Council of the European Union

Brussels, 12 February 2024
(OR. en)

6341/24

Interinstitutional File:
2022/0066(COD)

LIMITE

JAI 220
FREMP 67
COHOM 18
COPEN 65
EDUC 39
MIGR 52
SOC 90
ANTIDISCRIM 18
GENDER 18
JEUN 28
DROIPEN 23
CODEC 369

PUBLIC

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence - Confirmation of the final compromise text with a view to agreement

Delegations will find in Annex the final compromise text of the above Directive.

ANNEX

PUBLIC

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on combating violence against women and domestic violence

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

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

Acting in accordance with the ordinary legislative procedure,

Whereas:

[1] OJ C , , p. .

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

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

(3) Violence against women and domestic violence ***is a violation of*** fundamental rights such as the right to human dignity, the right to life and integrity of the person, the prohibition of inhuman or degrading treatment or punishment, the right to respect for private and family life, ***the right to liberty and security,*** personal data protection, ***the right to non-discrimination, including on the grounds of sex,*** and the rights of the child, as enshrined in the Charter of Fundamental Rights of the European Union ***and the United Nations Convention on the Rights of the Child***.

PUBLIC

(4) ***The provisions of*** this Directive ***which relate to the rights of victims*** should apply to ***all victims of*** criminal conduct which amounts to violence against women or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely female genital mutilation, ***forced marriage,*** the non-consensual sharing of intimate or manipulated material, cyber stalking, ***cyber harassment,*** cyber ***flashing***, cyber incitement to violence or hatred***,*** and criminal conduct covered by other Union ***acts***, in particular Directives 2011/36/EU[1] and 2011/93/EU[2] of the European Parliament and of the Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of violence against women. This includes crimes such as femicide, ***rape,*** sexual harassment, sexual abuse, stalking, early ▌ marriage, forced abortion, forced sterilisation and different forms of cyber violence, such as online sexual harassment ***and*** cyber bullying ▌. Domestic violence is a form of violence which may be specifically criminalised under national law or covered by criminal offences which are committed within the family or domestic unit or between former or current spouses ***or partners, whether or not they share a household. Individual Member States may take a broader understanding of what constitutes violence against women under national criminal law. It should be noted that this Directive does not address the full spectrum of criminal conduct that constitutes violence against women***.

PUBLIC

(5) The measures under this Directive have been designed to address the specific needs of women and girls, given that***, as confirmed by data and studies,*** they are disproportionately affected by the forms of violence covered under this Directive, namely violence against women and domestic violence. ▌ However, ▌ other persons ▌ also fall victim to these forms of violence and should ***therefore also*** benefit from the ***same*** measures provided for ***in the Directive for victims***. Therefore, the term 'victim' should refer to all persons, regardless of their ***gender and, unless specified otherwise in a given provision, all victims should benefit from the rights related to the protection of victims and access to justice, victims support and prevention***.

(6) Due to their vulnerability, ***witnessing domestic violence can be devastating for children. A child who witnesses domestic violence, within the family*** or domestic ***unit, typically suffers*** direct ***psychological and*** emotional harm ***that*** impacts their development ***and runs an increased risk of suffering from physical and mental illness, both in the short and long term. To acknowledge that children who have suffered harm caused directly by having witnessed domestic violence are themselves victims, marks an important step in protecting those children suffering because of domestic violence.***

(7) Violence against women is a persisting manifestation of structural discrimination against women, resulting from historically unequal power relations between women and men. It is a form of gender-based violence, which is inflicted primarily on women and girls, by men. It is rooted in ▌ socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men***. Consequently, a gender-sensitive perspective should be taken into account in the implementation of this Directive***.

PUBLIC

(8) Domestic violence is a serious social problem which often remains hidden. It can lead to serious psychological and physical trauma with severe consequences ***for a victim's personal and professional life*** because the offender typically is a person known to the victims, whom ***the victim*** would expect to be able to trust. Such violence can take on various forms, including physical, sexual, psychological, and economic ***and can occur within a variety of relationships***. Domestic violence ***often includes coercive control and*** may occur whether or not the offender shares or has shared a household with the victim.

(9) In light of the specificities related to these types of crime it is necessary to lay down a comprehensive set of rules, which addresses the persisting problem of violence against women and domestic violence in a targeted manner and caters to the specific needs of victims of such violence. The existing provisions at Union and national levels have proven to be insufficient to effectively combat and prevent violence against women and domestic violence. In particular, Directