they need. The measure will oblige Member States to provide appropriate, easily accessible **rape crisis or sexual violence referral centres** for victims in sufficient numbers, to provide medical and forensic examination and trauma support and counselling for victims throughout the Member State. This will ensure victims of rape and sexual violence are medically, forensically, and emotionally supported to the full extent. Victim Support Europe notes that there is insufficient geographical coverage for services in certain countries (BG, HR, CY, EL, ES, IT, LT, LU, RO, SK).[373] The measure will ensure victims across the EU will be able to access services which have an adequate geographical distribution, and this will be further enhanced as the measure will oblige Member States to ensure adequate **regional availability** of protection and support: primarily in physical format and if not possible, through online provision. A limitation of the measure will be its **general nature and lack of focus on specific vulnerable groups**. Specific access barriers for children, migrant women and women living with a disability have been noted by Victim Support Europe[374]. GREVIO baseline evaluation reports in Member States including Austria, Belgium, Italy, Portugal, and Sweden have shortcomings in the provision of specialist support services catered to the needs of specific groups of victims such as children and women at the intersection of discrimination, notably, women with mental health issues, victims with a history of substance abuse, women with intellectual or physical disabilities, irregular migrant women and women from ethnic minorities, in particular Roma women and Sami women.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** This measure will clearly improve the provision of specialist support to victims of violence against women and domestic violence. An approach which is victim-centred and based on a gendered understanding of violence against women will facilitate empowering victims through assistance catered to their specific needs, including the needs of women in rural areas. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The measure is not expected to impact particular groups in a specific way, as it is aimed at women victims of violence and domestic violence victims in general.

[371] Public consultation q.21.
[372] Public consultation q.23.
[373] Victim Support Europe (2019) 'Victims of Crime Implementation Analysis of Rights in Europe: Synthesis report' p. 56. https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf.
[374] Victim Support Europe (2019) 'Victims of Crime Implementation Analysis of Rights in Europe: Synthesis report' p. 56. https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf.

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>Perpetrators of violence against women and domestic violence
The measure could impact perpetrators, as when forensic capabilities are strengthened in rape crisis or sexual violence referral centres, this will facilitate investigation, prosecution and sanctioning of perpetrators.
Wider society
The measure is not expected to impact wider society.
National authorities
National authorities are required by the Victims Rights Directive to have specialist services in place, therefore the measure will represent an expansion and improvement on existing provision. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
- Right to life (Article 2(
- Right to the integrity of the person (Article 3)
- Prohibition of torture and inhuman or degrading treatment (Article 4)
- Respect for private and family life (Article 7)
- Non-discrimination (Article 21)
- Equality between women and men (Article 23)
- Rights of the elderly (Article 25)
- Integration of persons with disabilities (Article 26)
- Rights to social assistance and health care (Article 34 and 35)
- Right to an effective remedy and to a fair trial (Article 47)
Victims of online GBV
- Protection of personal data (Article 8)
- Freedom of expression and information (Article 11)
Victims of sex-based harassment
- Right to fair and just working conditions (Article 31)
- Right to an effective remedy and to a fair trial (Article 47)
Child victims /witnesses
Protection of the rights of the child (Article 24).</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><th colspan="3">Efficiency: comparison of benefits and costs</th></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>The costs are expected to be borne by the EC, Member State authorities and support of other organisations (if running specialist services). More specifically:
The EC may co-fund specialist services for victims of violence against women and domestic violence, but the costs of these are presented below and relate to public authorities.
Public authorities will incur costs for running specialist support services that are shown below.
<table>
<tr><th></th><th>Total EU cost (Millions of euros)</th></tr>
<tr><td>Specialist support to women victims of violence against women and domestic violence (running cost per annum)</td><td>106.9</td></tr>
</table>
Costs are based on an estimation of the additional government expenditure needed in each Member State to fulfil the demand for services for survivors on sexualised violence compared to the baseline. These costs were calculated based on an estimate of the existing total government expenditure per annum on specialised support services for women victims of GBV and the percentage of missing services for survivors of sexualised violence. The calculated total costs assume that all Member States require additional expenditure on specialist support that are proportionate to number of missing services for survivors of sexualised violence.</td></tr>
<tr><th colspan="3">Overall assessment</th></tr>
<tr><td colspan="3">Overall, introducing a legal obligation for ensuring specialist support services are widely available to victims of gender-based violence and domestic violence in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to strengthen the implementation of relevant measures and improve their quality in many Member States. An approach which is victim-centred and based on a gendered understanding of violence against women will facilitate empowering victims through assistance catered to their specific needs, including the needs of women in rural areas.</td></tr>
</table>

Assessment criterion	Score	Assessment
The measure will bring benefits to victims, however due to its rather general nature, it may not be able to fully reach more vulnerable groups. The total investment required amount to 106.9 Million Euros. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.		

1.4.5. Assessment of measure 4.2.c - specialised support

- **Specialist support:**
  - Obligation for MS to provide or arrange for immediate, short- and long-term specialist support services in an adequate geographical distribution to victims of all forms of violence against women and domestic violence (Art. 22(1) IC).
  - Obligation to arrange for specialist women's support services to all women victims of violence and their children. (Art. 22(2) IC).
  - Obligation for MS to ensure adequate regional availability of protection and support: primarily in physical format and if not possible, through online provision.
  - Obligation for MS to provide appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers. These provide: medical and forensic examination and trauma support and counselling for victims throughout the geographical area of the MS (Art. 25 IC).
  - Obligation for MS to ensure availability of support services to groups at a heightened risk of violence (such as migrant women, victims from minority communities, women with disabilities, women working in the sex industry and women prisoners).

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		A part of the measure will include ensuring appropriate, easily accessible **rape crisis or sexual violence referral centres** for victims in sufficient numbers, to provide, amongst other services, medical and forensic examination. This will facilitate more effective access to justice and punishment for perpetrators of rape and sexual violence.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		As with measure 4.2.b, the measure will broadly improve the offer and quality of specialist support services for victims of domestic violence and violence against women through provision of support in an adequate geographical distribution to victims of all forms of gender-based violence and domestic violence. This measure will additionally oblige Member States to ensure availability of support services to **groups at a heightened risk of violence** such as migrant women, victims from minority communities, women with disabilities, women working in the sex industry and women prisoners. Currently, Art. 8(2) of the Victims Rights Directive requires Member States to take measures to establish specialist support services in addition to, or as an integrated part of, general victim support services. As discussed under measure 4.1, 23 Member States who responded to the targeted consultation stated that support services (general or specialised) were available to victims

Assessment criterion	Score	Assessment
		of gender-based and domestic violence, of which 20 said there were specialist support services accessible only to women victims. According to the targeted consultation, nearly all Member States (AT, BE, BG, CY, CZ, DE, DK, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, PT, RO, SE, SK, SL) ensure adequate funding to specialised support services. However, in practice, the availability of support services is **widely noted to be lacking**. GREVIO noted that there are widespread specialist support services that assist victims of domestic violence, yet inadequacies have been identified in terms of the number, distribution, and type of such services. There is also a need to set up specialist support services for forms of violence other than domestic violence such as sexual violence, FGM, forced marriage, forced abortion and sterilisation or sexual harassment. 64% of all respondents to the public consultation believe that support services are available to victims of gender-based and domestic violence, although respondents from Germany and Italy, the proportion is higher at over 82%.[375] 50% of respondents do not believe that general support services systematically take into account the needs of victims of VAW/DV in their Member State.[376] The measure will address these problems by obliging Member States to provide or arrange for immediate, short- and long-term specialist support services to victims of all forms of gender-based violence and domestic violence, as well as specialist women's support services to all women victims of violence and their children. This will ensure services are **not solely focused on domestic violence**, allowing victims of other forms of violence to receive the support they need. The measure will oblige Member States to provide appropriate, easily accessible **rape crisis or sexual violence referral centres** for victims in sufficient numbers, to provide medical and forensic examination and trauma support and counselling for victims throughout the Member State. This will ensure victims of rape and sexual violence are medically, forensically, and emotionally supported to the full extent. Victim Support Europe notes that there is insufficient geographical coverage for services in certain countries (BG, HR, CY, EL, ES, IT, LT, LU, RO, SK).[377] The measure will ensure victims across the EU will be able to access services which have an adequate geographical distribution, and this will be further enhanced as the measure will oblige Member States to ensure adequate **regional availability** of protection and support: primarily in physical format and if not possible, through online provision. Specific access barriers for children, migrant women and women living with a disability have been noted by Victim Support Europe[378]. GREVIO baseline evaluation reports in Member States including Austria, Belgium, Italy, Portugal, and Sweden have shortcomings in the provision of specialist support services catered to the needs of specific groups of victims such as children and women at the intersection of discrimination, notably, women with mental health issues, victims with a history of substance abuse, women with intellectual or physical disabilities, irregular migrant women and women from ethnic minorities, in particular Roma women and Sami women. A strong benefit of this measure will be its obligation for Member States to ensure availability of support services to **groups at a heightened risk of violence** such as migrant women, victims from minority communities, women with disabilities, women working in the sex industry and women prisoners.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.

[375] Public consultation q.21.
[376] Public consultation q.23.
[377] Victim Support Europe (2019) 'Victims of Crime Implementation Analysis of Rights in Europe: Synthesis report' p. 56. https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf.
[378] Victim Support Europe (2019) 'Victims of Crime Implementation Analysis of Rights in Europe: Synthesis report' p. 56. https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf.

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td colspan="3">Effectiveness – other impacts</td></tr>
<tr><td>Social impacts</td><td></td><td>Victims of violence against women and domestic violence
This measure will clearly improve the provision of specialist support to victims of violence against women and domestic violence. An approach which is victim-centred and based on a gendered understanding of violence against women will facilitate empowering victims including women in rural areas.
Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
A benefit of this measure compared to measure 4.2.b will be its obligation for Member States to ensure availability of support services to groups at a heightened risk of violence such as migrant women, victims from minority communities, women with disabilities, women working in the sex industry and women prisoners. This will ensure services cater to the specific needs of these groups and women who are subject to multiple discrimination
Perpetrators of violence against women and domestic violence
The measure could impact perpetrators, as investigations and prosecutions will be facilitated when forensic capabilities are strengthened in rape crisis or sexual violence referral centres.
Wider society
The measure is not expected to impact wider society.
National authorities
National authorities are required by the Victims Rights Directive to have specialist services in place, therefore the measure will represent an expansion and improvement on existing provision. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
- Right to life (Article 2)
- Right to the integrity of the person (Article 3)
- Prohibition of torture and inhuman or degrading treatment (Article 4)
- Respect for private and family life (Article 7)
- Non-discrimination (Article 21)
- Equality between women and men (Article 23)
- Rights of the elderly (Article 25)
- Integration of persons with disabilities (Article 26)
- Rights to social assistance and health care (Article 34 and 35)
- Right to an effective remedy and to a fair trial (Article 47)
Victims of online violence against women and domestic violence
- Protection of personal data (Article 8)
- Freedom of expression and information (Article 11)
Victims of sex-based harassment
- Right to fair and just working conditions (Article 31)
- Right to an effective remedy and to a fair trial (Article 47)
Child victims /witnesses
Protection of the rights of the child (Article 24).</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><td colspan="3">Efficiency: comparison of benefits and costs</td></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>This policy option requires availability of support services to groups at heightened risk of violence. Public authorities will incur additional costs from 4.2b to provide specialist support services that target certain groups at heightened risk.
<table><tr><th></th><th>Total EU cost (Millions of euros)</th></tr><tr><td>Specialist support to women victims of GBV (running cost per annum)</td><td>117.6</td></tr></table>
Costs assume that an additional 10% of total expenditure estimated under the 4.2b is needed to support groups at heightened risk.</td></tr>
<tr><td colspan="3">Overall assessment</td></tr>
</table>

Assessment criterion	Score	Assessment
Overall, introducing a legal obligation for ensuring specialist support services are widely available to victims of gender-based violence and domestic violence in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to strengthen the implementation of relevant measures and improve their quality in many Member States. An approach which is victim-centred and based on a gendered understanding of violence against women will facilitate empowering victims through assistance catered to their specific needs, including the needs of women who are subject to multiple discrimination and women in rural areas. The measure will bring benefits to victims, including victims who are in vulnerable groups such as migrant women, victims from minority communities, women with disabilities, women working in the sex industry and women prisoners. The total investment required amount to 117.6 Million Euros. The measure is likely to find political acceptance, as Member States overall already have similar activities in place, although some may have to significantly scale them up.		

1.4.6. Assessment of measure 4.3.c - support to victims of gender-based cyber violence

- Support for victims of victims of gender-based cyber violence: On- and offline support for victims (incl. equipping support services with financial and human resources for knowledge-development).

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Victims of gender-based online violence against women have benefitted somewhat from the general EU provisions applicable to all victims. However, since these provisions do not specifically regulate victims of gender-based online violence against women, they are unlikely to have directly contributed to effective protection and support. GREVIO noted that despite a growing incidence of digital violence against women, including in the context of domestic violence, they have seen very little dedicated support services that comprehensively address the complex issues involved. Many Member States reported a lack of support or knowledge about the prevalence and existence of online violence against women[379]. For example, in Germany, the Federal Association of Rape Crisis Centres and Women's Counselling Centres identified a need for more specialist support and an integrated strategy to prevent online violence[380]. This measure will introduce on- and offline support for victims of online violence against women, including equipping support services with financial and human resources for knowledge-development. This will ensure that victims of such crimes are supported in a specialised and considerate manner. Including this in a wider instrument about violence against women and domestic violence will emphasise the importance of supporting victims of online violence.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		

[379] EP Study (2021): Combating gender-based violence: Cyber violence, pp 109 – 110 – SE example; the issues/problems in general. FC – Q8

[380] https://www.frauen-gegen-gewalt.de/de/aktionen-themen/bff-aktiv-gegen-digitale-gewalt/aktuelle-studien-und-veroeffentlichungen.html

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td>Social impacts</td><td></td><td>Victims of violence against women and domestic violence
This measure will clearly improve the provision of support to victims of online violence against women, as when they access services such as general health care and social services, the services will have developed knowledge on the topic through financial and human resources. Victims will also be able to access online support.
Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
The impact on particular groups will depend on the nature of the support services.
Perpetrators of violence against women and domestic violence
The measure is not expected to impact perpetrators.
Wider society
Professionals working in support services will develop knowledge on online violence against women. This will raise awareness among such professionals.
National authorities
As discussed in other measures for victim support, the Victims Rights Directive does require the existence of general and specialised support services. However, this measure will signal the importance of the issue of online violence against women, and will integrate online violence considerations into support services which currently exist in Member States.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
Rights to social assistance and health care (Article 34 and 35)</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><th colspan="3">Efficiency: comparison of benefits and costs</th></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>The costs are expected to be borne by the EC, Member State authorities and support of other organisations (if running support services). More specifically:
The EC may co-fund support services for victims of violence against women and domestic violence, but the costs of these are presented below and relate to public authorities.
Public authorities will incur costs for running support services for victims of OVAW that are shown below.
<table><tr><th></th><th>Total EU cost (Millions of euros)</th></tr><tr><td>Support to victims of OVAW (running cost per annum)</td><td>1,159.6</td></tr></table>
Costs are based on the estimated number of women victims of online violence that report the incident to an online platform multiplied by the number of hours of support provided and hourly national wages of health and social workers. It is assumed that each case requires 6 sessions of 1-hour health and social worker support each. Sufficient information is not available on the presence of such measures in the baseline and therefore it is assumed that all Member States incur costs.

Additional measures include provision of online support to women victims of OVAW, it is assumed that these measured are already covered through helplines (4.6).</td></tr>
<tr><th colspan="3">Overall assessment</th></tr>
<tr><td colspan="3">Overall, introducing a legal obligation for on- and offline support for victims of online violence against women, including equipping support services with financial and human resources for knowledge-development in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to strengthen the implementation of relevant measures and improve their quality in many Member States.
The measure will bring benefits to victims as it will allow victims of online violence to access support which is informed about their needs.
The total investment required amount to 1,159.6 Million Euros.
The measure is likely to find political acceptance, as it will involved incorporating online considerations into existing activities in Member States.</td></tr>
</table>

1.4.7. Assessment of measure 4.4.c - support to victims of gender-based work harassment

- Obligation for MS to ensure that medical care and counselling services are available to all victims of work-based harassment and that victims are informed about the relevant services. Such services could be made available by the Government, social partners or individual employers. In implementing this provision, MS need to take into account the situation of SME's/employers with less than 10 employees.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		The measure will oblige Member States to ensure that medical care and counselling services are available to all victims of work-based harassment and that victims are informed about the relevant services. Such services could be made available by the Government, social partners or individual employers. Currently, sexual harassment is defined in gender-neutral terms across Directive 2006/54/EC, 2004/113/EC and 2010/41/EU, and the EELN report highlights fragmentation of the provisions across different legal instruments as shortcomings in the implementation of the EU directives.[381] Bringing in a comprehensive and specific legal framework on violence against women and domestic violence will emphasise the experience of women at work, sending a powerful message of zero tolerance towards gender-based violence in the work environment, and will harmonise fragmented provisions. The measure will also clearly reference harassment on the basis of **gender rather than sex**. The EELN report states that sexual harassment and harassment related to sex are generally prohibited at national level as a response to the EU directives on gender equality[382]. It notes that in most Member States, the scope of prohibition on sex-based harassment and sexual harassment has been broader than in EU law and in some countries harassment and sexual harassment are prohibited in all spheres of life. The report says 'This seems to indicate that states considered the current EU legal framework as insufficient to address the phenomena' and highlights insufficient support measures as a shortcoming in the implementation of the EU directives in terms of effectiveness[383]. Similarly, social partners consider that the directives to have contributed very little to the assistance and support they provide. As discussed in measure 1.3.c in prevention, there are some ongoing cases of good practice which should continue as this measure is introduced. In its baseline evaluation reports, GREVIO highlights some examples of good practice related to harassment at work, including in Portugal, whereby the Working Conditions Authority (i.a.) offers face-to-face counselling and a national telephone information service, and gives attention to vulnerable groups of workers, including immigrant workers. Also in Portugal, the Commission for Equality in Labour and Employment provides legal support to victims. Further, social partners have engaged in a wide range of measures and successfully provided assistance, particularly through collective bargaining.

[381] EELN report p.82
[382] EELN report p.82
[383] EELN report p.82

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>The measure will ensure the availability of support for victims of workplace harassment through provision of medical care and counselling services to all victims of work-based harassment, and the measure will also ensure victims are informed about the relevant services.
Finally, Member States will be required to take into account the situation of SMEs and employers with fewer than 10 employees when implementing the measure. This will ensure a greater degree of proportionality, and limit the burden on micro enterprises.</td></tr>
<tr><td>Ensuring that gender based harassment of women at work is effectively addressed</td><td></td><td>By providing the support described in the box above, this measure will ensure that gender-based harassment of women at work is effectively addressed. An approach which is victim-centred and based on a gendered understanding of violence against women will facilitate empowering victims through assistance catered to their specific needs.</td></tr>
<tr><td>Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence</td><td></td><td>No impact on this objective.</td></tr>
<tr><td colspan="3">Effectiveness – other impacts</td></tr>
<tr><td>Social impacts</td><td></td><td>Victims of violence against women and domestic violence
Providing medical care and counselling services to all victims of work-based harassment and informing victims about relevant services will support victims following incidents of workplace harassment.
Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
The impact on particular groups will depend on the content of the support services; for example, they could include provisions to support employees at risk of intersectional discrimination in the workplace, including potential victims of both gender-based and race-based harassment.
Perpetrators of violence against women and domestic violence
The measure is not expected to impact perpetrators.
Wider society
The providers of the support services, whether they be the Government, social partners or individual employers, will be impacted through delivering the support. Importantly, there will be mitigated measures for SMEs / companies of less than 10 employees to ensure proportionality.
National authorities
The impact on national authorities would depend on who provided the services (could be social partners, employees or national authorities).</td></tr>
<tr><td>Fundamental rights</td><td></td><td>The measure is expected to enhance in particular the following fundamental rights.
Victims of violence against women and domestic violence:
- Right to the integrity of the person (Article 3)
- Prohibition of torture and inhuman or degrading treatment (Article 4)
- Non-discrimination (Article 21)
- Equality between women and men (Article 23)
Victims of sex-based harassment
- Right to fair and just working conditions (Article 31)</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><td colspan="3">Efficiency: comparison of benefits and costs</td></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>The costs are expected to be borne by employers and Member State authorities (if providing the services). More specifically:
Public authorities will incur costs for running support services for victims of OVAW that are shown below.
<table>
<tr><th></th><th>Total EU cost (Millions of euros)</th></tr>
<tr><td>Support to victims of gender-based work harassment (running cost per annum)</td><td>198.5-627.1</td></tr>
</table>
Costs are based on the estimated number of estimated incidents of gender-based work harassment</td></tr>
</table>

Assessment criterion	Score	Assessment
		multiplied by the number of hours of support provided and hourly national wages of health and social workers. It is assumed that each case requires 6 sessions of 1-hour health and social worker support each. Sufficient information is not available on the presence of such measures in the baseline and therefore it is assumed that all Member States incur costs.

Overall assessment

Overall, this measure would represent a large improvement over the current baseline situation. The introduction of medical care and counselling services to all victims of work-based harassment, and the provision of information to victims about relevant services will support victims following incidents of workplace harassment, and will ensure that victims are properly supported in all cases of workplace harassment. It will also formalise and harmonise provisions at the EU level, sending a powerful message of zero tolerance towards gender-based violence in the work environment, harmonising fragmented provisions.

The measure will bring benefits to victims and wider society. Depending on the content of the implemented provisions, the measure may be able to reach more vulnerable groups as well.

The total investment required amount to 75 Million Euros.

As Member States have already taken steps beyond the content of the Directives may indicate that there is appetite for further harmonisation of measures and action at EU level. The proportionality of the measure, as it does not apply to SMEs, may increase political acceptance from national authorities.

1.4.8. Assessment of measure 4.5.b Shelters

Provision of shelters in an accessible manner and sufficient numbers.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Victims of violence against women and domestic violence who access shelters will be protected from perpetrators during their time in the shelter, particularly if the perpetrator is someone they live with. Ensuring shelters are easily accessible will allow a larger number of victims to be protected in this way.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		According to the WAVE Report (2019), the number of women's shelters in Member States varies from zero (LT and NL) to 360 (DK), with an average of 57 shelters. The report shows that only three Member States (LU, MT, SL) fulfil the requested number of specialised women's shelters per 10,000 of population recommended by the CoE.[384] 51% of beds needed are missing according to this standard.[385] This measure will improve upon the lack of shelters by **requiring appropriate, easily accessible shelters** in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children. This will support victims as it will allow them to access a safe space away from perpetrators as they recover from instances of violence against women and domestic violence. However, the measure does only require "sufficient" numbers of shelters, therefore without a clear obligation to provide a set proportionate number of spaces, Member States would have discretion over the number of places. This could lead to sub-optimal coverage in some areas.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** This measure will clearly improve the provision of general support to victims of violence against women and domestic violence, as sufficient numbers of appropriate, easy to access shelters will be available to them to ensure victims receive the best possible support. The measure will also require shelters to reach out proactively to victims, especially women and their children, therefore victims will not be unaware or confused about where they can turn. Being able to offer shelter to a

[384] WAVE (2019) Wave Country Report 2019. https://www.wave-network.org/2019/12/30/wave-country-report-2019.
[385] Ibid.

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>larger cohort of victims will also enhance their protection, as they are out of harm's way.
Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
Due to its rather general nature, the measure may not be able to fully reach more vulnerable groups, although the increased availability of places and the proactive approach to outreach are likely to also cover more vulnerable groups.
Perpetrators of violence against women and domestic violence
The measure is not expected to impact perpetrators.
Wider society
The measure is not expected to impact wider society.
National authorities
Some Member States do have adequate shelter capacity in their countries, for example 11 Member States reported fewer than 20 shelters in their Member State (LT, NL, CY, CZ, MT, SK, LU, BG, LV, EE, HR) therefore this measure will have the largest impact on those without a sufficient number of shelters / shelter places. Member States which have not ratified the Istanbul Convention will likely need to invest the most in shelter spaces.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
- Prohibition of torture and inhuman or degrading treatment (Article 4)
- Equality between women and men (Article 23)
- Rights to social assistance and health care (Article 34 and 35)
- Right to an effective remedy and to a fair trial (Article 47)
Child victims /witnesses
- Protection of the rights of the child (Article 24).</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><th colspan="3">Efficiency: comparison of benefits and costs</th></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>The costs for this measure are expected to be borne by the EC, Member State authorities and support of other organisations (if running shelters). More specifically:
The EC may co-fund shelter services for women victims of violence against women and domestic violence, but the costs of these are presented below and relate to public authorities.
Public authorities will incur costs for setting-up and running accessible shelters in sufficient numbers for victims.
<table>
<tr><th></th><th>One-off development cost</th><th>Running cost per annum</th><th>Total EU cost (Millions of euros)</th></tr>
<tr><td>Shelters</td><td>147.8</td><td>20.49-379.8</td><td>33.12-392.4</td></tr>
</table>
Running costs are based on minimum and maximum estimates of the cost of maintaining one refuge space multiplied by the estimated number of missing beds in shelters in each Member State in the baseline.
The one-off development costs are based on the average expenditure needed to set up the missing shelters, assuming an additional an average 125-person capacity/shelter.</td></tr>
<tr><th colspan="3">Overall assessment</th></tr>
<tr><td colspan="3">Overall, introducing a legal obligation for appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out proactively to victims, especially women and their children in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to increase the number of shelters in most Member States. The measure will bring benefits to victims who are seeking a safe space following an episode of violence, and protect them from revictimization. Due to its rather general nature, it may not be able to fully reach more vulnerable groups. Further, the measure only requires "sufficient" numbers of shelters, therefore without a clear obligation to provide a set proportionate number of spaces, Member States would have discretion over the number of places. This could lead to sub-optimal coverage in some areas.
The total investment required amount to 369 – 4,225 Million Euros.
Most Member States have at least some shelters, therefore the measure is likely to find political acceptance as it will represent scaling-up of existing provisions.</td></tr>
</table>

1.4.9. Assessment of measure 4.5.c.I - shelters

- **Shelters**:
  - Provision of shelters in an accessible manner and sufficient numbers.
  - Encouragement for shelter provision in line with CoE recommendation.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Victims of violence against women and domestic violence who access shelters will be protected from perpetrators during their time in the shelter, particularly if the perpetrator is someone they live with. As with measure 4.5.b, ensuring shelters are easily accessible will allow a larger number of victims to be protected in this way.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		As described in measure 4.5.b, there are insufficient numbers of shelters in the EU. According to the WAVE Report (2019), the number of women's shelters in Member States varies from zero (LT and NL) to 360 (DK), with an average of 57 shelters. This measure will improve upon the lack of shelters by **requiring appropriate, easily accessible shelters in sufficient numbers** and in every region in a manner which **corresponds to actual need**, encouraging the threshold of one family place per 10,000 of population, as recommended by the CoE. The WAVE report shows that to date only three Member States (LU, MT, SL) fulfil the requested number of specialised women's shelters and that 51% of beds needed are missing according to this standard.[386] Encouraging this threshold will strongly support victims as it will ensure there are adequate spaces available and reduce the risk of victims not being able to access a shelter when they need one. This will remove the scope for Member State discretion present in measure 4.5.b, as Member States will be obliged to meet a proportionate standard for the number of spaces in shelters. As with measure 4.5.b, the measure will also require shelters to reach out proactively to victims, especially women and their children, which further enhances the effect on this objective. However, the CoE threshold will only be encouraged rather than required, which will leave some discretion to Member States.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** This measure will clearly improve the provision of general support to victims of violence against women and domestic violence, as needs-based numbers of appropriate, easy to access shelters

[386] Ibid.

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>will be encouraged to be available to them to ensure victims receive the best possible support. The measure will also require shelters to reach out proactively to victims, especially women and their children, therefore victims will not be unaware or confused about where they can turn. Being able to offer shelter to a larger cohort of victims will also enhance their protection, as they are out of harm's way.
Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
Due to its rather general nature, the measure may not be able to fully reach more vulnerable groups, although the increased availability of places and the proactive approach to outreach are likely to also cover more vulnerable groups.
Perpetrators of violence against women and domestic violence
The measure is not expected to impact perpetrators.
Wider society
The measure is not expected to impact wider society.
National authorities
Some Member States do have adequate shelters in their countries, however 51% of beds needed will need to be added to the current shelter provision therefore this measure will represent significant scaling-up in many countries. However note that in this measure the CoE threshold is encouraged rather than required.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
- Prohibition of torture and inhuman or degrading treatment (Article 4)
- Equality between women and men (Article 23)
- Rights to social assistance and health care (Article 34 and 35)
- Right to an effective remedy and to a fair trial (Article 47)
Child victims /witnesses
- Protection of the rights of the child (Article 24).</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><th colspan="3">Efficiency: comparison of benefits and costs</th></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>Public authorities will incur costs for setting up and running spaces in shelters in additional to 4.5b.
<table>
<tr><th></th><th>One-off development cost</th><th>Running cost per annum</th><th>Total EU cost (Millions of euros)</th></tr>
<tr><td>Shelters</td><td>147.8</td><td>20.49-379.8</td><td>33.12-392.4</td></tr>
</table>
Running costs are based on minimum and maximum estimates of the cost of maintaining one refuge space multiplied by the estimated number of an additional spaces needed in each Member State to ensure one space per 10,000 population compared to the baseline.
The one-off development costs are based on the average cost of setting up a shelter to ensure one space per 10,000 population compared to the baseline, assuming an average 125-person capacity/shelter.</td></tr>
<tr><th colspan="3">Overall assessment</th></tr>
<tr><td colspan="3">This measure will encourage a legal obligation for appropriate, easily accessible shelters in every region in a manner which corresponds to actual need, for example providing one family place in a specialised women's shelters per 10,000 of population (as recommended by CoE). Doing this in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to increase the number of shelters in most Member States. The measure will bring benefits to victims who are seeking a safe space following an episode of violence, thus also enhancing their protection, as they are out of harm's way. Due to its rather general nature, it may not be able to fully reach more vulnerable groups, although the increased availability of places and the proactive approach to outreach are likely to also cover more vulnerable groups.
The total investment required amount to 159 – 1,832 Million Euros.
Most Member States have at least some shelters, therefore the measure is likely to find political acceptance as it will represent scaling-up of existing provisions.</td></tr>
</table>

1.4.10. Assessment of measure 4.5.c.II - shelters

- **Shelters**:

– Provision of shelters in an accessible manner and sufficient numbers.
– Obligation to provide shelters in line with CoE recommendation (1 space/10,000 inhabitants).

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Victims of violence against women and domestic violence who access shelters will be protected from perpetrators during their time in the shelter, particularly if the perpetrator is someone they live with. As with measure 4.5.b, ensuring shelters are easily accessible will allow a larger number of victims to be protected in this way.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		As described in measure 4.5.b, there are insufficient numbers of shelters in the EU. According to the WAVE Report (2019), the number of women's shelters in Member States varies from zero (LT and NL) to 360 (DK), with an average of 57 shelters. This measure will improve upon the lack of shelters by **requiring appropriate, easily accessible shelters in sufficient numbers** and in every region in a manner which **corresponds to actual need**, adding the threshold of one family place per 10,000 of population, as recommended by the CoE. The WAVE report shows that to date only three Member States (LU, MT, SI) fulfil the requested number of specialised women's shelters and that 51% of beds needed are missing according to this standard.[387] Adding this threshold will strongly support victims, as it will ensure there are adequate spaces available and reduce the risk of victims not being able to access a shelter when they need one. This will remove the scope for Member State discretion present in measure 4.5.b, as Member States will be obliged to meet a proportionate standard for the number of spaces in shelters. As with measure 4.5.b, the measure will also require shelters to reach out proactively to victims, especially women and their children, which further enhances the effect on this objective.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** This measure will clearly improve the provision of general support to victims of violence against women and domestic violence, as needs-based numbers of appropriate, easy to access shelters will be available to them to ensure victims receive the best possible support. The measure will also require shelters to reach out proactively to victims, especially women and their children, therefore victims will not be unaware or confused about where they can turn. Being able to offer

[387] Ibid.

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>shelter to a larger cohort of victims will also enhance their protection, as they are out of harm's way.
Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
Due to its rather general nature, the measure may not be able to fully reach more vulnerable groups, although the increased availability of places and the proactive approach to outreach are likely to also cover more vulnerable groups.
Perpetrators of violence against women and domestic violence
The measure is not expected to impact perpetrators.
Wider society
The measure is not expected to impact wider society.
National authorities
Some Member States do have adequate shelters in their countries, however 51% of beds needed will need to be added to the current shelter provision therefore this measure will represent significant scaling-up in many countries.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
- Prohibition of torture and inhuman or degrading treatment (Article 4)
- Equality between women and men (Article 23)
- Rights to social assistance and health care (Article 34 and 35)
- Right to an effective remedy and to a fair trial (Article 47)
Child victims /witnesses
- Protection of the rights of the child (Article 24).</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><td colspan="3">Efficiency: comparison of benefits and costs</td></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>Public authorities will incur costs for setting up and running spaces in shelters in additional to 4.5b.
<table><tr><th></th><th>One-off development cost</th><th>Running cost per annum</th><th>Total EU cost (Millions of euros)</th></tr><tr><td>Shelters</td><td>135.21</td><td>204.83-3,796.98</td><td>340-3,932.2</td></tr></table>Running costs are based on minimum and maximum estimates of the cost of maintaining one refuge space multiplied by the estimated number of an additional spaces needed in each Member State to ensure one space per 10,000 population compared to the baseline.
The one-off development costs are based on the average cost of setting up a shelter to ensure one space per 10,000 population compared to the baseline, assuming an average 125-person capacity/shelter.</td></tr>
<tr><td colspan="3">Overall assessment</td></tr>
<tr><td colspan="3">This measure will introduce a legal obligation for appropriate, easily accessible shelters in every region in a manner which corresponds to actual need, for example providing one family place in a specialised women's shelters per 10,000 of population (as recommended by CoE). Doing this in a single legislative instrument specifically aimed at violence against women and domestic violence is expected to increase the number of shelters in most Member States. The measure will bring benefits to victims who are seeking a safe space following an episode of violence, thus also enhancing their protection, as they are out of harm's way. Due to its rather general nature, it may not be able to fully reach more vulnerable groups, although the increased availability of places and the proactive approach to outreach are likely to also cover more vulnerable groups.
The total investment required amount to 159 – 1,832 Million Euros.
Most Member States have at least some shelters, therefore the measure is likely to find political acceptance as it will represent scaling-up of existing provisions.</td></tr>
</table>

1.4.11. Assessment of measure 4.6.b - helplines

- Obligation to set up state- wide 24/7 telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of GBVAW and DV.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		Helplines can provide information that may help callers to identify ways to prevent themselves or others from violence. As most Member States have this a helpline in place the main impact of this measure would be ensuring the consistency and quality of the helpline available across Member States, such as that it is available 24 hours a day and staffed by professionals trained in GBV specifically (see row 4).
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Helplines can provide information that might assist victims to access protection measures which would protection them from further violence. As most Member States have this a helpline in place the main impact of this measure would be ensuring the consistency and quality of the helpline available across Member States, such as that it is available 24 hours a day and staffed by professionals trained in GBV specifically (see row 4).
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Helplines can provide information about support and protection available to victims and information their rights. This might encourage victims to report a crime and/or remained engaged in the judicial processes which would improve access to justice. As most Member States have this a helpline in place the main impact of this measure would be ensuring the consistency and quality of the helpline available across Member States, such as that it is available 24 hours a day and staffed by professionals trained in GBV specifically (see row 4).
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		The impact of this measure on Member States will be limited as the majority already have a helpline in place, although there is variation in the scope and availability of the helpline which this measure could help to address. While all Member States have set up a helpline that can, to various degrees, provide women victims of gender-based violence support and information, many do not fully meet the terms of measure. In Malta, the Netherlands and Portugal, helplines were not dedicated to the needs of women victims of violence, nor specialised in providing advice on the different forms of gender-based violence against women with qualified staff. Similarly, in Belgium and France, helplines were not available 24 hours a day, and in Portugal, outside of office hours, they were not serviced by staff that are not sufficiently trained on violence against women. In Finland, Malta, Portugal and Spain helplines only provide support to victims of domestic violence.
Ensuring that gender based harassment of women at work is effectively addressed		The helpline would provide information relevant to gender based harassment of women at work – as a form of GBV - so it could help victims access information they need to report such crimes, increasing the likelihood they are effectively addressed.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** This measure will support victims of violence against women and domestic violence by providing information which could include information about support and protection available and their rights, which could have benefits across a range of policy objectives, including prevention, protection, support and access to justice. As most Member States have this a helpline in place the main impact for victims this measure would be ensuring the consistency and quality of the helpline available across Member States. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** As the information is available confidentially it may be used by victims who are not willing to engage with the authorities, such as irregularly staying migrants, or victims who are hesitant about speaking out because of shame or stigma associated with the crime. As the helpline is free of charge it will help ensure the measure can be accessed by all victims regardless of economic status. **Perpetrators of violence against women and domestic violence** The helpline could be used by perpetrators who want to change their behaviour. If the measure leads to more reporting of crimes, it could ensure more perpetrators are brought to justice.

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td></td><td></td><td>Wider society
The measure is not expected to impact wider society, although the helpline would be available to anyone in society.
National authorities
Member State authorities would be obliged to set up helplines, although most already have these in place so the impact would be limited and in a minority of cases adjusting how the helpline operates.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
- Right to life (Article 2)
- Right to the integrity of the person (Article 3)
- Prohibition of torture and inhuman or degrading treatment (Article 4)
- Rights to social assistance and health care (Article 34 and 35)
- Right to an effective remedy and to a fair trial (Article 47)
Child victims /witnesses
- Protection of the rights of the child (Article 24).</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><th colspan="3">Efficiency: comparison of benefits and costs</th></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>The costs for this measure are expected to be borne by the EC, Member State authorities and support of other organisations (if running helplines). More specifically:
The EC may co-fund helplines women victims of violence against women and domestic violence, but the costs of these are presented below and relate to public authorities.
Public authorities will incur costs for setting-up and running helplines.
<table>
<tr><th></th><th>One-off development cost</th><th>Running cost per annum</th><th>Total EU cost (Millions of euros)</th></tr>
<tr><td>Helplines</td><td>0.9</td><td>0.5 – 4.7</td><td>1.4 – 5.6</td></tr>
</table>
The one-off development costs are based an estimate of the budget needed to establish one 24/7 toll free helpline for women victims of violence against women and domestic violence. It is assumed that 12 Member States that do not meet the IC standards would incur these costs compared to the baseline.
Running costs are based on an estimated minimum and maximum budget needed to run one helpline per annum. It is assumed that 12 Member States that do not meet the IC standards would incur these cost compared to the baseline.</td></tr>
<tr><th colspan="3">Overall assessment</th></tr>
<tr><td colspan="3">Overall, a helpline will support victims of violence against women and domestic violence by providing information which could include information about support and protection available and their rights, which could have benefits across a range of policy objectives, including prevention, protection, support and access to justice. As most Member States have this a helpline in place the main impact of this measure would be ensuring the consistency and quality of the helpline available across Member States, such as that it is available 24 hours a day and staffed by professionals trained in GBV specifically.
The total investment required amount to 1.4 – 5.6 Million Euros.
Most Member States have a helpline, therefore the measure is very likely to find political acceptance as it will represent adjusting existing provisions.</td></tr>
</table>

1.4.12. Assessment of measure 4.6.c - helplines

- Obligation to ensure access to a service operating a harmonised European helpline for victims of gender-based violence against women. The helpline shall be available on the number "116 016".
- Obligation to make efforts to provide service also through applications and by text message.

Assessment criterion	Score	Assessment

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		Helplines can provide information that may help callers to identify ways to prevent themselves or others from violence. As most Member States have this a helpline in place the main impact of this measure would be ensuring the consistency and quality of the helpline available across Member States, such as that it is available 24 hours a day and staffed by professionals trained in GBV specifically (see row 4). A harmonised helpline will help increase access for victims outside their normal country of residency who may not know the number.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Helplines can provide information that might assist victims to access protection measures which would protection them from further violence. As most Member States have this a helpline in place the main impact of this measure would be ensuring the consistency and quality of the helpline available across Member States, such as that it is available 24 hours a day and staffed by professionals trained in GBV specifically (see row 4). A harmonised helpline will help increase access for victims outside their normal country of residency who may not know the number.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Helplines can provide information about support and protection available to victims and information their rights. This might encourage victims to report a crime and/or remained engaged in the judicial processes which would improve access to justice. As most Member States have this a helpline in place the main impact of this measure would be ensuring the consistency and quality of the helpline available across Member States, such as that it is available 24 hours a day and staffed by professionals trained in GBV specifically (see row 4). A harmonised helpline will help increase access for victims outside their normal country of residency who may not know the number.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		The impact of this measure on Member States may be limited as the majority already have a helpline in place, although there is variation in the scope and availability of the helpline which this measure could help to address. While all Member States have set up a helpline that can, to various degrees, provide women victims of gender-based violence support and information, many do not fully meet the terms of measure. In Malta, the Netherlands and Portugal, helplines were not dedicated to the needs of women victims of violence, nor specialised in providing advice on the different forms of gender-based violence against women with qualified staff. Similarly, in Belgium and France, helplines were not available 24 hours a day, and in Portugal, outside of office hours, they were not serviced by staff that are not sufficiently trained on violence against women. In Finland, Malta, Portugal and Spain helplines only provide support to victims of domestic violence. A **harmonised helpline** could help increase ease of **access** to helplines, especially for victims who are not in their normal country of residency and thus might not know the helpline number. Similarly, making the service available through smart phone applications could increase usage among young people especially. The use of texts messages may be more suitable for victims of domestic violence who fear the perpetrator could hear them make a call. As this is a completely new measure (no harmonised helpline currently exists) its exact impact is hard to anticipate. Any harmonised helpline may also have **financial and operational benefits** for Member State authorities as they do not need to run their own helplines but instead can pool resources and knowledge. A harmonised helpline will also help ensure the **quality** of the helpline is consistent across Member States, ensuring all victims receive the same, high level of support.
Ensuring that gender based harassment of women at work is effectively addressed		The helpline would provide information relevant to gender based harassment of women at work – as a form of GBV - so it could help victims access information they need to report such crimes, increasing the likelihood they are effectively addressed.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		No impact on this objective.
Effectiveness – other impacts		

<table>
<tr><th>Assessment criterion</th><th>Score</th><th>Assessment</th></tr>
<tr><td>Social impacts</td><td></td><td>Victims of violence against women and domestic violence
This measure will support victims of violence against women and domestic violence by providing information which could include information about support and protection available and their rights, which could have benefits across a range of policy objectives, including prevention, protection, support and access to justice. As most Member States have this a helpline in place the main impact for victims this measure would be ensuring the consistency and quality of the helpline available across Member States.
Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)
The measure will have particular benefit for victims who are outside of their normal country of origin as they may not otherwise know the number to call. As the information is available confidentially it may be used by victims who are not willing to engage with the authorities, such as irregularly staying migrants, or victims who are hesitant about speaking out because of shame or stigma associated with the crime. As the helpline is free of charge it will help ensure the measure can be accessed by all victims regardless of economic status.
Perpetrators of violence against women and domestic violence
The helpline could be used by perpetrators who want to change their behaviour. If the measure leads to more reporting of crimes, it could ensure more perpetrators are brought to justice.
Wider society
The measure is not expected to impact wider society, although the helpline would be available to anyone in society.
National authorities
Member State authorities would be obliged to set up helplines.</td></tr>
<tr><td>Fundamental rights</td><td></td><td>Victims of violence against women and domestic violence:
- Right to life (Article 2)
- Right to the integrity of the person (Article 3)
- Prohibition of torture and inhuman or degrading treatment (Article 4)
- Rights to social assistance and health care (Article 34 and 35)
- Right to an effective remedy and to a fair trial (Article 47)
Child victims /witnesses
- Protection of the rights of the child (Article 24).</td></tr>
<tr><td>Environmental impacts</td><td></td><td>No impacts expected.</td></tr>
<tr><th colspan="3">Efficiency: comparison of benefits and costs</th></tr>
<tr><td>Administrative and compliance costs</td><td></td><td>Public authorities will incur costs in addition to 4.6b in order to set-up and run a harmonisation national helpline.
<table><tr><th></th><th>One-off development cost</th><th>Running cost per annum</th><th>Total EU cost (Millions of euros)</th></tr><tr><td>Helplines</td><td>0.9</td><td>0.5-4.7</td><td>1.4-5.6</td></tr></table>It is assumed 10% more budget is needed in addition to 4.6b to set-up and run a harmonised national helpline.</td></tr>
<tr><th colspan="3">Overall assessment</th></tr>
<tr><td colspan="3">Overall, a helpline will support victims of violence against women and domestic violence by providing information which could include information about support and protection available and their rights, which could have benefits across a range of policy objectives, including prevention, protection, support and access to justice. As most Member States have this a helpline in place the main impact of this measure would be ensuring the consistency and quality of the helpline available across Member States, such as that it is available 24 hours a day and staffed by professionals trained in GBV specifically. A harmonised helpline will improve access, especially for victims who are outside of their normal country of residency, and help pool resources across Member States.
The total investment required amount to 2.3 – 12.7 Million Euros.
Most Member States have a helpline, therefore the measure is likely to find political acceptance as it will represent adjusting existing provisions. Having a harmonised helpline may increase the likelihood of political acceptance as resources and knowledge can be pooled.</td></tr>
</table>

Assessment of measure 4.7.c - coordination of measures against gender-based work harassment

- Obligation for Member States to ensure that measures against gender-based harassment (prevention, support and remedies) are discussed with social partners.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		As discussions would include measures to prevent gender-based harassment, impact could be achieved in this policy objective, although as the content and parameters of the discussions is not specified, and the measures does not include an obligations on social partners, the exact impact of this measure on prevention is difficult to assess.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		As discussions could include protection measures (although this is not specified) impact could be achieved in this policy objective, although as the content and parameters of the discussions is not specified, and the measures does not include an obligations on social partners, the exact impact of this measure on prevention is difficult to assess.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		As discussions would include measures remedies, for example effective complaint and dispute resolution mechanisms and remedies, impact could be achieved in this policy objective, although as the content and parameters of the discussions is not specified, and the measures does not include an obligations on social partners, the exact impact of this measure on prevention is difficult to assess.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		As discussions would include measures to support gender-based harassment, impact could be achieved in this policy objective, although as the content and parameters of the discussions is not specified, and the measures does not include an obligations on social partners, the exact impact of this measure on prevention is difficult to assess.
Ensuring that gender based harassment of women at work is effectively addressed		It is important that measures against gender based harassment are discussed with social partners as they play a potentially crucial role in tackling gender based harassment of women at work. Discussions may bring greater systematisation and coordination to efforts. Currently, social partners engage in a wide range of measures such as through collective bargaining but these are carried out on ad hoc basis. Specific discussions on GBV could also lead to a shift in current thinking away from understanding violence and harassment as a safety and health and wellbeing at work issue towards understanding it as an issue of discrimination and gender equality rooted in unequal power relations. The Framework Agreement on Harassment and Violence at Work, which is described as leading to measures in this area, for example, does not cover GBV. As the content and parameters of the discussions is not specified, and the measures does not include an obligations on social partners, its impact on effectively addressing gender based harassment of women at work is hard to assess.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		Coordination between social partners and Member State authorities is vital for ensuring effective governance structures for addressing gender based harassment of women at work as social partners are key stakeholders in this issue.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** Discussions could lead to measures and a more coordinated approach between Member State authorities and social partners for victims of gender-based harassment at work, although exact measures are not clear from this measure. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** The measure as the potential impact on victims of gender based harassment at work. **Perpetrators of violence against women and domestic violence** The measure could include preventative actions to prevent actions by potential perpetrators

Assessment criterion	Score	Assessment
		or remedial actions to bring perpetrators to justice. **Wider society** No impact. **National authorities** The measure includes an obligation on Member State authorities to engage in discussion with social partners about GBV which is not currently widely in place so could have a significant impact on them.
Fundamental rights		*Victims of sex-based harassment* - Right to fair and just working conditions (Article 31) - Right to an effective remedy and to a fair trial (Article 47)
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		Low to zero – negligible costs of discussion of measures with social partners.
Overall assessment		
Overall, discussions are a crucial first step in ensuring a coordinated approach between key stakeholders to prevent and tackle gender-based harassment at work, as such discussions are not widely in place at the moment, and social partners largely engage in their own ad hoc measures which often are not gender-sensitive. However, the extent of the impact on victims will depend on whether the discussion lead to concrete actions by social partners. The total investment required is negilble. The measures will probably find political acceptance among Member States as it only requires discussion with social partners, not to oblige/encourage social partners to take particular actions.		

1.5. Problem area: coordination of measures on violence against women and domestic violence

1.5.1. Assessment of measure 5.1.b - monitoring, including data collection

- Voluntary participation in EU-level surveys.
- Obligation to regularly collect disaggregated relevant data.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		Data could offer information about the current need for prevention measures (such as high prevalence) and be used as an indicator of the effectiveness of prevention measures in place (see row 6).
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Data could offer information to assess whether current protection measures effectively protect victims from further violence, particularly if data includes number of emergency barring orders/protection orders (see row 6)
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Data collection about prosecution and conviction can provide clear indicators of whether victims have effective access to justice. Harmonisation of data across EU countries would have a particular impact in this regard, however note that for this measure participation in EU-level surveys is voluntary. **Currently, data is rarely disaggregated on the basis of all of the categories mentioned in this measure, for example it is not always sex disaggregated, only includes the perpetrator and not the victim, or does not include the type of relationship between the perpetrator and the victim** (see row 6).
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Data collected may help support services understand the scale and need of victims and thus better tailor their services (see row 6).

Ensuring that gender based harassment of women at work is effectively addressed		Data could offer information about a range of issue relevant to ensuring gender based harassment of women at work is effectively addressed, including data about prevalence, persecution and conviction related to cases in work environments (see row 6).
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		This measure will implement voluntary participation in EU-level surveys and an obligation to regularly collect disaggregated relevant data. Data collection is important to plan and coordinate measures effectively. Collecting data at regular intervals allows tracking of progress over time and can form part of monitoring and evaluating the effectiveness of measures in place. Stakeholders widely perceive that there is not sufficient data about VAW/DV. Under this measure Member States should be obliged to collect data on victims and perpetrators disaggregated by sex, age, type of violence, the relationship of the victim to the perpetrator and geographical location. Recorded data should also contain information on conviction rates of perpetrators of all forms of violence against women. **Population surveys** about prevalence is also important to understand prevalence, as low reporting meaning the true prevalence is often not captured. Although countries do carry them out at a national level, participation in EU level surveys is important for providing an EU-wide picture. The Fundamental Rights Agency survey in 2014, for example, had a significant impact on the field and is widely cited so EU Member State participation is very important. However, note that in this measure participation in EU-level surveys is voluntary.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** Improved data collection could improve a wide range of measures in place for victims. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** Data collection should aim to collect data from all victims to ensure it captures the needs and experiences of all victims. **Perpetrators of violence against women and domestic violence** Data collection could include perpetrators, for example, their relationship to the victim and their gender. Data could inform measures that target perpetrators such as prevention measures and increased prosecution. **Wider society** Wider society would be included in population surveys. **National authorities** The measure would have a significant impact on national authorities who would be encouraged/obligated to collect data.
Fundamental rights		The measure in itself would not have an impact on fundamental rights (with the exception of the fact that data protection needs to be taken into account), but it would contribute to evidence-based policy making that could enhance all fundamental rights considered.
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		Low to zero – Member States have already mapped alignment with ICCS crime statistics and therefore, no additional costs are expected
Overall assessment		
Overall, this measure could address the significant lack of data on GBV, particularly in comparative form across EU Member States, and provide crucial information to inform a wide range of measures across the policy objectives. The lack of data on prevalence in particular means the scale of the problem is not understood. Data is crucial for monitoring of the situation and assessment of the successful of measures in place. The total investment required is negligible. The measure may struggle to find political acceptance because it would require a large administrative exercise by Member State authorities, across different government bodies, to collect the data as data is not readily available and not in compliance with EU standards. Similarly, population surveys involve significant resources to carry out.		

1.5.2. Assessment of measure 5.1.c.I Data collection

- Obligatory participation in EU-level GBV-surveys.

- Obligation to regularly collect disaggregated relevant data in line with harmonised minimum requirements.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		Data could offer information about the current need for prevention measures (such as high prevalence) and be used as an indicator of the effectiveness of prevention measures in place (see row 6).
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Data could offer information to assess whether current protection measures effectively protect victims from further violence, particularly if data includes number of emergency barring orders/protection orders (see row 6)
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Data collection about prosecution and conviction can provide clear indicators of whether victims have effective access to justice. Harmonisation of data across EU countries would have a particular impact in this regard. **Currently, data is rarely disaggregated on the basis of all of the categories mentioned in this measure, for example it is not always sex disaggregated, only includes the perpetrator and not the victim, or does not include the type of relationship between the perpetrator and the victim** (see row 6).
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Data collected from NGOs, such as victim support services, could provide crucial information to assess the availability of support for victims.
Ensuring that gender based harassment of women at work is effectively addressed		Data could offer information about a range of issue relevant to ensuring gender based harassment of women at work is effectively addressed, including data about prevalence, persecution and conviction related to cases in work environments (see row 6).
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		This measure will introduce obligatory participation in EU-level GBV-surveys and an obligation to regularly collect disaggregated relevant data in line with harmonised minimum requirements. Data collection is important to plan and coordinate measures effectively. Collecting data at regular intervals allows tracking of progress over time and can form part of monitoring and evaluating the effectiveness of measures in place. Stakeholders widely perceive that there is not sufficient data about VAW/DV. Under this measure Member States should be obliged to collect data on victims and perpetrators disaggregated by sex, age, type of violence, the relationship of the victim to the perpetrator and geographical location. Recorded data should also contain information on conviction rates of perpetrators of all forms of violence against women. Uniform EU-level standards for administrative data collection are not in place, such as according to ISSC standards, which hampers the ability to understand trends across Member States. There are differences in the legal and operational definitions of the crimes used for data collection purposes in Member States, the methods used for recording incidents of violence vary making comparisons between countries impossible and availability of national administrative data is limited. The measure will introduce an Obligation to regularly collect disaggregated relevant data in line with harmonised minimum requirements, which will improve on the issues described. **Population surveys** about prevalence is also important to understand prevalence, as low reporting meaning the true prevalence is often not captured. Although countries do carry them out at a national level, participation in EU level surveys is important for providing an EU-wide picture. The Fundamental Rights Agency survey in 2014, for example, had a significant impact on the field and is widely cited so EU Member State participation is very important. The measure will introduce obligatory participation in EU-level GBV-surveys which will greatly enhance understanding.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** Improved data collection could improve a wide range of measures in place for victims. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** Data collection should aim to collect data from all victims to ensure it captures the needs and

		experiences of all victims. **Perpetrators of violence against women and domestic violence** Data collection could include perpetrators, for example, their relationship to the victim and their gender. Data could inform measures that target perpetrators such as prevention measures and increased prosecution. **Wider society** Wider society would be included in population surveys. **National authorities** The measure would have a significant impact on national authorities who would be encouraged/obligated to collect data.
Fundamental rights		The measure in itself would not have an impact on fundamental rights (with the exception of the fact that data protection needs to be taken into account), but it would contribute to evidence-based policy making that could enhance all fundamental rights considered.
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		Public authorities will incur costs for participating in centralisation surveys at the EU-level and to collect disaggregated statistical data meeting ICCS standards. **One-off development cost** / **Running cost per annum** / **Total EU cost (Millions of euros)** **Monitoring and data collection**: 0.1 / 3.7 / **3.8** The one-off development costs are based on the estimated cost changing the national data collection system to record by ICCS standard. This is measured by the estimated hourly rate of web developed assuming that 100 hours of web-development are needed to change to data collection system. Running costs are based on estimated costs to fill questionnaires both for a centralised survey at the EU-level and the national administrative collection. For the former, costs are calculated by multiplying the expected hours needed to complete data for one respondent in the sample (approx.1-hour) with the estimated sample size of EU-surveys with the national hourly wage of public administrators. For the latter, costs are calculated by multiplying the hours needed to complete data for three administrative data collections (approx.100-hours each) with the national hourly wage of public administration. Furthermore, maintenance costs of estimated for the administrative data collections. The baseline assessment finds that no MS collects data with ICCS standards so all MS would costs.
Overall assessment		
Overall, this measure could address the significant lack of data on GBV, particularly in comparative form across EU Member States, and provide crucial information to inform a wide range of measures across the policy objectives. The lack of data on prevalence in particular means the scale of the problem is not understood. Data is crucial for monitoring of the situation and assessment of the successful of measures in place. The total investment required amount to 3.8 Million Euros. The measure may struggle to find political acceptance because it would require a large administrative exercise by Member State authorities, across different government bodies, to collect the data as data is not readily available and not in compliance with EU standards. Similarly, population surveys involve significant resources to carry out.		

1.5.3. Assessment of measure 5.1.c.II - data collection

- Obligatory participation in EU-level GBV-surveys.
- Full harmonisation of administrative data collection on violence against women and domestic violence.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		Data could offer information about the current need for prevention measures (such as high prevalence) and be used as an indicator of the effectiveness of prevention measures in place (see row 6).

Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		Data could offer information to assess whether current protection measures effectively protect victims from further violence, particularly if data includes number of emergency barring orders/protection orders (see row 6)
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		Data collection about prosecution and conviction can provide clear indicators of whether victims have effective access to justice. Harmonisation of data across EU countries would have a particular impact in this regard. **Currently, data is rarely disaggregated on the basis of all of the categories mentioned in this measure, for example it is not always sex disaggregated, only includes the perpetrator and not the victim, or does not include the type of relationship between the perpetrator and the victim** (see row 6).
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Data collected from NGOs, such as victim support services, could provide crucial information to assess the availability of support for victims.
Ensuring that gender based harassment of women at work is effectively addressed		Data could offer information about a range of issue relevant to ensuring gender based harassment of women at work is effectively addressed, including data about prevalence, persecution and conviction related to cases in work environments (see row 6).
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		This measure will introduce obligatory participation in EU-level GBV-surveys and full harmonisation of administrative data collection on violence against women and domestic violence, which will greatly improve data collection. Data collection is important to plan and coordinate measures effectively. Collecting data at regular intervals allows tracking of progress over time and can form part of monitoring and evaluating the effectiveness of measures in place. Stakeholders widely perceive that there is not sufficient data about VAW/DV. Under this measure Member States should be obliged to collect fully harmonised data on victims and perpetrators disaggregated by sex, age, type of violence, the relationship of the victim to the perpetrator and geographical location. Recorded data should also contain information on conviction rates of perpetrators of all forms of violence against women. Uniform EU-level standards for administrative data collection are not in place, such as according to ISSC standards, which hampers the ability to understand trends across Member States. There are differences in the legal and operational definitions of the crimes used for data collection purposes in Member States, the methods used for recording incidents of violence vary making comparisons between countries impossible and availability of national administrative data is limited. The measure will introduce full harmonisation of administrative data collection on violence against women and domestic violence, which will greatly improve data collection. **Population surveys** about prevalence is also important to understand prevalence, as low reporting meaning the true prevalence is often not captured. Although countries do carry them out at a national level, participation in EU level surveys is important for providing an EU-wide picture. The Fundamental Rights Agency survey in 2014, for example, had a significant impact on the field and is widely cited so EU Member State participation is very important. The measure will introduce obligatory participation in EU-level GBV-surveys which will greatly enhance understanding.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** Improved data collection could improve a wide range of measures in place for victims. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** Data collection should aim to collect data from all victims to ensure it captures the needs and experiences of all victims. **Perpetrators of violence against women and domestic violence** Data collection could include perpetrators, for example, their relationship to the victim and their gender. Data could inform measures that target perpetrators such as prevention measures and increased prosecution. **Wider society** Wider society would be included in population surveys. **National authorities**

		The measure would have a significant impact on national authorities who would be encouraged/obligated to collect data.
Fundamental rights		The measure in itself would not have an impact on fundamental rights (with the exception of the fact that data protection needs to be taken into account), but it would contribute to evidence-based policy making that could enhance all fundamental rights considered.
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		Public authorities will incur costs for participating in centralisation surveys at the EU-level and to collect disaggregated statistical data meeting ICCS standards. **One-off development cost** / **Running cost per annum** / **Total EU cost (Millions of euros)** **Monitoring and data collection**: 0.1 / 3.7 / **3.8** The one-off development costs are based on the estimated cost changing the national data collection system to record by ICCS standard. This is measured by the estimated hourly rate of web developed assuming that 100 hours of web-development are needed to change to data collection system. Running costs are based on estimated costs to fill questionnaires both for a centralised survey at the EU-level and the national administrative collection. For the former, costs are calculated by multiplying the expected hours needed to complete data for one respondent in the sample (approx.1-hour) with the estimated sample size of EU-surveys with the national hourly wage of public administrators. For the latter, costs are calculated by multiplying the hours needed to complete data for three administrative data collections (approx.100-hours each) with the national hourly wage of public administration. Furthermore, maintenance costs of estimated for the administrative data collections. The baseline assessment finds that no MS collects data with ICCS standards so all MS would costs.
Overall assessment		
Overall, this measure could address the significant lack of data on GBV, particularly in comparative form across EU Member States, and provide crucial information to inform a wide range of measures across the policy objectives. The lack of data on prevalence in particular means the scale of the problem is not understood. Data is crucial for monitoring of the situation and assessment of the successful of measures in place. The total investment required amount to 3.8 Million Euros. The measure may struggle to find political acceptance because it would require a large administrative exercise by Member State authorities, across different government bodies, to collect the data as data is not readily available and not in compliance with EU standards. Similarly, population surveys involve significant resources to carry out.		

1.5.4. Assessment of measure 5.2.b – multi-agency service provision

Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms may particularly help referrals to support agencies and improve access to support for victims.

Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms is important to allow for a comprehensive and appropriate handling of referrals of cases of GBVVAW between different actors involved in the governance structures of GBVAW.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** The measure could improve referrals between actors who make up the governance structure related to GBVAW and ensure victims can access support and protection available. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** No impact. **Perpetrators of violence against women and domestic violence** No impact. **Wider society** No impact. **National authorities** Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms will help ensure the smooth referral of cases between different actors involved in the governance structures of GBVAW and thus shape the functioning of national authorities.
Fundamental rights		*Victims of violence against women and domestic violence:* • Right to life (Article 2(• Right to the integrity of the person (Article 3) • Prohibition of torture and inhuman or degrading treatment (Article 4) *Child victims /witnesses* • Protection of the rights of the child (Article 24).
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		Zero – costs covered in training of relevant professionals as part of prevention measures.
Overall assessment		
Overall, Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms is important to allow for a comprehensive and appropriate handling of referrals of cases of GBVVAW between different actors involved in the governance structures of GBVAW. It can help improve the overall governance structure and ensure victims access support and protection available. The total investment required is negligible. It is difficult to determine whether political acceptance of this measure.		

1.5.5. Assessment of measure 5.2.c.I – multi-agency service provision

Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms.

Obligation to provide one-stop online access to relevant protection and support services. Encouragement to locate a number of services in the same premises.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and		No impact on this objective.

domestic violence (in line with Chapter III of the Istanbul Convention)		
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms may particularly help referrals to support agencies and improve access to support for victims. Victims will also be more able to locate and access support through the obligation to provide one-stop online access to relevant protection and support services, and the location of a number of services in the same premises. However, co-locating relevant services will only be encouraged, rather than required.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms, as well as a one-stop online access to relevant protection and support services, and the location of a number of services in the same premises is clearly important to allow for a comprehensive and appropriate handling of referrals of cases of GBVVAW between different actors involved in the governance structures of GBVAW.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** The measure could improve referrals between actors who make up the governance structure related to GBVAW and ensure victims can access support and protection available. One-stop online access to relevant protection and support services, and the location of a number of services in the same premises will also help victims locate and access varied support services much more easily. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)** No impact. **Perpetrators of violence against women and domestic violence** No impact. **Wider society** No impact. **National authorities** Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms will help ensure the smooth referral of cases between different actors involved in the governance structures of GBVAW and thus shape the functioning of national authorities. National authorities will also be required to provide one-stop online access to relevant protection and support services, and will be encouraged to locate a number of services in the same premises.
Fundamental rights		*Victims of violence against women and domestic violence:* • Right to life (Article 2(• Right to the integrity of the person (Article 3) • Prohibition of torture and inhuman or degrading treatment (Article 4) *Child victims /witnesses* • Protection of the rights of the child (Article 24).
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		An annual cost of € 3,571,651 to run the information centres. This is based on a minimum of four employees per country, increased for larger countries.

Overall assessment
Overall, measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms is important to allow for a comprehensive and appropriate handling of referrals of cases of GBVVAW between different actors involved in the governance structures of GBVAW. The obligation to provide one-stop online access to relevant protection and support services and the encouragement to locate a number of services in the same premises will also help achieve this aim and will make it easier for victims to locate appropriate support. It can help improve the overall governance structure and ensure victims access support and protection available. The total investment required is negligible. It is difficult to determine political acceptance of this measure.

1.5.6. Assessment of measure 5.2.c.II – multi-agency service provision

Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms.

Obligation for MS to provide multi-agency and multi-disciplinary one-stop access to relevant protection and support services in the same premises.

Assessment criterion	Score	Assessment
Effectiveness: contributing to achieving the policy objectives		
Ensuring effective measures for preventing gender-based violence against women and domestic violence (in line with Chapter III of the Istanbul Convention)		No impact on this objective.
Ensuring that victims and potential victims of gender-based violence against women and domestic violence are effectively protected from (further) violence		No impact on this objective.
Ensuring the effective access to justice for victims of all forms of gender-based violence against women and domestic violence		No impact on this objective.
Ensuring the effective availability of support for victims of all forms of gender-based violence against women and domestic violence		Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms may particularly help referrals to support agencies and improve access to support for victims. Victims will also be more able to locate and access support through the obligation to provide one-stop online access to relevant protection and support services, and the location of a number of services in the same premises.
Ensuring that gender based harassment of women at work is effectively addressed		No impact on this objective.
Ensuring more effective governance structures in relation to gender-based violence against women and domestic violence		Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms, as well as a one-stop online access to relevant protection and support services, and the location of a number of services in the same premises is clearly important to allow for a comprehensive and appropriate handling of referrals of cases of GBVVAW between different actors involved in the governance structures of GBVAW.
Effectiveness – other impacts		
Social impacts		**Victims of violence against women and domestic violence** The measure could improve referrals between actors who make up the governance structure related to GBVAW and ensure victims can access support and protection available. One-stop online access to relevant protection and support services, and the location of a number of services in the same premises will also help victims locate and access varied support services much more easily. **Particular groups of victims (child victims and witnesses, victims at risk of intersectional discrimination)**

		No impact. **Perpetrators of violence against women and domestic violence** No impact. **Wider society** No impact. **National authorities** Measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms will help ensure the smooth referral of cases between different actors involved in the governance structures of GBVAW and thus shape the functioning of national authorities. National authorities will also be required to provide one-stop online access to relevant protection and support services, and will be required to locate a number of services in the same premises.
Fundamental rights		*Victims of violence against women and domestic violence:* • Right to life (Article 2(• Right to the integrity of the person (Article 3) • Prohibition of torture and inhuman or degrading treatment (Article 4) *Child victims /witnesses* • Protection of the rights of the child (Article 24).
Environmental impacts		No impacts expected.
Efficiency: comparison of benefits and costs		
Administrative and compliance costs		An annual cost of € 3,571,651 to run the information centres. This is based on a minimum of four employees per country, increased for larger countries.

Overall assessment

Overall, measures strengthening multi-agency cooperation between law enforcement, judiciary, social and health services by coordinated referral mechanisms is important to allow for a comprehensive and appropriate handling of referrals of cases of GBVVAW between different actors involved in the governance structures of GBVAW. The obligation to provide one-stop online access to relevant protection and support services and the requirement to locate a number of services in the same premises will also help achieve this aim and will make it easier for victims to locate appropriate support. It can help improve the overall governance structure and ensure victims access support and protection available.

The total investment required is negligible.

It is difficult to determine political acceptance of this measure.

ANNEX 6: Overview of available data on gender-based violence against women

1.6. The Fundamental Rights Survey - Crime, Safety and Victims' Rights, European Union Agency for Fundamental Rights (2021)[388]:

- Nearly one in 10 people (9 %) in the EU-27 experienced physical violence in the five years before the survey, and 6 % experienced physical violence in the 12 months before the survey. This corresponds to more than **22 million people experiencing physical violence in one year in the EU-27 (an estimate based on the results of the survey relative to the EU's population).**
- **Incidents of physical violence against men (excluding specifically sexual violence) most often took place in public settings (39 %)**, such as streets, parks or other public places. **Incidents of physical violence against women (again excluding specifically sexual violence) most often took place in their own home (37 %).**
- **For men, these incidents most often involved a perpetrator they did not know (42 %). In contrast, physical violence against women most often involved a family member or a relative as the perpetrator**. These survey results should be read alongside the earlier findings of FRA's violence against women survey, which measured in more detail women's experiences of violence, including intimate partner violence and sexual violence, which disproportionately affect women.
- **In the majority of cases of physical violence, the perpetrator was a man or a group of men.** This was the case in 72 % of incidents of physical violence against men and 60 % of those against women.
- **In the EU-27, two in five people (41 %) experienced harassment** – ranging from offensive and threatening comments in person to offensive and threatening gestures and messages sent online, including through social media – in the five years before the survey. In the 12 months before the survey, 29 % experienced harassment. This corresponds to almost 110 million people in the EU-27 experiencing harassment in a year (an estimate based on the results of the survey relative to the EU's population).
- **Overall, 14 % of people in the EU experienced cyber-harassmen**t in the five years before the survey. This could involve receiving offensive or threatening emails or text messages, or coming across offensive or threatening comments about oneself disseminated online.
- **Three in five people (61 %) in the age group 16–29 years experienced harassment in the five years before the survey**. Overall, in the same age group and time frame, 27 % experienced cyber-harassment. These are the highest rates in all the age groups, with harassment experiences decreasing with age.
- While the prevalence of harassment is similar for women and men, **18 % of women described the most recent incident of harassment as being of a sexual nature, compared with 6 % of men.**
- Most incidents of physical violence and harassment are not reported to the police.

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[388] https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-crime-safety-victims-rights-summary_en.pdf
FRA guidance: These survey results should be read alongside the earlier findings of FRA's violence against women survey, which measured in more detail women's experiences of violence, including intimate partner violence and sexual violence, which disproportionately affect women.

- For fear of being physically or sexually assaulted, or harassed, women engage in active risk avoidance more than men in the three situations listed in the survey: avoiding places where there are no other people around, avoiding certain streets or areas, and avoiding being alone with someone they know.
- **Whereas 64 % of women at least sometimes avoid going to places where there are no other people around, 36 % of men do so**. Avoiding certain situations and places is also more common among young people, but with noticeable gender differences. In the age group 16–29 years, 83 % of women and 58 % of men avoid one or more of the three situations listed in the survey, for fear of assault or harassment.
- **Specifically, 41 % of women at least sometimes avoid being alone with someone they know, for fear of assault or harassment, compared with 25 % of men**.

1.7. 'The Covid-19 pandemic and intimate partner violence against women in the EU', EIGE (2021)[389]:

This study offers a preliminary overview of the measures undertaken across the EU to support victims of violence during the Covid-19 outbreak (from March until the end of September 2020), identifies examples of promising practices and provides initial recommendations for the EU and Member States on how to better support victims during the pandemic, as well as in other potential crises.

An online survey was sent to 196 support services across the EU; the survey ran for a relatively long period, from 7 September to 28 September 2020, in order to maximise the response rate. There were 35 responses received in total (an 18 % response rate), from 17 Member States.

Regarding the services provided:

- Fourteen survey respondents (40 %), from DK, IE, EL, HR, LT, AT and SE, indicated that a **reduction in services had been one of the main challenges resulting from the pandemic**
- Twenty-six survey respondents (74 %) (BG, DK, EE, IE, EL, HR, CY, LV, LT, HU, AT, RO, SK, FI and SE) reported that demand for their services was either '**somewhat' or 'much' higher than prior to the pandemic with the highest levels occurring once restrictions had started to lift three interviews with service providers, one with a government representative and one with an academic.**
- Twenty-eight survey respondents (80 %) (BG, DK, EE, IE, EL, HR, CY, LV, LT, HU, AT, PT, RO, SK, FI and SE) reported that the **levels of distress of victims were at least 'somewhat' higher during Covid-19, with 18 of these** (BG, DK, EL, HR, CY, LV, HU, PT, RO and SE) considering them to be 'much higher'

Regarding the violence:

- All participants estimated that the violence perpetuated on the basis of gender was the same or increased during the lockdown.

[389] The Covid-19 pandemic and intimate partner violence against women in the EU, EIGE (2021), available on: https://eige.europa.eu/publications/covid-19-pandemic-and-intimate-partner-violence-against-women-eu

- **Over 57% of participants felt that the frequency of violence was somewhat higher**.
- More than 50% - or one out of two respondents - felt that the distress level of the victims was much higher during the lockdown

Table A21. Changes in the nature of intimate partner violence during the Covid-19 pandemic (% (*n*))

In your experience, how did the impact of intimate partner violence on women victims and their children change during Covid-19?						
	Much higher	Somewhat higher	The same	Somewhat lower	Much lower	Response total
Severity of violence	20.0 % (7)	37.1 % (13)	42.9 % (15)	0.0 % (0)	0.0 % (0)	35
Frequency of violence	17.1 % (6)	57.1 % (20)	22.9 % (8)	2.9 % (1)	0.0 % (0)	35
Levels of distress among victims	51.4 % (18)	28.6 % (10)	20.0 % (7)	0.0 % (0)	0.0 % (0)	35
Level of reporting to relevant authorities	20.0 % (7)	37.1 % (13)	11.4 % (4)	28.6 % (10)	2.9 % (1)	35

Source: Created by the authors.

1.8. 'Tackling violence against women and domestic violence in Europe: The added value of the Istanbul Convention and remaining challenges', European Parliament, (2020)[390]

- Stakeholders noted an **increase in contact to helplines for victims of VAW** during the COVID-19 pandemic in Belgium, Finland, Germany, Ireland and Romania. This increase ranged from **25 % in Ireland, 30 % in Germany, and over 50 % in Belgium, to 233 % in Romania and 694 % in Finland**. The periods over which these increases were measured differed between countries and refer to individual helplines. Other countries reported increases but did not provide supporting data.
- Certain stakeholders noted an **increase in the demand for specialised support services for victims of VAW** (emergency accommodation, counselling services) and emergency protection orders issued for DV cases during the COVID-19 pandemic.
- Stakeholders reported an increase in the number of risk factors for VAW due to the pandemic (e.g. isolation, stress, working from home), coupled with a decrease in accessibility of support available to victims.
- Almost one-in-three (29 %) stakeholders who noted that the COVID-19 pandemic and lockdown measures have resulted in an increase in VAW reported that this was due to a lack of access to support services. Barriers to accessing support services included reduced staffing levels, limited capacity due to social distancing requirements and fear of accessing shelters and exposure to the virus.
- **Over half (51 %) of respondents to the online consultation noted that they had partially closed or limited the provision of some services due to lockdown measures**. One in ten (10%) had to completely close their service.
- Across the 28 countries covered by this study, an average of six measures were implemented per country in relation to VAW - seven in countries that have ratified the Istanbul Convention (from two in Estonia to 14 in Austria) and four in those that have not

[390] https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf

(from 0 in Hungary and Slovakia to eight in Czechia). Measures included strengthening of services, awareness-raising campaigns, integration of VAW in the Covid-19 response plans, additional funding as well as legal and judicial measures.

1.9. Combatting gender-based violence: cyber violence, European Parliament (2021)[391]

- 4 to 7 % of women in the EU-27 have experienced cyber harassment during the past 12 months, while between 1 and 3 % have experienced cyber stalking.[392]
- The economic assessment estimated the overall costs of cyber harassment and cyber stalking at between €49.0 and €89.3 billion.
- The overall costs of cyber harassment and cyber stalking perpetrated against women over 18 years of age were estimated to range from €49.0 to 89.3 billion.
- 38% of harassed women found their most recent experience with online harassment extremely or very upsetting, compared to only 17% of harassed men based on research by Pew Research Centre.
- 51% of young women and 42% of young people are reluctant to participate in online debates because they were harassed online (EIGE).
- 42% of LGBTQ interviewees from around the world said they are harassed because of their gender or sexual identity.[393]
- 56% of respondents from eight countries (UK, US, Sweden, New Zealand, Italy, Spain, Denmark, and Poland) were less able to focus on everyday tasks after being subjected to cyber harassment.[394]

Open public consultation: Combating gender-based violence – protecting victims and punishing offenders, European Commission (2021)[395]

- 94.2% of respondents considered that it is very important that their Member State takes measures to prevent violence against women and domestic violence.
- 61.1% are not aware of prevention programmes set up at the national or local levels for perpetrators of violence against women or domestic violence.
- 52.1% thought the law enforcement authorities and judicial authorities of their Member State don't ensure an appropriate follow-up to reports of violence against women and domestic violence.
- 70.6% considered that the relevant authorities or services ensure that risk factors, such as serious safety concerns of the victim and risk of repeated violence, are not sufficiently take into account at all stages of investigation and court proceedings.

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[391] https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_STU(2021)662621.
[392] Compare to FRA estimates that 1 in 10 women (11 %) have experienced cyber harassment or cyber stalking since the age of 15
[393] Toxic Twitter. Amnesty International. (2020). Chapter 3: Women's Experience of Violence and Abuse on Twitter.
[394] Toxic Twitter. Amnesty International. (2020). Chapter 3: Women's Experience of Violence and Abuse on Twitter.
[395] Open public consultations are not, by nature, statistically representative of the population (unlike, for example, public opinion polls). Therefore, their purpose is not to find answers that could be generalised, but rather to gain in-depth insights that can shed new light on a range of issues.

- 67% considered that further measures to improve access to justice in matters of violence against women and domestic violence could improve the situation of victims at both national and EU level.
- 50.6% are not aware of a workplace policy on sex-based harassment in their company, including but not limited to identification, prevention and control of risks, complaint and investigation procedures, as well as trainings and awareness raising.
- 51% do not know which national authorities or other bodies they can contact in their Member State in cases of sex-based harassment at work.
- 61% considered illegal and harmful gendered online content become more common in recent years in their Member State.
- 42.6% think the existing preventive, intervention or support measures for victims of harmful practices against women are not effective.
- 47.9% are not aware of any specific measures in their Member Stat to address psychological violence, including coercive control, been effective.
- 55.1% considered there is a regional differences in the availability of preventive, protection and support services regarding gender-based violence against women or domestic violence.
- 60.8% considered of the impact of the COVID-19 outbreak on gender-based and domestic violence in their Member State as severe.

Gender, Institutions and Development – OECD (2019)[396]

EU Member state in 2019	**Prevalence of violence against women in the lifetime[397]:**	**Legal framework on violence against women[398]**	**Attitudes toward violence[399]:**
Austria	13%	0.25	3%
Belgium	24%	0.5	2%
Bulgaria	23%	0.75	18.2%

[396] OECD (2021), Violence against women (indicator). doi: 10.1787/f1eb4876-en (Accessed on 15 April 2021) available on http://www.oecd.org/gender/vaw.htm

[397] This table highlights the percentage of women who have experienced physical and/or sexual violence from an intimate partner at some time in their life.

[398] The index provides a measure of the legal frameworks according to this logic:
0: The legal framework protects women from violence including intimate partner violence, rape and sexual harassment, without any legal exceptions and in a comprehensive approach.
0.25: The legal framework protects women from violence including intimate partner violence, rape and sexual harassment, without any legal exceptions. However, the approach is not comprehensive.
0.5: The legal framework protects women from violence including intimate partner violence, rape and sexual harassment. However, some legal exceptions occur.
0.75: The legal framework protects women from some forms of violence including intimate partner violence, rape or sexual harassment but not all.
1: The legal framework does not protect women from violence nor intimate partner violence nor rape and sexual harassment.

[399] The percentage of women who agree that a husband/partner is justified in beating his wife/partner under certain circumstances

Croatia	13%	0.25	4.4%
Cyprus	15%	0.25	10.5%
Czech Republic	21%	0.75	2%
Denmark	32%	0.5	0%
Estonia	20%	0.25	16.9%
Finland	30%	0.75	11.2%
France	26%	0.25	6.6%
Germany	22%	0.75	19.6%
Greece	19%	0.25	2%
Hungary	21%	0.75	8.7%
Ireland	15%	0.25	1%
Italy	19%	0.75	5.3%
Latvia	32%	0.75	2%
Lithuania	24%	0.5	2%
Luxembourg	22%	0.75	2%
Malta	15%	0.25	0%
Netherlands	25%	0.75	6.4%
Poland	13%	0.75	7.9%
Portugal	19%	0.25	2%
Romania	24%	0.25	7.5%
Slovak Republic	23%	0.25	5%
Slovenia	13%	0.25	15.8%
Spain	13%	0.5	0.6%
Sweden	28%	0.25	10.2%

1.10. EIGE administrative data and statistics on GBV (2018)

EIGE's statistics on Intimate Partner Violence (IPV)[400] result from a joint effort with Member States to improve the quality and availability of data on violence against women, to monitor institutional progress, and to establish a robust and coordinated response to data collection.

Data displayed by EIGE on IPV is based on national administrative data collected by EIGE against 13 indicators. The increased harmonisation of data collection across the Member States will eventually allow for a comparison of scope and trends between the Member States based on the 13 indicators.

The 13 indicators on intimate partner violence are as follows:

Annual number of women victims of intimate partner violence (aged 18 and over) committed by men (aged 18 and over), as recorded by police
Number of reported offences related to intimate partner violence against women committed by men (aged 18 and over)
Number of men perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators)
Annual number of women victims of physical intimate partner violence (aged 18 and over) committed by men (aged 18 and over) as recorded by police
Annual number of women victims of psychological intimate partner violence (aged 18 and over) committed by men (aged 18 and over) as recorded by police
Annual number of women victims of sexual intimate partner violence (aged 18 and over) committed by men (aged 18 and over) as recorded by police
Annual number of women victims of economic intimate partner violence (aged 18 and over) committed by men (aged 18 and over) as recorded by police
Annual number of women victims reporting rape (aged 18 years and over) committed by men (aged 18 and over) as recorded by police
Women victims of intimate femicide (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide aged 18 and over
Number of protection orders applied and granted in cases of intimate partner violence against women by type of courts
Number of men (aged 18 and over) prosecuted for intimate partner violence against women
Number of men (aged 18 and over) sentenced for intimate partner violence against women
Annual number of men (aged 18 and over) sentenced for intimate partner violence against women held in prison or with a sanction involving a form of deprivation of liberty

[400] Intimate partner violence is '[a]ny act of physical, sexual, psychological or economic violence that occurs between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim' (EIGE, 2017b). This definition includes all forms of intimate partner violence. This violence 'constitutes a form of violence which affects women disproportionately and which is therefore distinctly gendered' (EIGE, Glossary and Thesaurus).

The administrative data on intimate partner violence is not harmonised at EU level and does not enable comparison among the majority of Member States. Some comparison can be conducted among four Member States: the Czech Republic, Germany, Latvia, Slovenia.

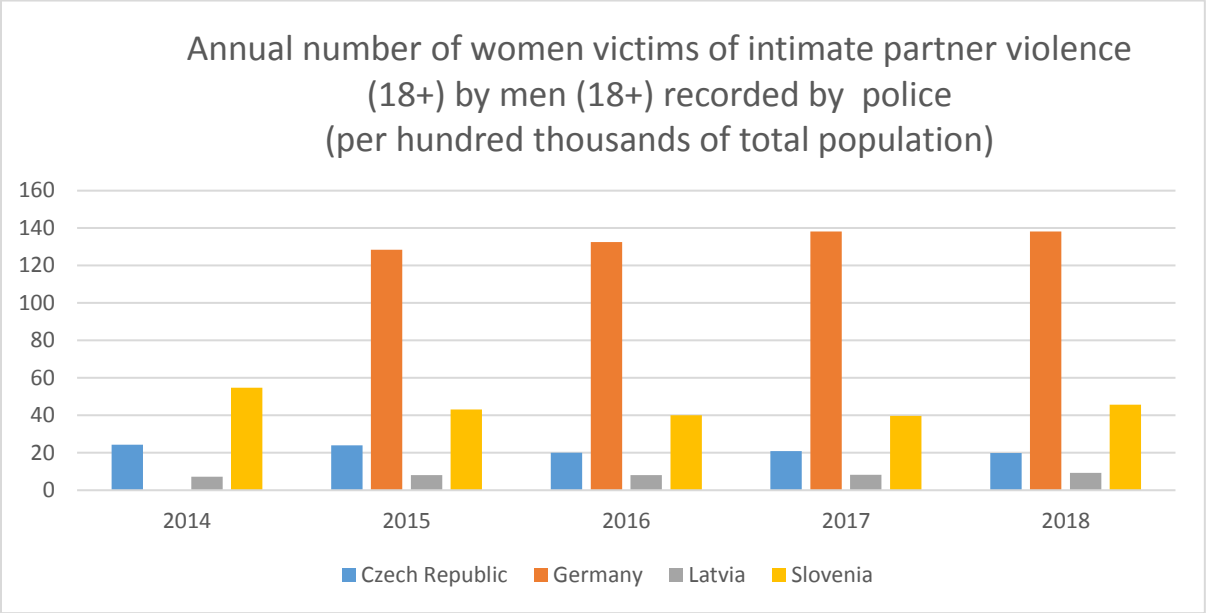

Figure 43 - Source: EIGE, https://eige.europa.eu/gender-statistics/dgs/indicator/genvio_int_adm_ipv__ipv_indic_1/datatable; ESTAT https://ec.europa.eu/eurostat/databrowser/view/demo_pjan/default/table?lang=en

In addition to intimate partner violence, EIGE's gender statistics database includes data on various forms of violence against women, such as homicide, sexual violence and sexual harassment at work.

Data on violence against women published on EIGE's gender statistics database:

Physical violence

Homicide

Administrative data

- Available national administrative data on homicide (available for all MS, 2016)
- Intentional homicide and sexual offences by sex of the victim and by sex of the perpetrator or suspected perpetrator - number and rate for the relevant sex group (2008-2018)
- Intentional homicide by sex of the perpetrator or suspected perpetrator - number and rate for the relevant sex group (2008-2018)
- Intentional homicide by sex of the victim - number and rate for the relevant sex group (2008-2018)
- Intentional homicide by sex of the victim and by sex of the perpetrator or suspected perpetrator - number and rate for the relevant sex group (2008-2018)
- Intentional homicide committed by family members other than intimate partners - number and rate for the relevant sex group of victim (2008-2018)
- Intentional homicide victims by age and sex - number and rate for the relevant sex and age

groups (2008-2018)

- Intentional homicide victims by victim-offender relationship and sex - number and rate for the relevant sex group (2008-2018)

Other physical violence than homicide (IPV and non-IPV)

Survey data

- Over the last 12 months, during the course of your work have you been subjected to physical violence? (% of respondents, 15+ workers) (2010, 2015)
- Prevalence of physical and sexual violence by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)
- Prevalence of physical and sexual violence by persons other than intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim (2012)
- Prevalence of physical and sexual violence since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)
- Prevalence of physical violence by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)
- Prevalence of physical violence by persons other than intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim (2012)
- Prevalence of physical violence since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)

Sexual violence

Rape

Survey data (IPV and non-IPV)

- Prevalence of rape by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)
- Prevalence of rape by persons other than intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim (2012)
- Prevalence of rape since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)

Administrative data

- Available national administrative data on rape (available for all MS)
- Rape by sex of the perpetrator or suspected perpetrator - number and rate for the relevant

sex group (2008-2018)

- Rape by sex of the victim - number and rate for the relevant sex group (2008-2018)
- Rape by sex of the victim and by sex of the perpetrator or suspected perpetrator - number and rate for the relevant sex group (2008-2018)

Sexual assault (IPV and non-IPV)

Survey data

- Over the last month, during the course of your work have you been subjected to unwanted sexual attention? (% of respondents, 15+ workers) (1995, 2000, 2001, 2005, 2010, 2015)
- Prevalence of sexual assault by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)
- Prevalence of sexual assault by persons other than intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim (2012)
- Prevalence of sexual assault since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)

Administrative data

- Available national administrative data on sexual assault (available for all MS apart from IT and BG).
- Sexual assault (other than rape) by sex of the perpetrator or suspected perpetrator - number and rate for the relevant sex group(2008-2018)
- Sexual assault (other than rape) by sex of the victim - number and rate for the relevant sex group (2008-2018)
- Sexual assault (other than rape) by sex of the victim and by sex of the perpetrator or suspected perpetrator - number and rate for the relevant sex group (2008-2018)

Sexual harassment at work

Survey data

- Over the last 12 months, during the course of your work have you been subjected to harassment? (% of respondents, 15+ workers) (2005, 2010, 2015)
- Over the last month, during the course of your work have you been subjected to unwanted sexual attention? (% of respondents, 15+ workers) (1995, 2000, 2001, 2005, 2010, 2015)

Physical and sexual violence by IPV and non-IPV

Survey data

- Prevalence of physical and sexual violence by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)

- Prevalence of physical and sexual violence by persons other than intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim (2012)
- Prevalence of physical and sexual violence since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)
- Prevalence of sexual violence by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)
- Prevalence of sexual violence by persons other than intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim (2012)
- Prevalence of sexual violence since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)

Administrative data

- Available national administrative data on other sexual offences (available for AT, BE, FI, FR, DE, DU, IE, LV, LT, MT, NL, RO, SK Sl, ES, SE)
- Intentional homicide and sexual offences by sex of the victim and by sex of the perpetrator or suspected perpetrator - number and rate for the relevant sex group (2008-2018)
- Sexual offences by sex of the perpetrator or suspected perpetrator - number and rate for the relevant sex group
- Sexual offences by sex of the victim - number and rate for the relevant sex group (2008-2018)
- Sexual offences by sex of the victim and by sex of the perpetrator or suspected perpetrator - number and rate for the relevant sex group (2008-2018)

Psychological violence

Survey data on discrimination and harassment in general and at work

- In the past 12 months have you personally felt discriminated against or harassed on the basis of one or more of the following grounds? (Percentage of respondents who mentioned each ground of discrimination) (2015, 2019)
- Over the last 12 months, during the course of your work have you been subjected to bullying? (% of respondents, 15+ workers) (2010, 2015)
- Over the last 12 months, during the course of your work have you been subjected to harassment? (% of respondents, 15+ workers) (2005, 2010, 2015)
- Over the last month, during the course of your work have you been subjected to humiliating behaviours? (% of respondents, 15+ workers) (2015)
- Over the last month, during the course of your work have you been subjected to threats? (% of respondents, 15+ workers) (2015)
- Over the last month, during the course of your work have you been subjected to verbal

abuse? (% of respondents, 15+ workers) (2010, 2015)

Administrative data on stalking

- Available national administrative data on stalking (available for BE, HR, CZ, DE, IE, IT, MT, NL, RO, SK, SI, ES, SE)

Intimate partner violence

Physical violence

Survey data on physical and sexual violence by intimate partners

- Prevalence of physical and sexual violence by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)
- Prevalence of physical violence by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)

Sexual violence by intimate partners

- Prevalence of physical and sexual violence by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)
- Prevalence of rape by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)
- Prevalence of sexual assault by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)
- Prevalence of sexual violence by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the perpetrator (2012)

Intimate partner violence indicators

Administrative data

- Annual number of women victims of intimate partner violence (aged 18 and over) committed by men (aged 18 and over), as recorded by police
- Number of reported offences related to intimate partner violence against women committed by men (aged 18 and over)
- Number of men perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators)
- Annual number of women victims of physical intimate partner violence (aged 18 and over) committed by men (aged 18 and over) as recorded by police
- Annual number of women victims of psychological intimate partner violence (aged 18 and over) committed by men (aged 18 and over) as recorded by police

- Annual number of women victims of sexual intimate partner violence (aged 18 and over) committed by men (aged 18 and over) as recorded by police
- Annual number of women victims of economic intimate partner violence (aged 18 and over) committed by men (aged 18 and over) as recorded by police
- Annual number of women victims reporting rape (aged 18 years and over) committed by men (aged 18 and over) as recorded by police
- Women victims of intimate femicide (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide aged 18 and over
- Number of protection orders applied and granted in cases of intimate partner violence against women by type of courts
- Number of men (aged 18 and over) prosecuted for intimate partner violence against women
- Number of men (aged 18 and over) sentenced for intimate partner violence against women
- Annual number of men (aged 18 and over) sentenced for intimate partner violence against women held in prison or with a sanction involving a form of deprivation of liberty

Other administrative data

- Available national administrative data on intimate partner violence (available for BE, HR, CY, CZ, EE, FI, FR, DE, EL, HU, LV, LU, MT, NL, PL, PT, RO, SK, SI, ES, SE)
- Intentional homicide victims by victim-offender relationship and sex - number and rate for the relevant sex group (2008-2018)

1.11. Violence against Women Prevalence Estimates, World Health Organization (2018)[401]

The report, ***Global, regional and national estimates for intimate partner violence against women and global and regional estimates for non-partner sexual violence against women*** was developed by WHO and the UNDP-UNFPA-UNICEF-WHO-World Bank Special Programme of Research, Development and Research Training in Human Reproduction (HRP) for the United Nations Inter-Agency Working Group on Violence Against Women Estimation and Data.[402]

Global, regional and national prevalence estimates of intimate partner violence:

Lifetime prevalence (since age 15 years):

[401] WHO, on behalf of the United Nations Inter-Agency Working Group on Violence Against Women Estimation and Data (VAW-IAWGED) available on https://www.who.int/publications/i/item/violence-against-women-prevalence-estimates

[402] This report presents data from the largest ever study of the prevalence of violence against women, conducted by WHO on behalf of a special working group of the United Nations. Based on data from 2000 to 2018, it updates previous estimates released in 2013.

- Globally, **26% (UI[403] 22–30%) of ever-married/partnered women aged 15 years and older have been subjected to physical and/or sexual intimate partner violence** at least once in their lifetime.
- **641 million (26%)** and **up to 753 million (27%)** ever married/partnered women aged 15 years and older had been subjected to **physical and/or sexual intimate partner violence** at least once since the age of 15.
- In each of the subregions of Europe, which mainly comprise high-income countries, the estimated lifetime prevalence of intimate partner violence ranges from 23% in Northern Europe (UI 16–33%) to 16% (UI 12–21%) in Southern Europe.

Prevalence of physical and/or sexual intimate partner violence

- In each of the subregions of Europe, which mainly comprise high-income countries, the estimated lifetime prevalence of intimate partner violence ranges from **23% in Northern Europe (UI 16–33%) to 16% (UI 12–21%) in Southern Europe**. Even the relatively low prevalence estimates in these subregions are still unacceptably high.
- As for the prevalence rates of past 12 months physical and/or sexual intimate partner violence the prevalence estimates among women aged 15–49 range from 4–5% in Southern, Western and Northern Europe, to 7% in Eastern Europe.

Country-level prevalence of physical and/or sexual intimate partner violence

- Twelve countries and two areas fell into the group with the lowest prevalence estimates for lifetime physical and/or sexual intimate partner violence among ever-married/partnered women aged 15–49 (i.e. prevalence of 10–14%; see Fig. 4.1).
    - Six of the 12 countries are in the subregions of Europe (Albania, Bosnia and Herzegovina, and Switzerland [all 12%], Croatia, North Macedonia and Poland [all 13%]).
    - Six additional countries in the subregions of Europe (Austria, Cyprus, Ireland, Italy, Montenegro and Spain).

Global and regional prevalence of non-partner sexual violence

- Globally, it is estimated that **6% (UI 4–9%) of women aged 15–49 have been subjected to sexual violence from someone other than a current or former husband or male intimate partner at least once in their lifetime**, since age 15.
- Estimated prevalence of **non-partner sexual violence since age 15 in Northern Europe is (10%, UI 6–16%).**

Global and regional combined prevalence estimates of intimate partner violence and non-partner sexual violence

- **Globally, 31% (UI 27–36%) of women aged 15–49 and 30% (UI 26–34%)** of women aged 15 years and older have been subjected to physical and/or sexual violence from any current or former husband or male intimate partner, or to sexual violence

[403] The uncertainty interval (UI) indicates the range within which an estimate's true value falls (i.e. there is an almost 50% probability that the value lies between 22 and 26% or between 26 and 30%, with 26% as most probable value).

from someone who is not a current or former husband or intimate partner, or to both these forms of violence at least once since the age of 15.

- These findings suggest that on **average 736 million and up to 852 million women who were aged 15 years or older in 2018 have experienced one or both of these forms of violence at least once in their lifetimes**.
- Prevalence estimates of lifetime **physical and/or sexual intimate partner violence (IPV) or non-partner sexual violence (NPSV) or both among all women aged 15–49 years in Europe is 26% (UI 21-31%)**

1.12. Violent sexual crimes recorded in the EU, Eurostat (2019)[404]

- Almost 178,000 violent sexual crimes were recorded by the police in the EU in 2019.
- Over a third of these (more than 60,000) were rapes.
- More than 9 in 10 rape victims and more than 8 in 10 sexual assault victims were girls and women, while nearly all those imprisoned for such crimes were male (99%).

In 2019, in absolute terms the highest number of reported sexual offences was recorded in the following EU27 countries: France (55,229of which 23,236 recorded as rapes, i.e. 42%), Germany (40,724 of which 9,576 as rapes, i.e. 24%) and Sweden (19,960 of which 8,271 rapes i.e. 41%). As a relative to population size these numbers translate into 195.113 reported sexual offences per hundred thousands inhabitants in Sweden and respectively 82.21 and 49.05 for France and Germany.

1.13. Estimating the costs of gender-based violence in the European Union, EIGE (2014).[405]

This report from 2014 by EIGE provides an analysis of methodological options on the cost of gender-based violence and intimate partner violence, by studying different literatures and studies, and provides recommendations. It includes a case study on the cost of intimate partner violence against women in the UK during 2012 and provides a calculation of the costs in the EU. EIGE is also in the process of finalising a new study on the estimation of the costs of gender-based violence during June-July 2021.

- intimate partner violence against women costs more than 13.5 billion euros;
- of intimate partner violence against women and men is more than 15 billion;
- the cost of gender-based violence against women almost 28.5 billion;
- the cost of gender-based violence against women and men is more than 32.5 billion euros.
- By extrapolating the cost for the UK to the EU, proportionally to the population, the costs of gender-based violence against women in the EU is almost 226 billion euros.
- This represents 87 % of the total cost of gender-based violence against women and men to the EU close to 256 billion euros.

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[404] Eurostat – Recorded offences by offence category - police data [crim_off_cat] (here); Intentional homicide and sexual offences by legal status and sex of the person involved - number and rate for the relevant sex group [crim_hom_soff] (here); Prisoners by offence category and sex - number and rate for the relevant sex group [crim_pris_off] (here) .

[405] https://eige.europa.eu/publications/estimating-costs-gender-based-violence-european-union-report.

1.14. Violence against Women: an EU-wide Survey, the European Union Agency for Fundamental Rights (2014)[406]

- One in three women **(33 %) has experienced physical and/or sexual violence** since the age of 15, EU-28. The range was from 10 % to 50 % of women experiencing physical and/or sexual violence across the different EU-28.
- One in 20 women **(5 %) has been raped** since the age of 15, EU-28.
- Out of all women who have a (current or previous) partner, **22 % have experienced physical and/ or sexual violence by a partner** since the age of 15, EU-28.
- Overall, **43 % of women have experienced some form of psychological violence** by an intimate partner, EU-28.
- Every second woman **(55 %) in the EU has experienced sexual harassment** at least once since the age of 15, EU-28.
- **13 % of women have experienced some form of economic violence** in past relationships, some 5 % of women have experienced economic violence in their current relationships, EU-28.
- **18 % of women have experienced stalkin**g since the age of 15, EU-28.
- **5 %** of women have experienced stalking in the 12 months preceding the survey which corresponds to about **9 million women experiencing stalking within a period of 12 months,** EU-28.
- Some **12 % of women** indicate that they have experienced some form of sexual abuse or incident by an adult before the age of 15, which corresponds to about **21 million women,** EU-28**.**
- **30 % of women who have experienced sexual victimisation by a former or current partner also experienced sexual violence in childhood**. Of those women who have not experienced sexual victimisation in their current or former relationship, 10 % indicate experiences of sexual violence in their childhood, EU-28.
- **Half of all women in the EU (53 %) avoid certain situations or places,** at least sometimes, for fear of being physically or sexually assaulted, EU-28.
- 11% of women since the age of 15 have received unwanted, offensive, sexually explicit emails or SMS messages, or inappropriate advances on social networking sites at some point in their lives, EU-28.

[406] Available on: https://fra.europa.eu/en/news/2019/towards-european-survey-gender-based-violence

ANNEX 7: Monitoring and evaluation

Implementation of the initiative will be monitored against the specific objectives (by problem area). The table below includes such further indicators that could be used to assess the progress and effectiveness of the preferred option. The Commission will identify suitable indicators for each area in its questionnaire.

Table 1: Summary of monitoring and evaluation indicators

Specific objectives	Operational measurable objectives	Key performance indicators	Sources and tools
1. Ensuring effective prevention of violence against women and domestic violence	The general public is aware of violence against women and domestic violence and information is available in concrete cases; Relevant practitioners are aware of violence against women and domestic violence and targeted information is available for professional group to tackle violence against women and domestic violence cases appropriately; Availability of other measures in the prevention problem area.	Monitoring through qualitative indicators developed in cooperation with Eurostat and EIGE at https://composite-indicators.jrc.ec.europa.eu/ges-monitor/maps. Potential indicators depending on information availability: - Number of campaigns organised / audience reached; - Number of perpetrator programmes available / audience reached / terms of participation.	**For all problem areas:** Monitoring through the information and data reported by Member States to the Commission pursuant to the reporting obligation in the act. Number, complexity and effectiveness of infringements pursued at EU level.

1. Ensuring effective protection of violence against women and domestic violence victims	Increased violence against women and domestic violence reporting; Targeted training on violence against women and domestic violence is provided; Increase in risk assessments conducted; Increase in protection orders issued in cases of violence against women and domestic violence;	Monitoring through qualitative indications developed in cooperation with Eurostat and EIGE at https://composite-indicators.jrc.ec.europa.eu/ges-monitor/maps. Number of training courses provided / number of participants. Potential indicators depending on information availability: - Number of risk assessments conducted by MS in violence against women and domestic violence cases; - Number of protection orders issued in cases of violence against women and domestic violence	As above.
3. Ensuring effective access to justice in cases of violence against women and domestic violence	Number of violence against women and domestic violence cases handled by equality bodies. Number of violence against women and domestic violence prosecutions and convictions. Increase in requests for and level of compensation in violence against women and domestic violence cases.	Reporting by equality bodies. Reporting by Member States.	As above.

4. Ensuring effective victim support in cases of violence against women and domestic violence	General support services are available to victims of violence against women and domestic violence. Specialised support services are available to victims of violence against women and domestic violence.	Potential indicators depending on information availability: - Number of shelter places available by MS; - Number of helplines available to victims of violence against women and domestic violence by MS; - Issuance of violence against women and domestic violence-specific guidelines to health and social service providers.	As above.
5. Strengthened coordination in preventing and combatting violence against women and domestic violence	Participation of all MS in EU-wide survey. Minimum standards on administrative data collection. Increased multi-agency coordination. Increased referral between national law enforcement, support service and judicial authorities and actors.	All MS participate in the GBV survey coordinated at EU level. More comparable data are available to Eurostat and EIGE. Establishment and frequency of meetings of coordination bodies at EU level. Where available through MS reporting, information on the number of referrals between authorities by MS.	As above.
6. Ensuring that gender-based harassment at work is effectively addressed	Reduction of sexual harassment at work.	Number of cases of sexual harassment at work handled by equality bodies Potential indicators depending on information availability: - Number of cases on sexual harassment before the courts;	EU survey/administrative data. Reporting by MS. Questionnaires to equality bodies. Survey among social partners.
7. Ensuring that gender-based cyber violence is effectively addressed		Potential indicators depending on information availability: reduction of cyber violence cases as indicated by admin. data; no. and type of support measures	EU survey + administrative data

ANNEX 8 Gap analysis and good practices

This gap analysis evaluates to what extent the existing EU legislation and national policy and legislative measures in place are effective in preventing and tackling violence against women and domestic violence and in addressing the specific needs of victims of such violence. The analysis is carried out in the five problem areas identified in the impact assessment report: prevention, protection, access to justice, victims' support and coordination.

The **first section** of the gap analysis evaluates to what extent the **EU legal framework** effectively addresses victims' needs in the identified problem areas. The main findings of this section are illustrated in table 1.

The **second section** of the gap analysis examines the measures in place in the **EU Member States** in the five problem areas. The aim of this analysis is to assess whether, despite the gaps in EU law identified in the first section, Member States adopted sufficient and effective measures to address the problems. Member State action may be the result of the implementation of the Istanbul Convention on preventing and combatting violence against women and domestic violence, other international legal frameworks, such as in particular CEDAW Convention, or self-standing action at national level. This section also highlights **best practices** found in the Member States. The findings are summarised in table 2.

The gap analysis is **based on various studies,** partly conducted in support of this initiative, results of monitoring by international bodies (e.g. baseline reports of the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)), and a broad consultation process with substantial input from a variety of stakeholders.

The **scope** of this analysis is violence against women and domestic violence, as explained in the impact assessment report.

I. Gap analysis of the EU legal framework in the areas of prevention, protection, access to justice, victims' support and coordination at national level

At the time of proposing EU accession to the Istanbul Convention,[407] the Commission identified 14 instruments of EU law, which could potentially contribute to addressing the problem of violence against women and domestic violence in the areas of prevention, protection, access to justice, victims' support and coordination. These instruments are set out below.

The Istanbul Convention itself is not covered by the gap analysis because it does not form part of the EU acquis, hence does not form part of the EU legal and policy framework which should be evaluated.

Victims' rights and protection measures

[407] Roadmap on a possible EU Accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), at https://ec.europa.eu/smart-regulation/roadmaps/docs/2015_just_010_istanbul_convention_en.pdf.

- Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime ('Victims' Rights Directive');[408]
- Directive 2011/99/EU on the European protection order ('EPO Directive');[409]
- Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters ('Mutual Recognition Regulation');[410]
- Council Directive 2004/80/EC relating to compensation to crime victims ('Compensation Directive');[411]
- Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA ('CSA Directive');[412]
- Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims ('Anti-Trafficking Directive').[413]

Gender Equality Directives

- Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ('Gender Equality Recast Directive');[414]
- Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services ('Goods and Services Directive');[415]
- Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity ('Self-employed Directive').[416]

Asylum Directives

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[408] 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.
[409] 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.
[410] 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.
[411] Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, OJ L 261, 6.8.2004, p. 15–18.
[412] 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.
[413] 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.
[414] 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, OJ L 204, 26.7.2006, p. 23–36.
[415] 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.
[416] 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, OJ L 180, 15.7.2010, p. 1–6.

- Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast); ('Reception Conditions Directive');[417]
- Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) asylum procedures directive; ('Asylum Procedures Directive');[418]
- Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals; ('Return Directive');[419]
- Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted; ('Qualification Directive').[420]

International instruments

- Article 16 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD); - freedom from exploitation, violence and abuse.[421]

While these instruments are mainly gender-neutral, they are relevant for victims of violence against women and domestic violence, because they either apply to all victims of crime[422] or cover victims of specific forms of violence against women and domestic violence[423].

The **main deficiency in the EU legal framework as a whole** is precisely that it is **not focussed on violence against women and domestic violence**. With the exception of the Anti-trafficking and the CSA Directives, the EU framework focusses on the rights and protection of all victims of crime, or specific crimes, and of all applicants of international protection regarding their qualification, reception and return, without a gender-sensitive approach. It thus addresses the protection and needs of victims of violence against women and

[417] Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180, 29.6.2013, p. 96–116.
[418] Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) asylum procedures directive, OJ L 180, 29.6.2013, p. 60–95.
[419] Returns Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98–107.
[420] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ L 337, 20.12.2011, p. 9–26.
[421] United Nations Convention on the Rights of Persons with Disabilities, 13 December 2006; Council Decision concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, 26 November 2009, pp. 35-36.
[422] For instance, the Victims' Rights Directive and the European Protection Order (EPO).
[423] For instance, the directives on child sexual abuse or trafficking in human beings, the gender equality directives insofar as they regulate sex-based, including sexual harassment, and the UN Convention on the rights of persons with disabilities (UNCRPD) which requires Parties to ensure that women and children with disabilities enjoy equal rights and that persons with disabilities are protected against exploitation, violence and abuse. The EU is a party to this Convention together with the Member States.

domestic violence mainly by way of general obligations and recommendations. While in some instances, e.g. in the Victims Rights' Directive, women are included in the category of 'vulnerable groups' entitled to specific protection, the lack of explicit measures for this group of victims leads to a lack of implementation at national level with a focus on this group.

The gender-neutral approach of EU law provisions is problematic because it does not provide women victims of violence and domestic violence effective protection, support and access to justice. GREVIO noted with respect to states parties to the Istanbul Convention that a gender neutral approach in legislation may not always do justice to the particular experiences of victims of violence against women, who are more frequently and more severely impacted. For example, it can result in a policy approach which does not recognise violence against women as a form of discrimination against women and that does not consider the specific experiences of women experiencing violence, such as the setting up of specialised support services or trainings for practitioners. It does not take into account the specific problems of systemic under-reporting (due to the lack of follow-up by law enforcement, perceived shame and embarrassment surrounding this type of violence, the fear of retaliation especially when the perpetrator is a relative or otherwise close acquaintance, including at work), disrupted criminal proceedings, the commonly sexual nature of crimes and a high prevalence of elements of coercive control.[424]

In addition, EU law does not recognise violence against women and domestic violence as **a form of discrimination**. Only the Gender Equality Directives recognise, within their limited scope, sex-based and sexual harassment as discrimination. The Victims' Rights Directive limits itself to underlining the importance of treating violence against women and domestic violence as a violation of fundamental rights.[425] This leads to unequal and insufficient measures across the EU, since victims of all forms of such violence do not unequivocally have access to non-discrimination remedies, such as equality bodies.

A detailed gap analysis of the EU legal framework in the five problem areas is set out below:

1. Prevention of violence against women and domestic violence

a. Awareness-raising and information provision

As outlined in the impact assessment report, prevention measures of this kind of violence usually consist of awareness-raising and information provision measures, training of professionals and perpetrator programmes.

The relevant EU legal framework contains obligations regarding awareness-raising in Article 18(2) of the Anti-Trafficking Directive, Article 23(2) of the CSA Directive and Article 26(2) of the Victims' Rights Directive.

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[424] FRA, *Violence against women: an EU-wide survey. Main results report*, 2014; *Infra* 490.

[425] According to the EELN report, only nine Member States recognise to some extent (gender-based) violence against women as a form of discrimination or an equality issue (FR, DE, EL, MT, PL, PT, RO, ES, SE), while in 11 States there is no explicit recognition of violence against women and domestic violence as an equality/discrimination issue (BE, HR, CY, HR, DE, FI, IE, LV, LT, SI, SK).

These provisions have proven to be somewhat effective, even though shortcomings remain. The problems identified in this regard[426] include, in particular, the fact that the provisions either focus on a broader subject-matter, such as rights of all victims' (as for instance in Article 26 the Victims' Rights Directive on all groups of victims, even if groups at risk such as children, victims of gender-based violence[427] and violence in close relationships[428] are to be specifically targeted). The provisions can also be narrower in scope, such as the Gender Equality Directives, which include a general obligation for the Member States to prevent sex-based and sexual harassment as one form of prohibited discrimination.

In the targeted consultation of Member States, 25 Member States reported having organised **awareness-raising campaigns** on violence against women and domestic violence.[429] This information is somewhat corroborated by the open public consultation, where 60% of respondents indicated knowing about such campaigns in their Member States. However, GREVIO has noted challenges related to awareness-raising in terms of a narrow focus on domestic violence, short duration of the campaigns and lack of intersectionality.[430]

Awareness-raising can also be provided through **education** to develop skills, such as on non-violent conflict resolution and tackling harmful stereotypes. EU law does not currently oblige Member States to conduct awareness-raising or provide information on violence against women and domestic violence in particular. In addition, EU action in the field of education is limited to supportive action as established in Article 165 TFEU.

b. Perpetrator programmes

Programmes for perpetrators are included only in the CSA Directive. Article 22 of the CSA obliges Member States to provide for access to effective intervention programmes or measures designed to evaluate and prevent the risk of committing child sexual abuse offenses covered by the Directive for persons at risk of offending. The implementation report highlighted that challenges remain in several Member States in the areas of prevention and, in particular, concerning prevention programmes for offenders and for people who fear that they might offend.[431]

According to the European Network for Work with Perpetrators (WWP EN), the relevant provisions in the instruments under review had limited effectiveness in this area.[432]

In the targeted consultation, all but one country – Hungary – reported having set up support programmes for perpetrators of violence against women and domestic violence.[433] However, a

[426] Study conducted in support of the impact assessment report. ICF 2021 [upcoming].
[427] This notion is understood in this gap analysis as covering violence against women
[428] This notion is understood in this gap analysis as covering domestic violence.
[429] Targeted consultation of Member States, responses to question no. 10. No response from HU and MT.
[430] GREVIO, *Mid-term Horizontal Review of GREVIO baseline evaluation reports*, 2021, pp. 53-57, available at: (https://rm.coe.int/horizontal-review-study-2021/1680a26325).
[431] 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.
[432] Interview with European Network for Work with Perpetrators (WWP EN), 2 July 2021.
[433] Targeted consultation of Member States, responses to q. no. 29. No response from PL, HR, LT.

descriptions of the measures show that most target only domestic violence and not all are compulsory.

c. Training of professionals

Key provisions regarding the training of relevant professionals likely to come into contact with victims of this kind of violence are in the Victims' Rights Directive,[434] the Anti-Trafficking Directive,[435] and the Gender Equality Recast Directive[436].

The relevant EU provisions on training are however not specific to violence against women and domestic violence. They thus disregard the specific needs of this group of victims and do not require specific skills and competences from the trainers themselves. For instance, Article 25 of the Victims' Rights Directive sets out a requirement to provide training to 'officials likely to come into contact with victims', without specifying any particular groups of victims.

d. Coherence with international standards

The EU legal framework as set out above can generally be considered not to be in line with the standards set in the Istanbul Convention, in particular its Article 13 which contains an obligation to raise awareness on all manifestations of violence against women in cooperation with other stakeholders, particularly women's organisations, and its Article 15 which requires to offer appropriate training to relevant stakeholders and professionals that come into contact with victims or perpetrators of acts of violence. The requirements of Article 16 of the Istanbul Convention on perpetrator programmes are included only in the CSA Directive and therefore limited to perpetrators of child sexual abuse.

e. Conclusion

The EU Framework contains prevention obligations in a fragmented manner. This creates gaps in relation to the contexts in which and the forms of violence against women and domestic violence that are to be targeted. The EU legal framework is insufficiently in line with the requirements of the Istanbul Convention.

2. **Protection of victims of violence against women and domestic violence**

The European Protection Order Directive ('EPO')[437] and the Mutual Recognition Regulation[438] allow for the cross-border recognition of protection orders[439] issued within the EU.[440] The EPO provides an obligation to recognise criminal law protection orders issued by judicial authorities from other Member States. It is thus a mechanism based on mutual recognition, not a harmonisation instrument and therefore it does not include provisions on when and how the protection measures should be applied in the Member States. The Mutual

[434] See: Art. 25.
[435] See: Art. 18.
[436] See: Art. 25.
[437] *Supra* 409.
[438] *Supra* 410.
[439] Measures issued by law enforcement or judicial authorities for the protection of the life, physical or psychological integrity, dignity, personal liberty or sexual integrity of victims.
[440] Council of the European Union, *Initiative for a directive of the European Parliament and of the Council on the European Protection Order - Explanatory memorandum*, 2010/0802(COD), 5677/10, 22 January 2010.

Recognition Regulation provides for the recognition of protection measures issued as civil law measures.

These instruments were set out to be gender-neutral and non-specific to victims of violence against women and domestic violence. Nevertheless, the Regulation recognizes the aim of preventing any form of gender-based violence or violence in close relationships, such as physical violence, harassment, sexual aggression, stalking, intimidation or other forms of indirect coercion, while underlining that it is applicable to all victims.[441]

Provisions on protection of victims are also included in the Victims' Rights Directive (Chapter IV), the CSA Directive (Articles 18 and 20) and the Anti-trafficking Directive (Articles 12 and 13).

In particular, Article 22 of the Victims' Rights Directive requires Member States to undertake an individual assessment of victims to identify specific protection needs. EU law however does not include **an obligation to assess the risk posed by the alleged perpetrator** of this kind of violence on the victim. This creates a gap with regard to Article 51 of the Istanbul Convention, which requires all relevant national authorities to carry out an assessment of the 'lethality risk, the seriousness of the situation and the risk of repeated violence'.

Since there are currently no specific training obligations in EU law as regards this kind of violence, EU law does not currently require the provision of **specific training for law enforcement authorities either.** Training on violence against women and domestic violence would be needed to understand why their interventions in situations of domestic violence is needed and what is expected of their intervention.[442]

a. Protection of child victims or witnesses of violence against women and domestic violence

The Victims' Rights Directive requires specific protection for vulnerable groups through **individual assessment** of victims' needs in relation to protection during criminal proceedings.[443] In addition, Article 24 establishes special rules on the right to protection of child victims of all crimes during criminal proceedings.

Comprehensive information about the **special protection measures** granted in the Member States for child victims of violence against women under Article 24 of the Victims' Rights Directive is not available. Problems with practical implementation of these measures were identified in a few Member States.[444]. In addition, Article 24 applies to child victims, but does not explicitly apply to child witnesses of violence. This creates a protection gap for **child**

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[441] *Supra* 410, Recital (6).
[442] FRA, *Women as victims of partner violence – Justice for victims of violent crime, Part IV*, 2019, p. 12, available at: (https://fra.europa.eu/en/publication/2019/women-victims-partner-violence-justice-victims-violent-crime-part-iv).
[443] *Supra* 408.
[444] European Commission, *Report on the implementation of Directive 2012/29/EU of the European Parliament and of the Council 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, 11 May 2020

witnesses of violence against women and domestic violence, since such violence is found to be equally traumatising to children witnessing it[445].

In addition, Articles 13, 14, 15 and 16 of the Anti-Trafficking Directive include targeted protection measures for **child victims of trafficking in human beings**. Those provisions foresee that this specific group of child victims shall be provided with protection measures and that the child's best interests shall be a primary consideration.

Article 20 of the CSA Directive provides for measures for protection of **child victims of sexual abuse and exploitation** in the course of criminal investigations and proceedings. The scope of the Directive is limited to this specific form of violence.

EU law includes gaps in that it does not provide for the child-sensitive protection of children victims of other forms of violence against women and domestic violence. **Reporting of violence** by children should be child-friendly[446], and 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[447].

b. Protection of victims living with a disability

Article 16 UNCRPD requires the parties to the Convention to protect persons with disabilities from all forms of exploitation, violence and abuse and obliges them to take into account gender- and age-specific needs. In addition, Article 6 UNCRPD requires states parties to recognise multiple forms of discrimination against women and girls with disabilities and guarantee equality and the full enjoyment of their rights.[448]

The practical implementation of the UNCRPD in the EU and its Member States continues to face challenges. Specifically in regard to violence against women and domestic violence, the UN Committee on the Rights of Persons with Disabilities' noted with concern in its concluding observations to the EU in 2015 that, in the EU, 'persons with disabilities, especially women, girls and boys, and older persons, are subjected to violence, abuse and exploitation, especially in institutional settings'.

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[445] See e.g. Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence.

[446] https://ec.europa.eu/info/sites/default/files/child-friendly_justice_20180625-26_background_paper_final.pdf, at 3. Also meeting with Victim Support Europe, 24 November 2021.

[447] According to information gathered in October 2021 from the European Judicial Network, access between family members and children in cases of alleged domestic violence can be organised as surveyed meetings in safe places in the presence of child protection officials e.g. in ES, FI, DE and MT. In addition, Brussels IIa Regulation (Council Regulation (EC) No. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No. 1347/2000) contains rules on cross-border family law matters, such as parental responsibility, custody rights and international child abduction. The Regulation is intended to supplement the rules of the 1980 Hague Convention on the Civil Aspects of International Child Abduction (HC80), to which all EU Member States are signatories. HC80 aims at resolving cross-border disputes and includes specific provisions, which are also applicable in situations involving suspicions of this kind of violence. The "Brussels IIa Recast" Regulation (Council Regulation 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast)) will apply from 1 August 2022 onwards and will lead to substantial improvements in judicial cooperation in matters of parental responsibility for the benefit of the children concerned.

[448] *Supra* 421, Art. 6.

Training of professionals is key to recognise the specific risks and needs also with regard to this group of victims. EU law does not foresee specific training for professionals dealing with person with disabilities who have experienced violence (see above on training). The supporting study shows limitations in the protection to victims with disabilities in most of the Member States, including an important lack of sensitization and training of such professionals[449]. The supporting study also notes a lack of measures responding to **multiple forms of discrimination**, taking into account both sex and disability in most Member States[450]. In its Concluding observations to the initial periodic report of the EU[451], the UN Committee on the Rights of Persons with Disabilities recommended for the EU to mainstream disability in all legislation, policies and strategies for combating violence, abuse and exploitation and provide effective protection from violence, abuse and exploitation to all people with all sorts of disabilities within and outside the home environment.

c. Ensuring continued protection in cross-border situations

Cross-border protection of victims of violence against women and domestic violence is ensured in EU law by the EPO instruments. These instruments provide for the cross-border recognition of protection orders issued under national law. Such mutual recognition continues to be a challenge, particularly because of the **large divergence of existing orders at national level**.[452] The EPO instruments have been very little used.[453] In the targeted consultation[454], two Member States report that foreign protection orders are not recognised and enforced.[455] Several countries identified a lack of awareness of the measure by relevant authorities[456], divergences in sanctions[457] and in differences in type and scope of protection measures between Member States[458] as challenges. However, in cases where the mutual recognition instruments were applied, they were mainly used with regard to protection of women 'in cases of intimate partner or domestic violence, harassment, stalking or sexual assault'.[459]

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[449] AT, HR, LT, PL, PT, ES.

[450] For example, Luxembourg and Romania have an action plan related to disability that does not address victims of violence against women and domestic violence and the Netherlands, Belgium and Poland have national policies related to this kind of violence that pay very limited attention to disability.

[451] UN Committee on the Rights of Persons with Disabilities, *Concluding observations on the initial report of the European Union*, CRPD/C/EU/CO/R.1, 1 September 2015, available at: (https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/226/55/PDF/G1522655.pdf?OpenElement).

[452] Submission for the Member States Targeted Consultation q. 19.

[453] Statistics provided by Member States for the years 2015-2018 record a total of 37 EPOs issued and the majority were EPOs issued by one Member State (27 out of 37). Only 15 EPOs were recognised and led to the adoption of protection measures in the executing State.

[454] Submission for the Member States Targeted Consultation q.18.

[455] J. Candido, et al., *Slachtoffer en de rechtspraak – Handleiding voor de strafrechtspraktijk*, 2017, p. 213, available at: (https://www.rechtspraak.nl/SiteCollectionDocuments/Slachtoffer-en-de-Rechtspraak.pdf
). Figures from the Public Prosecution Service in NL also show that EPOs are not yet being used in practice in this country. The other Member State is CZ.

[456] NL, CZ, FI, BE, FR.

[457] NL, BG.

[458] NL, RO.

[459] European Commission, *Report 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, 11 May 2020, p. 3, available at: (https://op.europa.eu/en/publication-detail/-/publication/770f93b9-9369-11ea-aac4-01aa75ed71a1/language-en).

Most importantly, however, the EPO instrument **do not ensure that effective protection orders are available and speedily granted at national level**. Emergency protection orders are available in only 18 States. In some Member States – such as FR, PT - protection orders are only available for victims of domestic violence. Further problems reported concern the lack of (multilingual) information and lengthy proceedings.[460] In addition, the VOCIARE report identifies the lack of availability of **interpretation and translation** services[461] at national level. This right is particularly important for **migrant women**. In the targeted consultation, four countries[462] stated that information was not available in all languages.[463] The VOCIARE report suggests that the problem could be more widespread and notes a lack of interpreters and/or translators in six countries[464] and a lack of general information (e.g. information in public websites)[465] available in other languages.[466]

d. Protection of migrant women and girls victims of violence against women and domestic violence

The Victims' Rights Directive provides that **services should be available** on a non-discriminatory basis to all victims 'regardless of residence status'.[467] In contrast, residence status should be taken into account during individual assessments.[468]

The Family Reunification Directive provides that Member States must issue an autonomous residence permit to third-country nationals who have entered their territory by virtue of family reunification in the event of particularly difficult circumstances (Article 15(3) second sentence).[469] Member States are required to lay down provisions in national law for this purpose . Such obligation has been interpreted to include situations of domestic violence and violence against women.[470] This enables women to leave a situation of domestic violence

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No monitoring reports have been issued on directives 2004/113/EC and 2010/41/EU. Concerning the Goods and Services Directive, see: EPRS, Gender Equal Access to Goods and Services Directive 2004/113/EC – European Implementation Assessment, 2017, available at: (https://www.europarl.europa.eu/RegData/etudes/STUD/2017/593787/EPRS_STU(2017)593787_EN.pdf).

[460] *Supra*

[461] A right set out in Art. 7 Victims' Rights Directive.

[462] EE, AT, LV, FR.

[463] Submission for the Member States Targeted Consultation q.28.

[464] AT, CZ, ES, FI, PT and RO.

[465] PT and RO.

[466] *Supra*, p. 79. FRA report states that the police, not just support services, provide information in several languages in most (25) Member States. Half of the support services offer translation and interpretation services. Some of the support services offering information in other languages do so in many different languages. Even though most provide information in less than a handful of languages, some victim support organisations offer information in 10 (CY, HU), 20 (DK, FI and SE) and even 50 (AT) languages, as well as (upon request) potentially up to 200 in the UK.

[467] See: Art. 1.

[468] See: Art. 22.

[469] For cases of domestic violence, the Court has recently confirmed in a decision concerning the validity of Article 13(2) of Directive 2004/38/EC, that Article 15(3) of Directive 2003/86 pursues the objective of ensuring protection for family members who are victims of domestic violence (Judgement of 2 September 2021, X v Belgian State (C- 930/19), paragraphs 70 and 89).

[470] *Supra* **Error! Bookmark not defined.**, p. 19 and Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification, COM/2014/0210 final.

without having to fear the loss of their status and further victimization due to the precarity of their immigration status.

Such obligation has been interpreted to include situations of domestic violence and violence against women.[471] In case of undocumented migrants, however, the Returns Directive provides that Member States have the discretion to provide residence permits for humanitarian or compassionate purposes (Article 6(4)). This provision is not connected to victims of violence, but their victimhood could play a role in the decision to grant or refuse residence.[472] Therefore, while the EU framework thus provides for protection, such protection is lower for undocumented migrant victims of violence against women or domestic violence.

Despite these provisions in EU law, a report based on the Asylum Information Database (AIDA) notes that the '**fragmented legal framework** for identifying **vulnerable categories** of asylum seekers, as well as defining the **special guarantees** necessary to preserve their ability to enjoy their rights and comply with their obligations in the asylum process leads to a **lack of protection**.[473] A Council of Europe report notes that 'many women and girls have been and are subjected to severe forms of **violence against women and domestic violence in accommodation, reception and detention facilities** throughout Europe and **gender-sensitive measures to address this are often absent**'.[474]

In the targeted consultation, eight Member States[475] replied to the question on what extent **access to support services** is conditional upon the victim's residence status, but it was not clear from their answers whether such access was limited to migrants with legal status.[476] The European Network of Migrant Women notes that there is strong evidence that **support is not always available for irregularly-staying migrants** (i.e. those without a legal status). Similarly the VOCIARE report notes that the **status of victim is often conditional on formal requirements, such as legal residence**.[477]

The NGO 'Platform for International Cooperation for Undocumented' (PICUM) further notes a high degree of hesitancy among irregularly-staying migrants to seek support for **fear of the exchange of information between services and immigration enforcement**. PICUM also notes that the needs-based approach in the Victims' Rights Directive combined with the provisions in the Anti-Trafficking Directive that enable provisions from Directive 2004/81/EC to apply, could have as a consequence that the issuance of residence permits to third-country national victims of trafficking in human beings is conditional on their

[471] *Supra* **Error! Bookmark not defined.**, p. 19 and Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification, COM/2014/0210 final.
[472] *Supra* **Error! Bookmark not defined.**.
[473] AIDA is the Asylum Information Database that is managed by the European Council on Refugees and Exiles, and contains information on asylum procedures, reception conditions, detention and content of international protection across 23 countries, including 19 MS, as explained on their website: (asylumineurope.org/about-aida/). The findings are from the following report: AIDA, *The concept of vulnerability in European asylum procedures*, 2017, p. 53, available at: (https://asylumineurope.org/wp-content/uploads/2020/11/aida_vulnerability_in_asylum_procedures.pdf).
[474] L. Hooper, *Gender-based asylum claims and non-refoulement: Articles 60 and 61 of the Istanbul Convention*, Council of Europe, 2019, available at: (https://rm.coe.int/conventionistanbularticle60-61-web/1680995244).
[475] EE, HU, LV, BG, DK, LT, BE, FR.
[476] Submission for the Member States Targeted Consultation q.33.
[477] *Supra*, p. 172.

willingness to cooperate with the authorities.[478] The inconsistency between the Victims' Rights Directive and the asylum directives regarding the conditions for access to support and their limited gender-sensitive approach[479] has resulted in **protection gaps** for women asylum-seekers in particular for those **at risk of violence during the asylum process**.

e. Protection of victims of sex-based harassment at the workplace

Under international law, sex-based and sexual harassment are considered as forms of violence against women. The overarching challenge in matters of sex-based harassment has been the 'slow transition' from sexual harassment at work as a health and safety problem to an approach recognising it as rooted in **discrimination** and a form of violence against women and domestic violence.[480] EU law recognised sex-based harassment as a form of discrimination in 2002.[481]

The EELN confirms that sex-based and sexual harassment in relation to work are **generally prohibited at national level** as a response to the EU directives on gender equality.[482] In most Member States, the scope of prohibition of sex-based harassment and sexual harassment has been broader than in EU law, going beyond the context of employment and occupation, covering all spheres of life. The report views this as an indication that Member States consider the current EU legal framework as insufficient, in particular as regards its scope.

Some trade unions have put considerable effort into mainstreaming violence against women and domestic violence in occupational safety and health measures, especially by addressing psychosocial risks in **risk assessments** and in company policies.[483] However, such frameworks have not proven very effective for **lack of gender-sensitivity**, thus hindering the delivery of protection and support at the workplace. Social partners reported that violence against women and domestic violence are still 'not seen as a structural gender equality

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[478] Interview with PICUM, 2 July 2021. Trafficking victims can be eligible for residency permits but these are often temporary. Article 11 (3) of the Anti-Trafficking Directive in fact states that Member States shall take the necessary measures to ensure that assistance and support for a victim are not made conditional on the victim's willingness to cooperate in the criminal investigation, prosecution or trial, without prejudice to Directive 2004/81/EC or similar national rules. Article 8 of Directive 2004/81/EC states that with regard to the issue and renewal of the residence permit MS authorities need to consider among other factors whether the third-country national has shown a clear intention to cooperate and Article 14 on withdrawal specifies that the residence permit may be withdrawn (among other factors) if the competent authority believes that the victim's cooperation is fraudulent or that his/her complaint is fraudulent or wrongful; or when the victim ceases to cooperate. Thus the Anti-Trafficking Directive in itself contains a provision to the contrary, but provides for a way for the provisions of Directive 2004/81/EC to apply that put a cooperation obligation on the third-country national victims of human beings seeking residence permits.

[479] The Asylum Procedures Directive 2013/32 requires gender competence during the interview (Article 15(3)(a)), an interviewer of the same sex (Article 15(3)(b)), an interpreter of the same sex (Article 15(3)(c)), the assessment of vulnerabilities, i.e. that an applicant is in need of special procedural guarantees (Article 24(1)) and adequate support if applicants need special procedural guarantees as a result of rape or other serious forms of psychological, physical or sexual violence (Article 24(3)). Furthermore, dependent adults must consent to the lodging of applications on their behalf, following dedicated and in private information about the consequences (Article 7(2)). They must also have an opportunity for a separate personal interview (Article 14(1)(3)).

[480] While not all harassment is violence, sex-based and sexual harassment are recognised as a form of violence against women and domestic violence.

[481] *Infra*.

[482] *Supra*, p. 82.

[483] Safe at work report p. 23 and social partner workshop.

issue'.[484] Nonetheless, they have engaged in a wide range of measures and provided assistance, particularly through **collective bargaining** (see e.g. Framework Agreement on Harassment and Violence at Work, to which they link most of their action at least at EU level[485]).[486]

Another important gap is the lack of measures, at the workplace, to address **the effects of domestic violence at work**. Domestic violence is considered largely unrelated to employment, and occurring in the private sphere, thus not triggering action on the part of employers.[487] Nevertheless, domestic violence has an impact at the workplace, for instance in terms of prolonged absences and reduced productivity. This gap has been recognized at international level (ILO Recommendation, no. 206), but not in the Gender Equality Directives at EU level.

f. Protection of victims of cyber violence against women

The general provisions of EU law applicable to all victims of all crime do not address victims of cyber violence against women specifically. According to the EELN report, no countries – except Romania– have a specific **legal definition of cyber violence against women**. 11 Member States[488] have criminalized or are about to criminalize the non-consensual dissemination of intimate/private/sexual images.[489] All forms of cyber violence against women are hence not criminalised in the Member States, and no targeted criminalisations exist at the EU-level. Victims of cyber violence are therefore in most cases **not eligible for the protection measures** under the Victims' Rights Directive, which apply to victims of crime.

The limited effect of the directives marks a significant protection gap, given the high prevalence of this phenomenon.[490] A European Parliament study[491] found EU legislation to be 'inadequate'. Firstly, the absence of a harmonised definition creates wide disparities in protection between Member States, despite the cross-border nature of the violence. This also brings several legal challenges such as the difficulties in accessing evidence in the online environment and in conducting cross-border investigations in the EU.

Secondly, due to the persistent lack of awareness of those forms of crimes, for various reasons, including persisting gender stereotypes, victims may not be aware of their rights

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[484] COM/ICF meeting with social partners 29 June 2021; COM meeting with a number of employer associations, 30 June 2021 (see annex 2).
[485] European Agency for Safety and Health at Work, *Framework agreement on harassment and violence at work*, 2017, available at: (https://osha.europa.eu/en/legislation/guidelines/framework-agreement-on-harassment-and-violence-at-work).
[486] ETUC, *Safe at home, safe at work: Trade union strategy to prevent, manage and eliminate work-place harassment and violence against women*, 2017, available at: (https://www.etuc.org/sites/default/files/document/files/en_-_brochure_-_safe_at_home_1.pdf).
[487] COM/ICF consultation with social partners, 30 June 2021.
[488] BE, FR, IE, IT, MT, NL, PL, PT, ES, SE.
[489] *Supra*, p. 9.
[490] EPRS, *Combating gender-based violence: Cyberviolence*, European added value assessment, 2021, p. 8, available at: (https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662621/EPRS_STU(2021)662621_EN.pdf). FRA estimates that 11% of women have experienced cyber harassment or cyber stalking since the age of 15.
[491] *Supra* 490, pp. 12-13.

and/or may face many obstacles in obtaining protection, reporting crimes, being taken seriously, and recovering from the incident.[492] EIGE held that the response of law enforcement as well as treatment of victims across the EU are deeply inadequate.[493] Literature attributes these shortcomings to the lack of specific legal instruments targeted to address this type of violence.[494]

g. Protection of women and girls victims of trafficking

The Anti-Trafficking Directive has effectively contributed to addressing trafficking in women and girls as a form of violence against women and domestic violence. All but one Member States – Germany – have some cooperation mechanisms (formal or informal) in place according to Article 11(4) of the directive, to improve early identification, assistance and support to victims of trafficking.[495] Gender-specific measures include policy instruments informing healthcare on how to identify victims trafficked for sexual exploitation, training and guidance for immigration authorities on violence against women and domestic violence, and assistance especially addressing victims in hotspots.[496]

A **gender-sensitive** interpretation of the directive has improved its effectiveness.[497] According to EIGE, the EU measures promote gender responsive legal or policy measures[498] and the provisions on identification, support and protection are satisfactory.[499] Gender sensitivity is also a response to empirical trends, showing that sexual exploitation makes up 60% of trafficking cases and 90% of victims are female.[500] Legal and policy measures overall are reported as strong. According to the EELN report, all states **criminalise sexual violence** explicitly **in connection to trafficking** in human beings, except for IT and SI.[501]

Potential **protection gaps** nevertheless exist for women victims of trafficking, relating to the difficulties in presenting and substantiating an application for **international protection**

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[492] *Supra* 490, p. 232.
[493] EIGE, *Cyberviolence against women and girls*, 2017, available at: (https://eige.europa.eu/publications/cyber-violence-against-women-and-girls).
[494] K. Barker & O. Jurasz, "Online violence against women as an obstacle to gender equality: a critical view from Europe", *European Equality Law Revision*, Vol. 2020/1, 2020, pp. 47-60.
[495] European Commission, *Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms*, HOME/2018/ISFP/PR/THB/0000, 2018, available at: (https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf).
[496] 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, available at: (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0661).
[497] European Commission, *The EU Mutual Learning Programme in Gender Equality: Combatting trafficking in women and girls for the purpose of sexual exploitation*, Spain, 29-30 October 2018, Summary Report, 2018, available at: (https://ec.europa.eu/info/publications/mlp-gender-equality-seminar-combatting-trafficking-women-and-girls-purpose-sexual-exploitation-madrid-29-30-october-2018_en).
[498] EIGE, *An analysis of the Victims' Rights Directive from a gender perspective*, 2016, available at: (https://eige.europa.eu/publications/analysis-victims-rights-directive-gender-perspective).
[499] EIGE, *Gender-specific measures in anti-trafficking actions: report*, 2018, available at: (https://eige.europa.eu/publications/gender-specific-measures-anti-trafficking-actions-report).
[500] *Supra* 496, pp. 3-4.
[501] The report does not clarify the situation in Italy or Slovenia. Italy nonetheless has strong measures in place for anti-trafficking in Decree 2014/24 (transposing Directive 2011/36) (Italy country report).

under the asylum directives. This could lead to a lack of identification of victims of trafficking or at risk of being exploited among applicants and thus to ineffective referral to adequate support.[502] Another challenge in addressing trafficking is the **low level of prosecution and conviction**.[503]

h. Coherence with international standards

While EU law contains several provisions on protection of victims, including on restraining and protection orders, as well as regarding the assessment of the protection needs of particular categories of victims, it however fails to address the **specific protection needs of victims of violence against women and domestic violence** as required by the Istanbul Convention (Chapter IV). In particular, EU law does not require the provision of specific training for law enforcement authorities would be needed to understand why their interventions in situations of domestic violence is needed and what is expected of their intervention.[504]

Compared to EU law, the Istanbul Convention and ILO Convention No. 190 have widened the scope of the protection from **sexual harassment** and **harassment based on sex** to include behaviours in spheres of life that are not limited to employment, occupation, and the provision of and access to goods and services[505]. This is an important gap in EU law, even if it applies to the anti-discrimination legal framework at EU level more generally.

The EU legal framework can generally be considered in line with the Istanbul Convention's standards on the protection of women asylum seekers who are victim of violence against women or domestic violence; however EU law fails in addressing the requirements on protection prescribed by the UNCRPD.

i. Conclusion

The EU law framework contains protection obligations in a fragmented manner. Either the measures target victims of all types of crime (as for the Victims' Rights Directive and the EPO Directive) or target very specific group of victims, such as children victims of sexual abuse and victims of trafficking in human beings.

The instruments on the mutual recognition of protection orders are mainly applied to cases of violence against women and domestic violence. National requirements on the modalities of protection measures however vary considerably, which has led to the EU-level instruments being considerably underused. In addition, the lacking availability of interpretation and

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[502] *Supra* 496, p. 9.
[503] The EU framework addresses these issues through the Victims' Rights Directive (chapter 4), the Anti-trafficking Directive (Article 12), the European Protection Order Directive, and the Protection Measures Regulation and the Gender Equality Directives (prohibition of discrimination).
[504] FRA, *Women as victims of partner violence – Justice for victims of violent crime, Part IV*, 2019, p. 12, available at: (https://fra.europa.eu/en/publication/2019/women-victims-partner-violence-justice-victims-violent-crime-part-iv).
[505] European network of legal experts in gender equality and non-discrimination, *Thematic Report on the Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence*, at 4.4.

translation services at national level is a particularly important obstacle especially for migrant women, for whom the fragmented legal framework also leads to a lack of protection.

Sex-based and sexual harassment in relation to work and the access to and supply of goods and services are generally prohibited at national level as a response to the Gender Equality Directives. These obligations however do not contain explicit provisions on measures to be taken for the protection of the victim in concrete cases of sex-based harassment. Despite the international recognition (in particular in ILO Recommendation no. 206) that domestic violence experienced in private life can have an impact on work, the Gender Equality Directives do not address this issue at EU level. This means that employers are not obliged to inform victims of protection measures provided outside the workplace.

The EU provisions do not address victims of cyber violence against women or between intimate partners, resulting in a lack of effective protection. Victims of different forms of cyber violence are not eligible for protection under the Victims' Rights Directive, if the conduct is not criminalised under national law. There are currently no targeted EU-level criminalisations.

EU law provisions thus fail to address the specific protection needs of victims of violence against women and domestic violence as required by the Istanbul Convention.

The lack of provisions taking into account multiple discrimination occurring at the intersection of sex and disability is a barrier for the full protection of women with disabilities from violence targeting them.

3. Access to justice for victims of violence against women and domestic violence

a. Criminalisation

Only the CSA and Anti-Trafficking Directives currently include EU-level **criminalisations** of specific forms of violence against women and domestic violence. The Gender Equality Directives require Member States to sanction sex-based work harassment in employment and in the access to and supply of goods and services; this does however not necessarily include criminalisation. The majority of respondents to the public consultation are of the opinion that sanctions in their Member States for this kind of violence are not sufficient (75%). Only 11% said they were sufficient.

While most conduct related to violence against women and domestic violence is criminalized at national level, this does leave **important gaps**.

A significant gap exists in the area of **cyber violence against women**. Cyber violence against women is a relatively new phenomenon which has so far not been addressed in EU law. The forthcoming DSA impose certain obligations on intermediary service providers to act upon notification and tackle illegal content; however, the DSA does not itself define what constitutes illegal content. In the absence of an EU-wide definition of cyber violence against women, the application of the DSA will depend on the level of criminalisation of such violence at national level, which for the time being is rather limited. The lack of criminalisations directly affects the victims' access to justice: if other remedies, such as measures of civil and administrative law, are not available in individual cases, and if victims are unable to obtain the removal of the content from the platform, criminalisation of serious

forms of such cyber violence enable the state to guarantee victims' access to justice and the offender's entitlement to due process[506].

Another gap exists with regard to **sex-based harassment at work:** the background studies conducted for the initiative show that the implementation of the relevant provisions has not been effective, and sexual harassment continues to remain common in the Member States. [507]

b. Reporting

Despite the measures to protect victims from intimidation, retaliation and repeat victimisation in the Gender Equality Directives and the Victims' Rights Directive, Member States refer to the **lack of reporting** as a serious problem to effectively address violence against women and domestic violence.[508]This is also confirmed by the recent FRA survey "Crimes, Safety and Victims' Rights".[509] Further, with the exception of the CSA Directive, the EU acquis does not sufficiently ensure **reporting by third-parties**, indicating a lack of training on identifying potential victims of this kind of violence or concerns about breaching professional confidentiality rules.[510] The targeted consultation showed that relevant professionals are not obliged to report, in particular, suspicions of early, child or forced marriages or FGM in five Member States.[511]

There are several reasons for underreporting, which is very specific to the area of violence against women and domestic violence. First of all, victims of violence against women and domestic violence are particularly sensitive to secondary victimisation, including the **stigma, victim-blaming[512], and the risk of retaliation** by way of a defamation claim[513] that are often associated with this type of violence. The problem of underreporting also specifically affects victims of violence against women at the **workplace**, due to victims' fear of career-related retaliation, high societal tolerance for sex-based harassment[514], a lack of information and reporting mechanisms[515], and a lack of awareness at the most senior levels of employers.[516]

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[506] EELN 2021, at 9.
[507] *Supra* 505.
[508] Submission for the Member States Targeted Consultation q. 43.
[509] FRA survey, *Crime, Safety and Victims' Rights*, 2021, available at: (https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-crime-safety-victims-rights_en.pdf). Only 30% of incidents involving physical violence, and 11% of those involving harassment were reported.
[510] *Supra* 430.
[511] Submission for the Member States Targeted Consultation q. 45 and 46.
[512] European Commission, *Special Eurobarometer 449 – Report Gender-Based Violence*, 2016, p. 58, available at: (https://europa.eu/eurobarometer/surveys/detail/2115): more than one in five respondents (22%) across the EU agree women often make up or exaggerate claims of abuse or rape, although this figure masks a wide variation between countries. Respondents in MT (47%), CY (44%) and LT (42%) are the most likely to agree, compared to 8% in SE and 13% in FR and IT.
[513] *Supra*, p. 82.
[514] Eurofound, *Violence and harassment in European workplaces: Causes, impacts and policies*, 2015, p. 52, available at: (https://www.eurofound.europa.eu/sites/default/files/ef_comparative_analytical_report/field_ef_documents/ef1473en.pdf).
[515] (https://eige.europa.eu/publications/sexism-at-work-handbook/part-1-understand/under-reporting-sexual-harassment), last visited (18/08/2021).

In addition, the lack of information on the **follow-up to complaints**[517] is one of the factors highlighted by EIGE as discouraging in particular victims of domestic violence from reporting.[518] Also, when victims report, they are often subject to **secondary victimisation**. Only the CSA and Anti-Trafficking Directives ensure that prosecution is not dependent on the **cooperation of the victim**. Prosecution ex officio for most serious forms of violence against women and domestic violence crime would alleviate the burden of cooperation for victims.

Furthermore, victims of in particular domestic violence often have **financial barriers** which prevent them from seeking access to justice. Even though legal aid is available in most Member States, in line with the Victims' Rights Directive[519], access is barred by lengthy and difficult processes to prove eligibility and lack of information on conditions and procedural rules at national level.[520] Even if this problem may exist for all victims, it particularly hits victims of *domestic violence* who may depend for their living on the perpetrator. Problems have also been highlighted for victims of *sex-based harassment*; the assessment of the implementation of the Self Employed Directive found that in Estonia, reimbursement claims for legal assistance had to be filed separately and claimants could wait several years before receiving recovery of costs and compensation. Similarly, in Hungary, it was reported that the law made it difficult for women to seek effective and proportionate penalties and in Slovakia, the claimant was required to pay 3% of the sum claimed in court fees.[521] *Asylum-seekers* can face additional barriers including caps on the amount of time a legal representative can spend on a case (NL), and legal aid representatives who do not sufficiently understand asylum law or violence against women and domestic violence (FI).[522]
A further important obstacle to reporting is the clear evidence of low **conviction** and **prosecution** of violence against women and domestic violence.[523] Victims do not feel taken seriously and prefer not to report if they doubt whether any follow-up will be given. **Training** of law enforcement professionals is also relevant for the purposes of securing adequate prosecution and convictions.

Closely linked to the low prosecution and conviction rate is the difficulty to prove a case of violence against women and domestic violence.[524] The instruments under analysis fail to recognise that most forms of violence produce little traditional **evidence**. Victims of violence

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[516] P. Petroglou, "Sexual harassment and harassment related to sex at work: time for a new directive building on the EU gender equality acquis", *European Equality Law Review*, Vol. 2, 2019, p. 19.
[517] See: Art. 5 Victims' Rights Directive.
[518] EIGE written submission to public consultation.
[519] See: Art. 13.
[520] *Supra* 430.
[521] EELN, *Self-Employed: The Implementation of Directive 2010/41 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity*, 2015, available at: (https://www.equalitylaw.eu/component/edocman/self-employed-en).
[522] *Supra* 430.
[523] For instance, in the area of trafficking, the third progress report 2017-2018 reports 11,788 suspects, 6,163 prosecutions and 2,426 convictions in the EU. Figures for cases related to sexual exploitation or other forms of violence against women and domestic violence are not available, although 60% of trafficking victims are victims of sexual exploitation.
[524] Submission for the Member States Targeted Consultation q. 43.

against women and domestic violence are often reluctant/unable to testify in proceedings or are pressured to withdraw reports, and protection and support measures are often not sufficient to help victims overcome this reluctance. Victims often feel that the court only looked at one violent incident in isolation without recognising the severity of the harm inflicted overall.[525] The complexity in anti-trafficking cases leads to additional difficulties in international evidence gathering.[526] 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.[527]

c. Compensation

The 2019 Milquet report on compensation prepared for Commission President Juncker highlighted violence against women as one of the three areas of crime where access to compensation is particularly problematic.[528] This is the case despite the minimum standards set in the Compensation Directive and, at least for certain types of sex-based harassment, the Gender Equality Directives and the Victims' Rights Directive.

Levels of compensation are inadequate. The Gender Equality Directives require 'real and effective' compensation, but without further guidance on what this should mean in practice. Even if victims can claim compensation, such as healthcare costs and other quantifiable damages, ***from the perpetrator*** in all States,[529] the Milquet report concludes that 'the amount of compensation attributed in violence against women and domestic violence cases is often very low. This might in part be related to a lack of awareness and training of judges on the dynamics and traumatic consequences of this type of crime. The amount of compensation should reflect the wide-ranging and long-term harm of gender-based violence, going beyond potential medical and therapy costs, to also cover loss of earnings and broader psychological damages. Compensation should serve as a means for re-building an independent and violence-free life of dignity".[530]

In several States,[531] rehabilitation is regularly provided through ***public services***. State compensation is usually granted subsidiarily, in the absence of compensation obtained from the perpetrator or other sources. The Compensation Directive establishes a mechanism facilitating access to state compensation in **cross-border cases** for all victims of violent intentional crimes. The Court of Justice has recently clarified that the Compensation Directive also imposes an obligation on Member States to set up national state compensation schemes including in cases without a cross border nature and ensure an adequate level of compensation at national level. In line with the Compensation Directive, State compensation is mostly

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[525] FRA, *Sanctions that do justice – Justice for victims of violent crimes, Part III*, 2019, p. 19, available at: (https://fra.europa.eu/en/publication/2019/sanctions-do-justice-justice-victims-violent-crime-part-iii).
[526] *Supra* 496.
[527] See annexes 2 and 4.
[528] European Commission, *Strengthening Victims' Rights: from compensation to reparation. For a new EU Victims' rights strategy 2020-2025. Report of the Special Adviser, J. Milquet, to the President of the European Commission, Jean-Claude Juncker*, 2019, available at: (https://ec.europa.eu/info/files/summary-report-strengthening-victims-rights-compensation-reparation_en).
[529] *Supra 528*, p. 185.
[530] *Supra* 133, p.32.
[531] HR, EE, FI, DE, EL, LT, ES.

restricted to victims of violent crimes, and in at least 12 States,[532] this option is only available if victims have sustained **serious bodily injury or impairment of health** – thus excluding other forms of violence. This is especially a problem, for instance, in the area of **trafficking**:[533] when pimps or traffickers have no assets – or they cannot be found – women often receive no compensation or compensation is simply too low.[534]

Problems with compensation are not limited to the level of compensation, they also concern the procedure for claiming compensation itself. The VOCIARE report notes that while the vast majority of Member States guarantee the right of the victim to seek compensation within criminal proceedings[535], criminal judges are not always obliged to decide on such claims. As a result, victims may have to **re-testify in the subsequent civil proceedings**.[536] Art. 16(1) of the Victims' Rights Directive leaves it up to Member States to allow victims to seek compensation within the criminal proceedings or to refer them to separate civil proceedings, thus exposing them to high risks of secondary victimisation.

Furthermore, almost half of the respondents of the public consultations (49%) do not believe that **information** on access to compensation is available in their Member States.[537] **84% described the process of pursuing compensation as difficult and long**.[538]

d. Coherence with international standards

With regards to **compensation,** Article 30 of the Istanbul Convention provides for the right of the victims to claim compensation from the perpetrator for all forms of violence against women and domestic violence. Compensation can also be sought from insurance companies or from state-funded health and social security schemes. This Article also establishes a subsidiary obligation for the state to compensate. The Compensation Directive facilitates access to state compensation for victims of violent intentional crimes, committed in other EU Member States or in their Member State of residence.[539] It obliges Member States on whose respective territories the crime has occurred to establish a national scheme on compensation and guarantee victims' access to fair and adequate compensation.[540] However the way national authorities develop, implement and understand the right for compensation is left to the discretion of the Member States. In several States[541], rehabilitation is regularly provided through public services. In line with the Compensation Directive, it is mostly restricted to victims of violent crimes, and in at least 12 States[542], this option is only available if victims have sustained serious bodily injury or impairment of health – thus excluding other forms of violence.

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[532] BE, CZ, DE, HU, LU, MT, NL, PL, PO, RO, ES.
[533] See the mutual learning seminar on trafficking, *Supra* 497.
[534] For example, in Spain, the average compensation is around €150.
[535] *Infra* 547.
[536] *Infra* 547, p. 121.
[537] See: Art. 9 Victims' Rights Directive.
[538] Public consultation q. 19.
[539] See also: CJEU, *Case C-129/19 (Presidenza del Consiglio dei Ministri v. BV)*, ECLI:EU:C:2020:566, 16 July 2020.
[540] *Supra* 411, Recital (11) & Art. 12 (2).
[541] HR, EE, FI, DE, EL, LT, ES.
[542] BE, CZ, DE, HU, LU, MT, NL, PL, PO, RO, ES.

With few exceptions (child sexual abuse and trafficking in human beings), EU law does not provide for the criminalisation of most of the forms of violence against women and domestic violence.

e. Conclusion

The current EU law framework fails to address targeted needs of victims of violence against women and domestic violence with regard to their access to justice.

The reporting rate of such violence is very low and has been recognised by several EU Member States as a problem to be urgently addressed.

Regarding cyber violence against women and intimate partners, the EU legal framework does not include specific criminalisations or other targeted measures to facilitate this group's access to justice. 11 Member States have criminalised or are about to criminalise some forms of such violence. Since the Victims' Rights Directive applies to criminalised conduct, victims of cyber violence against women are often not eligible for protection and support measures under the Directive.

Lack of adequate compensation remains a challenge and obstacle for this group of victims in accessing justice, despite the minimum standards of the Compensation Directive and, for sex-based harassment, the Gender Equality Directives. A report on victims' compensation from 2019 concludes that 'the amount of compensation attributed in violence against women and domestic violence cases is often very low' and compensation is not granted in adequate time.

4. Support to victims of violence against women and domestic violence

a. General support

The EU framework, mainly through the Victims' Rights and Anti-trafficking Directives, provides that victims of all crime and victims of trafficking respectively receive appropriate information in their first contact with authorities, assistance to participate in criminal proceedings and a variety of support services, including specialised support services, such as shelters or interim accommodations and specialised counselling (Chapter II and III of the Victims' Rights Directive; Article 11 of the Anti-trafficking Directive). They also guarantee that women victims of violence receive individualised protection to reduce possible re-victimisation (Chapter IV of the Victims' Rights Directive; Article 12 of the Anti-trafficking Directive).

Despite this acquis, gaps remain in the EU framework. The Victims' Rights Directive, mainly in Articles 4 and 7, requires Member States to ensure that if needed there are interpretation and translation services available to woman victims so that they can understand the information they receive. However, while foreseeing such right for victims when making a complaint and during criminal proceedings, it does not foresee it in relation to, or as part of, the access to protection and support offered to all victims. Hence an important gap exists in this regard. Moreover, such protection is also not available to victims in the European Protection Order procedure and the cross-border recognition of protection measures in civil law procedure. In addition, the EU framework does not provide a procedure to ensure that women victims receive equivalent support measures if they move cross-border.

b. Specialised support

Helplines

The EU framework does not provide for the establishment of a harmonised helpline to support and assist women victims of gender-based violence. The EU has made such requirement regarding e.g. children's helplines (Article 96 Directive (EU) 2018/1972).Work towards such an EU-level helpline has been set up by the German Presidency in 2019; so far 15 Member States have signed up to it. An EU level obligation on Member States would ensure the success of this helpline.

Shelters

On access to shelters[543], the Commission found implementation problems in several Member States, including as regards the availability of shelters for victims of certain types of crime and an insufficient number of shelters. Such shortcomings tend to particularly affect victims of violence against women and domestic violence.

The WAVE Report (2019) shows that only three countries[544] fulfil the requested number of specialised women's shelters per 10,000 people recommended by the Istanbul Convention.[545] 51% of beds needed are missing.[546] Victim Support Europe notes[547] insufficient geographical coverage in a number of countries.[548] There are access barriers for children, migrant women and women with a disability. Given the lack of knowledge concerning victims' support services amongst relevant authorities, their discretion on referral to support services could lead to gaps.[549]

Women with disabilities

Article 3(2) of the Victims' Rights Directive requires Member States to ensure that communication with victims takes into account possible disabilities which may affect the ability of victims to understand or to be understood. This limited provision in EU law does not address the many challenges faced by women with disabilities, as recognised by the CRPD which requires addressing the needs of persons with disabilities specifically. The main problem is that, apart from Article 3(2) Victims' Rights Directive, the EU framework considers women with disabilities within the broader category of vulnerable victims and not as a group with specific needs and rights.

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[543] See: Art. 9(3).
[544] LU, MT, SL.
[545] WAVE, *Wave Country Report 2019 – The Situation of Women's Specialist Support Services in Europe*, 2019, available at: (https://www.wave-network.org/2019/12/30/wave-country-report-2019).
[546] *Supra* 545.
[547] Victim Support Europe, *Victims of Crime Implementation Analysis of Rights in Europe: Synthesis Report*, 2019, p. 56, available at: (https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf).
[548] BG, HR, CY, EL, ES, IT, LT, LU, RO, SK.
[549] *Supra* 547, p. 57.

The supporting study shows limitations in the support to victims with disabilities in most of the MS, including an important lack of sensitization and training of professionals[550] and lack of support services more generally[551]. Other challenges concern victims with disabilities more generally, including victims of violence against women and domestic violence. For instance, in the Targeted Consultation, only about half of Member States reported having fully accessible support services (i.e. availability of barrier-free environment, easy to read and understand language, sign language interpretation, etc.).[552] In its written submission to the public consultation, the European Disability Forum notes barriers throughout the entire criminal justice process, including to victims' support services because of a lack of qualified interpreters for deaf and deafblind women.

The EU legal framework therefore does not guarantee disability inclusiveness of the support services provided to women victims of violence against women and domestic violence as required by Article 16(3) CRPD. Furthermore, the EU framework does not ensure that people involved with persons with disabilities (including victims of violence against women and domestic violence) receive appropriate training, as required by Article 4(1)(i) CRPD. In addition, the EU framework is not consistent with the requirements of Article 13 CRPD regarding effective access to justice for persons with disabilities, including victims of violence against women and domestic violence) in court, investigative and other proceedings, as it does not provide any procedural accommodation in that regard. Hence, important gaps exist in relation to the rights and protection of people with disabilities, including victims of violence against women and domestic violence.

Children

While children are generally recognised as a particularly vulnerable group of victims of crime in EU law (see Article 24 of the Victims' Rights Directive; Articles 13-16 of the Anti-trafficking Directive), their status is uncertain when they are not direct victims of violence but witnesses of violence. This is especially problematic in situations of domestic violence.

A recent Study on the added value of tackling violence against women[553] highlighted that currently in the EU Member States there are insufficient measures to ensure the safety of mothers who are victims of domestic violence and their children in the decision and exercise of child custody and visitation rights in all Sate Parties reviewed to date. Shortcomings are also noted in custody and visitation decisions and the ban on obligatory mediation in civil procedures. With regard to support, in the targeted consultation only 13 Member States reported that their specialist **support** services systematically take into account the special needs of child victims or witnesses of domestic violence[554] and 10 more Member States reported to apply a child sensitive approach[555], but not systematically.[556] A FRA report

[550] AT, HR, LT, PL, PT, ES.
[551] AT, HR, LT, PL, PT, ES.
[552] Submission for the Member States Targeted Consultation q.31.
[553] https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf at 105.
[554] DE, IE, NL, AT, PL, LV, BG, LU, DK, ES, BE, HR, IT.
[555] SL, SK, EE, CZ, FI, PT, EL, SK, RO, CY.
[556] Submission for the Member States Targeted Consultation q.22. No response from HU, LT and HR.

concluded that children in several countries believe that 'victim and witness support specialists are not widely available or play too passive a role'[557].

A key challenge affecting the effectiveness of the existing EU law is that courts still legally categorise child witnesses as indirect victims, despite it being standard practice in child protection to consider **child witnesses as direct victims** due to the psychological harm inflicted.[558] This can hinder children's access to services such as counselling as they are not considered 'victims' within the meaning of Art. 9 Victims' Rights Directive.

As mentioned above, in the targeted consultation all but one responding Member States – Denmark[559] – reported to provide specialised training on working with child victims or witnesses of violence against women and domestic violence, encompassing a child-sensitive approach.[560]

c. Victims of sex-based and sexual harassment

EU law provides for the support by **equality bodies** under the Gender Equality Directives. Such support is, however, only available for sex-based harassment within the scope of these directives. This leaves the vast array of victims of other forms of violence against women and domestic violence outside the scope of these directives without access to assistance and advice in legal procedures.

Even where the support comes in the competence of equality bodies, these bodies do not always have the necessary powers to provide effective support.[561] One major deficiency exists in those States where equality bodies do not have legal standing to represent victims in court. Only in nine Member States, can equality bodies act on behalf of victims. Also, equality bodies cannot act on behalf of a group of victims, except in four Member States. This limits collective action, something that may be particularly useful in cases of workplace harassment. An Equinet survey noted the following challenges expressed by equality bodies: a lack of clarity on their mandate relating to sex-based discrimination, including sexual and sex-based harassment, a lack of attention to gender-based cyber violence and problems in adequately addressing intersectionality.[562]

d. Compliance with international standards

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[557] FRA, Child-friendly justice - Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States, 2017, p. 79, available at: (https://fra.europa.eu/en/publication/2017/child-friendly-justice-perspectives-and-experiences-children-involved-judicial).

[558] *Supra*, p. 6; Luxembourg Country Report.

[559] Denmark is not bound by the Victims' Rights Directive.

[560] Submission for the Member States Targeted Consultation q.12 No response from MT and DE.

[561] Submission for the Member States Targeted Consultation q. 39.

[562] Equinet, *Tackling Violence against Women and Gender-Based Violence: Equality Bodies' Contribution*, 2019, available at: (https://equineteurope.org/2019/tackling-violence-against-women-and-gender-based-violence-equality-bodies-contribution/).

The Istanbul Convention entails a set of provisions regarding assistance and support measures for women victims of violence, including access to information, general (Article 20) and specialist support services (Article 22) to victims of violence and sexual violence (Article 25), shelters (Article 23), telephone helplines (Article 24), assistance in complaint procedures (Article 21) and protection of child victims and witnesses (Article 26).

Regarding gaps in EU law compared to the standards set by the Istanbul Convention, as mentioned above, the EU framework does not address the issue of witnesses of violence against women and domestic violence, particularly child witnesses. The framework does address the needs of child victims of violence (Article 24 of the Victims' Rights Directive, Articles 13-16 of the Anti-trafficking Directive), but only when they are considered direct victims themselves.

Lastly, the EU framework does not yet provide for the establishment of a harmonised helpline to support and assist women victims of gender-based violence. However, the EU has made such requirement regarding e.g. children's helplines (Article 96 Directive (EU) 2018/1972).

e. Conclusion

For support measures the EU framework provides general measures such as for example interpretation and translation, but since those are not provided for victims of all forms of violence against women, their lack in access to protection or support services can lead to important gaps for victims.

Among specialised support services the EU law does not provide for a helpline for victims of violence against women and domestic violence, and the availability of shelters for victims is insufficient. Access to shelters is not specifically ensured for certain groups of victims such as children on women with disabilities.

EU law considers women with disabilities within the broader category of vulnerable victims and not as a group with specific needs and rights, and does not follow the approach of CRPD which requires addressing the needs of persons with disabilities specifically.

Stakeholders reported a lack of support services fully accessible to women with disabilities (i.e. availability of barrier-free environment, easy to read and understand language, sign language interpretation, etc.),[563] and barriers throughout the entire criminal justice process, including to victims' support services because of a lack of qualified interpreters for deaf and deafblind women.[564]

A key challenge affecting the effectiveness of the existing EU law is that courts still legally categorise child witnesses as indirect victims, despite it being standard practice in child protection to consider **child witnesses as direct victims** due to the psychological harm

[563] Submission for the Member States targeted consultation q.31.
[564] European Disability Forum, Recommendations on EU policies to combat violence against women and girls with disabilities https://www.edf-feph.org/publications/edf-position-paper-on-violence-against-women-and-girls-with-disabilities-in-the-european-union/ at p. 11.

inflicted.[565] This can hinder children's access to services such as counselling as they are not considered 'victims', and shortcomings are noted in custody and visitation decisions and the ban on obligatory mediation in civil procedures.

EU law provides for the support by **equality bodies** under the Gender Equality Directives, which is however only available to victims of sex-based harassment, leaving victims of all other forms of violence against women and domestic violence without access to assistance and advice in legal procedures. Equality bodies also often lack sufficient powers to grant this assistance where mandated with it.

The lack of specific provisions for witnesses, particularly children witnesses of violence against women and domestic violence leaves a gap compared to international requirements, especially in the Istanbul Convention.

5. Coordination at national level and data collection

a. Coordination at national level

Several of the instruments of the EU framework require Member States to engage in dialogue with non-governmental organisations (Article 22 Gender Equality Recast Directive) or to facilitate the involvement of such organisations in providing support to victims (Article 8 Victims' Rights Directive), providing support in judicial proceedings (Article 7 Directive 2010/41/EU) or providing support in the asylum application procedures (Article 10 Asylum Procedures Directive). However, the EU framework does not foresee a consultation with **civil society** during the development, implementation, and evaluation of national policies. Such involvement is essential in ensuring that the needs of women victims of violence are addressed effectively. In addition, EU law does not provide for coordinated action among all actors involved in the fight against violence against women and domestic violence, despite such coordination generally being recognised as absolutely necessary for an effective response.

b. Data collection

As regards the collection of disaggregated statistical data on all forms of violence against women and domestic violence, the EU framework requires some data collection that is relevant to violence against women and domestic violence, in particular from equality bodies (Gender Equality Directives). It also entails obligations on data collection on victims' rights (Article 28 the Victims' Rights Directive and Article 22 the EPO Directive) but such data are not specific on violence against women and domestic violence. EIGE has worked for many years on the improvement of administrative data collection, including progress towards more comparability of data; also these efforts remain dependent on the political will at national level and have not lead to the desired results.

[565] *Supra*, p. 6; Luxembourg Country Report.

An EU-wide prevalence survey is being developed and rolled out by Eurostat; however, participation by Member States is voluntary and only 18 Member States participate despite financial support by the European Commission.

The supporting study[566] highlighted awareness among Member States on the need for data collection and comparison at the EU level on violence against women (AT, BE, CY, DK, EL, IE, IT, LU). For example, in Denmark this was seen as being useful to better target prevention measures, develop new and innovate concepts for training, and concepts to support women victims of violence or domestic violence. In some Member States, it was seen as useful to particularly collect information on vulnerable groups. Reports also highlighted the need for – and current lack of – strong data collection to support measures to address violence against women and domestic violence[567] and recommend further guidance on data that Member States should collect[568] and promoting high quality survey and administrative data[569].

c. Compliance with international standards

EU law can generally be considered not to be in line with the obligations set out in the Istanbul Convention. In particular, the lack of coordination mechanisms is not in line with Article 10 of the Convention. The lack of consultation of organisations working with women with disabilities is not in line with Article 4(3) UNCRPD. As to data collection, Article 11 of the Istanbul Convention requires State Parties to take action in order to collect disaggregated statistical data on all forms of violence against women and domestic violence. The EU framework requires some data collection that is relevant to VAW/DV from Equality Bodies (Gender Equality Directives) but such data is limited to sex-based and sexual harassment. It also entails obligations on data collection on victims' rights (Article 28 the Victims' Rights Directive and Article 22 the EPO Directive). However, there is not an obligation on the Member States to collect data specifically on violence against women and domestic violence.

d. Conclusions

There is no requirement in EU law to consult civil society during the development and evaluation of national policies and coordinated action is not required among all actors involved although both of those measures would enhance the effectiveness of all measures targeting violence against women and domestic violence.

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[566] Study conducted in support of the impact assessment report. ICF 2021 [upcoming].

[567] European Parliament, *Study for the FEMM Committee: 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);
EAVA, *European Added Value Assessment: Combatting violence against women*, 2013, available at: (https://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/504467/IPOL-JOIN_ET(2013)504467_EN.pdf).

[568] EPRS, *The Victims' Rights Directive 2012/29/EU – European Implementation Assessment,* 2017, available at: (https://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf).

[569] EPRS, Gender-based violence as a new area of crime listed in Article 83(1) TFEU – European added value assessment, 2021, available at: (https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662640/EPRS_STU(2021)662640_EN.pdf).

There is no requirement in EU law to collect disaggregated data specifically on violence against women and domestic violence, efforts remain dependent on the political will at national level and have not lead to the desired results. Stakeholders also emphasized the need for, and the current lack of strong data collection to support measures to address violence against women and domestic violence.

EU law can generally be considered not to be in line with the obligations set out in the Istanbul Convention as a result of the obligation on the Member States to collect data specifically on violence against women and domestic violence, and the lack of coordination mechanisms. Similarly to the latter, the lack of consultation of organisations working with women with disabilities is not in line with the UNCRPD.

6. Overview of existing provisions in EU law

The table below summarises the provisions under EU law which concern the prevention, protection, access to justice, victim support, and coordination/data collection.

		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	-	-	-	-	-	-	-	✓	✓	-	-	-	-	-

Section II. Gaps and good practices on the measures to tackle violence against women and domestic violence in the 27 EU Member States.

		Member States' measures	
Problem areas	Subareas	Gaps	Best practices
1. Prevention	Awareness-raising (including harassment at work)	- Lack of awareness-raising initiatives to tackle underlying patriarchal and stereotypical attitudes (BE, IT, NL, PT[570]) - Insufficient teaching material on issues such as equality between women and men, gender roles, etc. (FI, IT, MT, SE[571]) - Prevention strategies limited to DV (BG, HU[572]). **Stakeholders' view** OPC: lack of services and activities to empower survivors and encourage them to break the silence (73%). NGO: highlighted the need to further address harmful gender stereotypes as one of the main root causes of gender-based violence and the education sector has a pivotal role in addressing them. [harassment] European Parliament: need to tackle sexual harassment and sexual abuse against women and girls through a Directive[573]. INGOs: guidance, resources, training and other relevant tools in accessible format for employers' and workers' organizations, on violence and	- Awareness raising of VAWG and DV and training of professionals intensified after the ratification of the Istanbul Convention (AT, FI, FR, EL, IT, LU, NL, PT, RO, ES, SE[575]). - Development of School education programmes on the topics of gender equality and VAWG after the ratification of the Istanbul Convention (DK,IT, NL, PT, RO)[576] - Development of early detection and intervention programmes (ES[577]). [harassment] - Awareness-raising campaigns on sexual harassment relayed by national media; face-to-face counselling and a national telephone information service. This include specific attention to vulnerable groups of workers, including immigrant workers; The Commission for Equality in Labour and Employment disseminates information on redress for victims of gender discrimination in the workplace provides legal support to victims and receives

[570] GREVIO submission targeted consultation, para. 2.
[571] GREVIO submission targeted consultation, para. 3.
[572] BG and HU, Submission for the Member States Targeted Consultation.
[573] Resolution of 26 October 2017 on combating sexual harassment and abuse in the EU (2017/2897/(RSP)), OJ C 346, 27.09.2018, p. 192. See in its preamble: 'D… sexual violence and harassment are contrary to the principle of gender equality and equal treatment and constitute gender-based discrimination' and 'I… the persistence of gender stereotypes, sexism, sexual harassment and abuse is a structural and widespread problem throughout Europe and the world … gender stereotypes and sexism, including sexist hate speech, offline and online, are root causes of all forms of violence against women'.
[575] EWL, *Towards a Europe Free From Male Violence Against Women and Girls - Recommendations from the European Women's Lobby to end violence against women and girls in Europe once and for all*, 2020, available at: (https://womenlobby.org/IMG/pdf/ic-2.pdf).
[576] *Supra* **Error! Bookmark not defined.**.
[577] *Supra* **Error! Bookmark not defined.**.

		harassment, including domestic violence, to be able to support anyone seeking for information[574].	complaints on which it renders its legal opinion; Multi stakeholder initiative which resulted in the development of information material and tools to support self-regulation to prevent and combat sexual harassment in the workplace (PT[578]). To incentivise employers' respect of gender equality, the National Commission on the Promotion of Equality (NCPE) awards companies an Equality Mark Certification when employers give priority to gender equality. One of the criteria on the basis of which the certification is granted is whether the company has put in place a sexual harassment policy (MT[579]).
	Training of professionals	- Lack of initial and in-service trainings 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[580]) - Lack of training of social workers and relevant court appointed professionals (FR, IT, MT, PT[581]) - Need to expand training on different manifestations of violence against women, their detection and root causes (AT, BE, FI, FR, IT, MT, PT[582]) - 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[583]) **Stakeholders' view:** FRA: FRA's VAW survey highlighted the "considerable potential for health professionals to identify violence, inform the police, secure forensic evidence and initiate intervention processes that set out to end violence". FRA recommended Member States to pass specific guidelines on how professionals working in healthcare services should respond to indications of partner violence[584]."	

[574] ILO submission on the targeted consultation.
[578] GREVIO submission targeted consultation, para 25.
[579] GREVIO submission targeted consultation, para 27.
[580] GREVIO submission targeted consultation, para 11, pp. 78-79.
[581] GREVIO submission targeted consultation, para 11, p. 79.
[582] GREVIO submission targeted consultation, para 11, p. 78.
[583] GREVIO submission targeted consultation, para 36.
[584] *Supra* 504, pp. 12 & 34.

	Work with perpetrators	- Programmes are not set up (HU[585]) - Insufficient availability or low attendance of programmes for perpetrators of DV (DK, IT, PT, AT, FI, MT, NL[586]). - Referrals to perpetrator programmes are not integrated into the criminal justice system as a tool to reduce recidivism (FI, MT, NL[587]) - Perpetrator programmes are ordered to replace prosecution, conviction or sentencing, contrary to the principle of victims' access to fair and just legal processes (AT, PT[588]). - Lack of gendered understanding of violence against women in the programmes (BE, NL[589]). - Perpetrator programmes focus too strongly/exclusively on medical treatment for substance abuse or mental health issues (FR[590]). **Stakeholders' view** NGOs: called for EU level minimum standards on prevention and protection measures including on work with perpetrators	- Consolidated guidelines for perpetrators programmes (IT[591]). - Prevention of violent behaviour is addressed through education programmes and support groups for men, boys and young men. The available education programmes, support groups and helplines promote the recognition and prevention of violent behaviours. Moreover, in these Member States, voluntary programmes for offenders and inmates offer counselling, psychological treatment and support to change their behaviour. (EE, DK, FI, DE, NL, SE[592]).
2. Protection	Protection from repeat victimization	- Repetition or regularity of violent acts in definition of domestic violence (HU, IE, IT, PT, SE[593]). - Lack of gendered understanding of violence against women (BE[594]) - Disempowering and repeat victimising interventions, such as asking victims to	

[585] Hungary submission for the MS targeted consultation.
[586] GREVIO submission targeted consultation, para 22.
[587] GREVIO submission targeted consultation, para 23.
[588] GREVIO submission targeted consultation, para 23.
[589] GREVIO submission targeted consultation, para 12.
[590] GREVIO submission targeted consultation, para 24.
[591] GREVIO submission targeted consultation, para 20.
[592] EE, DK, FI, DE, NL, SE, Submission for the Member States Targeted Consultation.
[593] *Supra* 505, at. 2.3.
[594] GREVIO submission targeted consultation, para 31.

		accommodate perpetrators' behaviour, change their own behaviour, etc. (NL[595]). **Stakeholders' view** FRA: need for legislation and trainings for law enforcement authorities to improve protection against repeat victimisation. training[596].	
	Protection orders, emergency barring orders	- Lack of effective and immediate protection after reporting (AT, FE, DE, NL, PL,PT[597]) **Stakeholders' view** NGOs: lack of resources for issuing emergency barring orders[598] FRA: lack of immediate action by law enforcement authorities waiting for the prosecution service or a court to seize the initiative [599].	- Introduction of emergency barring orders which allow law-enforcement agencies, for the first time in Poland, to temporarily evict a domestic abuser from the family residence. This measure is accompanied by extensive training initiatives throughout the country to implement a system of emergency and protection orders (PL)[600].
	Special child protection measures in the context of domestic violence	- Lack of special rules for custody or visitation rights in cases of DV (CZ[601]) (FI[602]) (BE, IT[603]). - Lack of risk assessment for children experiencing domestic violence (IT, RO[604]). **Stakeholders' view** European Parliament: When examining custody cases, the child shall also be provided with the	

[595] GREVIO submission targeted consultation, para 32.
[596] *Supra* 504, pp. 36-37.
[597] *Supra* 504, pp. 36-39.
[598] NGOs workshop (see Annex 2).
[599] https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-justice-for-victims-of-violent-crime-part-4-women_en.pdf at 42.
[600] GREVIO, *Baseline evaluation report: Poland*, 2021, p. 75, available at: (https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b).
[601] Baker McKenzie, *Fighting Domestic Violence: Czech Republic*, 2021, available at: (https://resourcehub.bakermckenzie.com/en/resources/fighting-domestic-violence/europe/czech-republic).
[602] GREVIO, *Baseline Evaluation Report: Finland,* 2019, pp. 40-41, available at: (https://rm.coe.int/grevio-report-on-finland/168097129d).
[603] *Supra* 430, pp. 112-113.
[604] The European Court of Human Rights (Fourth Section), case of O.C.I. and Others v. Romania.

		opportunity to be heard and, in cases where intimate partner violence is suspected, hearings must be conducted in a child-friendly environment by trained professionals. Children who have witnessed domestic violence should be recognised as victims of gender-based violence and receive better legal protection and psychological support[605].	
	Risk assessment and management	- Individual assessments are absent in seven Member States (CZ, BE, EE, LU, RO, SI and SK[606]). - Lack of standardized and systematized procedures (IT, MT[607]). **Stakeholders' view** Social partners: highlighted (with regards to sex-based and sexual harassment at work) that very few risk assessments are carried out and when they are, they do not include psychosocial risks[608].	- Risk assessment is mandatory in cases of domestic violence, and it is based on standardised forms. After the risk assessment is completed, a safety plan is developed for the victim, an application for protective measures is made, and the seizure of weapons is also provided for (PT)[609].
3. Access to justice	Criminalisation	- Lack of criminalization of non-consensual dissemination of intimate/private/sexual images (online) (AT, BG, HR, CY, CZ, DK, EE, FI, DE, EL, HU, LV, LT, LU, RO, SK, SL[610]). - Aggravating factors for sexual harassment committed online (AT, BE, BG, HR, CY, CZ, DK, EE, FI, DE, HU, IE, IT,LU, LV, LT, MT, NL, PL, PT, RO, SK, SL, ES, SE[611]) - Consent requirement in criminalization of rape (AT, BG, CZ, EE, FI, FR, EL, HU, IT, LV, LT, NL, PL, PT, RO, SK, SL, ES[612]).	- Non gender-neutral definition of rape (SK[613])
	Right to Information	- Not all relevant stakeholders pro-actively and systematically provide information on services and measures available (IT, MT[614])	- Development of examples of active outreach to inform victims on their rights and the services available (e.g. "Come to Us" campaign, online portal

[605] European Parliament, *Draft Report on the impact of intimate partner violence and custody rights on women and children,* 2019/2166(INI), 2021, available at: (https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2019/2166(INI)).
[606] *Supra*, p. 154.
[607] GREVIO submission targeted consultation, para. 71-72.
[608] Social partners' workshop (Annex 2).
[609] GREVIO, *Baseline Evaluation Report: Portugal*, 2018, para. 201, available at: (https://rm.coe.int/grevio-reprt-on-portugal/168091f16f).
[610] *Supra* 505, Chapter 8.
[611] *Supra* 505, at 4.3.
[612] *Supra* 505, at 3.2 b) i).
[613] *Supra* 505, at 3.2 b) i).
[614] GREVIO submission targeted consultation, para. 66.

		- Insufficient information on forms of violence against women other than domestic violence (AT, BE, DK, FI, FR, IT, MT,NL, PL, PT,SI, ES[615]) - Lack of accessible information for women with disabilities / mothers of children with disabilities (BE, FR, IT, PT[616]). **Stakeholders' view** FRA: women who are victims of partner violence are significantly more dissatisfied than other victims of violent crime with their limited role in the proceedings and with the limited information about their potential role available to them[617].	www.youmo.se) (SE[618]).
	Violence reporting	- Lack of measures protecting victims against retaliation and repeat victimization (AT, FR, DE, NL, PL, PT[619]) - A lack of reporting was highlighted by six Member State authorities in the targeted consultation as one of the main challenges in the prosecution of cases of GBV (BE, BG, CY, DE, IE, RO[620]). - Barriers for migrant and asylum seeking women's ability to report violence to the police (MT, NL, ES, SE[621]). **Stakeholders' view** INGOs: highlighted the need for clear and easy to access reporting mechanisms including anonymous reporting.	- Legislative amendments to allow professionals who had previously been bound by confidentiality rules to notify statutory agencies where they suspect a risk to the life of a woman or child in the context of domestic violence (FI[622]).
	Victim compensation	- Restrictive time limits to apply for state compensation (AT, CY, HR, HU[623]) and for perpetrator's and state compensation (EL[624]). - In cases 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[625]).	- Criminal sanctions as pressure on the offender to make payments to the victim -compensation in lieu of punishment- (DE[627]).

[615] GREVIO submission targeted consultation, para. 67.
[616] GREVIO submission targeted consultation, para. 76.
[617] *Supra* 504, p. 73.
[618] GREVIO submission targeted consultation, para. 64.
[619] *Supra* 504, pp. 34-35.
[620] Submission for the MS targeted consultation question n. 43.
[621] GREVIO submission targeted consultation, para. 75.
[622] *Supra* **Error! Bookmark not defined.**, p. 37.
[623] *Supra* 528, p. 23.
[624] Baker McKenzie, *Fighting Domestic Violence: Greece,* 2021, at 4.2.4., available at: (https://resourcehub.bakermckenzie.com/en/resources/fighting-domestic-violence/europe/greece).
[625] CJEU, Case C-129/19 (Presidenza del Consiglio dei Ministri v. BV), ECLI:EU:C:2021:140, 25 February 2021.
[627] *Supra* 528, p. 24.

		Stakeholders' view OPC: 49% of the respondents do not believe that information on how victims can obtain compensation (from the offender and/or the state) is available in their Member State.[626]	
	Role of Equality Bodies	- National equality bodies cannot receive claims of sexual harassment (AT, CZ, FI, IT, LT, LU, ES[628]). - National Equality Bodies can deal with claims on cases of sexual harassment but not with claims on other forms of VAW/DV(BG, HR, CY, CZ, DK, FI, FR, EL, HU, IE, IT, LT, LV, LU, MT, NL, PL, RO, SK, ES[629])	
	Effective remedies in cases of gender-based work harassment	- Collective redress in cases of gender-based work harassment is not widely available in all Member States. Only in four Member States equality bodies can act on behalf of a group of victims of VAW/DV in legal proceedings (BE, LV, PT, EE) and in five equality bodies assist a group of victims of VAW/DV in legal proceedings (EE, LV, LT, SK, BE[630]).	- French Law No. 2018 771 of 5 September 2018 also provides for a series of measures, such as the establishment in any company employing at least 250 employees of an adviser responsible for guiding, informing and assisting employees in the fight against sexual harassment and sexist behaviour, aimed at providing victims with better access to information on possible remedies (FR[631]).
4. Victim support	General support	- Difficult access (in practice) to public housing and financial assistance (BE, FI, FR, IT, MT, NL[632]). - Lack of trainings of relevant professionals operating in general support services (BE, FI, IT, ES[633]). - Significant barriers for migrant and asylum seeking women to access general and/or specialised support services (BE, DK,IT, NL,ES, SE[634])	- Guidelines have been developed for social workers on how to assist victims of domestic violence. For a woman seeking refuge at a shelter, the municipality is obliged to provide initial and coordinated counselling to identify their needs and offer solutions (DK[638]).

[626] Open public consultation q.20.
[628] *Supra* 505, at 11.3 b).
[629] *Supra* 505, at Table 30.
[630] Submission for the MS targeted consultation question n. 39.
[631] GREVIO submission targeted consultation, para. 26.
[632] *Supra* 430, p. 87.
[633] GREVIO, Baseline evaluation report: Belgium, 2020, para. 119, available at: (https://rm.coe.int/grevio-report-on-belgium/16809f9a2c); *Supra* **Error! Bookmark not defined.**, paras.105-106; *Infra* **Error! Bookmark not defined.**, para. 141; *Infra* **Error! Bookmark not defined.**, para. 152.
[634] GREVIO submission targeted consultation, para. 75.
[638] GREVIO, Baseline evaluation report: Denmark, 2017, p. 32, available at: (https://rm.coe.int/grevio-first-baseline-report-on-denmark/16807688ae).

		Stakeholders' view OPC: As to whether further measures should be taken to improve the support to victims of VAW/DV, the majority (77%) believe they should, at national and EU level[635]. FRA: rarely law enforcement authorities refers victims to a support organisation[636]. INGOs: protection and support services are negatively affected by inadequate infrastructure, long waiting periods, insufficient funding or limited geographical coverage, and lack of specialized/trained personnel[637].	
	Specialized support (including shelters and helplines)	- Insufficient rape crisis centres and/or sexual violence referral centres to ensure proper coverage and easy access by victims of sexual violence (AT, BE, FR, IT, NL, PT, ES, SE[639]). - Low number of specialised support services dealing with forms of violence other than domestic violence such as sexual violence, FGM, forced marriage, forced abortion and sterilisation or sexual harassment (AT,BE,FR,MT,PT, ES[640]) - Inadequate number and/or distribution of specialist services for domestic violence (BE, DK, FI, FR, DK, IT, MT, DK, SE[641]) - Shortcomings in the provision of specialist support services catered to the needs of specific groups of victims (AT, BE, IT, PT, SE[642]) - Lack of national state-wide helplines (BE, HR, CZ, LV, LT, MT, NL, PL, PT[643]) - Lack of national state-wide 24/7 and free of charge helplines (BE, BG, HR, CY, CZ, FI, FR, EL, HU, IE, LV, LT, LU, MT, NL, PL, PT, SL[644]) - Lack of multilingual support on national women's helplines (BE, HR, CZ, HU, LV, LT, MT, NL, PL, PT, SL[645]). **Stakeholders' view** NGOs: lack of availability (including geographical	- Protection centres specialised in dealing exclusively with cases of domestic violence. Some of these organisations have a decentralised structure allowing them to better cover rural areas. The core staff members are paid professionals (AT[648]).

[635] Open Public Consultation (see annex 2).
[636] *Supra* 504, p. 13.
[637] Submission for the INGO targeted consultation: United Nations – Joint Paper-Consultation on Preventing and combatting gender-based violence against women and domestic violence.
[639] GREVIO submission targeted consultation, para. 59.
[640] *Supra* 430, p. 90.
[641] *Supra* 430, p. 91.
[642] *Supra* 430, p. 91.
[643] WAVE, *WAVE Report 2015 on the role of specialist women's support services in Europe*, 2015, p. 90.
[644] *Supra* **Error! Bookmark not defined.**, p. 90.
[645] *Supra* **Error! Bookmark not defined.**, p. 90.
[648] *Supra* 504, p. 56.

		distributions) lack of funding for victim support services[646]. INGOs: identified as the main gaps in the lack of gendered understanding of violence by professionals and the insufficient availability of shelters[647].	
	Specialized support for children	Lack of awareness among the professionals concerned (social workers, legal and health professionals, and psychologists) of the harmful effects of witnessing domestic violence on children and to provide access for child witnesses to appropriate, age specific support services based on a gendered understanding of violence against women and pay due regard to the best interests of the child (FR, IT[649]). **Stakeholders' view:** INGOs: highlighted the need for Member States to invest more in services and support for child witnesses of violence against women and domestic violence[650].	
	Specialized support for vulnerable groups	- Limited support available for migrant and asylum seeking women to report violence or access services (BE, DK, IT, MT, NL, ES, SE[651]) - Inaccessibility of police premises for women with disabilities / mothers of children with disabilities (BE, FR, IT, PT[652]). **Stakeholders' view** NGOs: lack of accessibility of services (including shelters) for women and girls with disabilities victims of gender-based violence[653] .	The General Secretariat for Gender Equality (GSGE, Ministry of Interior) developed the 'Protocol of Cooperation' in 2017 to provide protection and support for refugee women at risk of gender-based violence. It constitutes an innovative, coordinated, and gender-sensitive network of services for vulnerable refugee women, who are victims of gender-based violence and their children. It utilises existing resources and services to help staff in public administration, municipalities, and NGOs to cooperate and find common solutions. The Protocol coordinates services provided through the 'National Network of Structures for Preventing and Combating Violence against Women', comprising 40 Counselling Centres, 21 Shelters and a 24-hour SOS

646 NGOs workshop (see annex 2).
647 INGO workshop (see annex 2).
649 GREVIO submission targeted consultation, para. 43.
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651 GREVIO submission targeted consultation, para. 75.
652 GREVIO submission targeted consultation, para. 76.
653 EDF, Position Paper on Violence against women and girls with disabilities in the European Union, 2021, pp. 12-13, available at: (https://www.edf-feph.org/publications/edf-position-paper-on-violence-against-women-and-girls-with-disabilities-in-the-european-union/).

			helpline (GR[654]).
	Support for victims at the workplace	- Limited availability of special leaves for victims of sex-based harassment, sexual harassment and domestic violence (AT, BE, BG, HR, CY, CZ, DK, EE, FI, FR, DE, GR, HU, IR, LV, LT, LU, MT, NL, PL, PT, RO, SK,SI, , ES, SE[655]).	- Victims of VAW have the right to abstain from work as long as protection by employer is not ensured (FR[656]). - Victims of VaW are entitled to special paid leave, allowing them to reduce their working schedule while retaining their full pay and pension benefits (IT[657])
	Specific measures for cases of cyber violence against women	- Lack of measures tackling specifically Cyber harassment (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[658]). **Stakeholders' view** Social partners: noted that online harassment is increasing, also in work contexts, and taking new forms. Certain professions are more at risk, such as female journalists. It was considered that more action is needed including training and encouragement to report cyber violence, user friendly tools to report and flag online content, a national media regulatory[659].	
5. Coordination	Data collection	-The criminal justice system does not collect sex disaggregated data on victims/perpetrators of violence against women (BE, DK, MT, NL[660]) - Lack of harmonisation of data from one public body to another across the criminal justice sector (AT, BE, DK, FI, FR, IT, MT, SE[661]). **Stakeholders' view**	- Data from law-enforcement bodies and the judiciary must be collated to reconstruct the entire criminal proceedings chain, from the filing of the complaint to the delivery of the judgment. A standard form is used to record domestic violence (PT[663]). - The Ministry of Interior compiles and publishes monthly data on the number of cases of intimate partner violence against women entered by law-enforcement agencies and other public institutions

[654] European Commission, MLP in gender equality seminar - Support services for victims of violence in asylum and migration, 2018, available at: (https://ec.europa.eu/info/publications/mlp-gender-equality-seminar-support-services-victims-violence-asylum-and-migration-february-2018-greece_en).
[655] (https://www.oireachtas.ie/en/debates/debate/dail/2020-12-08/33/), last visited (10/11/2021).
[656] ETUC, *Safe at home, safe at work: Trade union strategies to prevent, manage and eliminate work-place harassment and violence against women*, 2017, at 49.
[657] GREVIO, *Baseline Evaluation Report: Italy*, 2019, p. 48, available at: (https://rm.coe.int/grevio-report-italy-first-baseline-evaluation/168099724e).
[658] *Supra* 505, at.4.4.
[659] Social partners workshop (see annex 2).
[660] *Supra* 430, pp. 42-46.
[661] *Supra* 430, p. 46.
[663] *Supra* **Error! Bookmark not defined.**, para. 60.

		NGOs: lack of comparable and comprehensive disaggregated data to understand the scale of the problem and better identify victims[662].	into the Integrated Monitoring System for cases of Gender Violence (VioGen). These cases are then classified by the level of risk assessed by Spanish standardised risk-assessment tools (Police Risk Assessment (VPR) and Police Assessment of Risk Evolution (VPER)) and disaggregated by geographical location (ES[664]).
	Multi-agency cooperation (at national level)	- Cooperation limited to DV /or intimate partner violence (FI, MT,ES[665]) - 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[666]). **Stakeholders' view** NGOs: highlighted the need for comprehensive long-term and multiagency coordination and cooperation for the protection of victims[667].	- Support and protection measures for victims of intimate partner violence to be offered in an integrated manner and on the basis of multi-agency co-operation among law-enforcement agencies, specialist courts on violence against women, health services and any entities providing legal counselling to women. Legislation specifically requires specialist knowledge and effective service delivery, for example by offering these services in the same facility ("one-stop shop") and includes longer-term economic empowerment measures (ES[668]).

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664 GREVIO, Baseline Evaluation Report: Spain, 2020, para. 58, available at: (https://rm.coe.int/grevio-s-report-on-spain/1680a08a9f).

665 GREVIO submission targeted consultation, para. 50.

666 GREVIO submission targeted consultation, para. 51.

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668 GREVIO submission targeted consultation, para. 49.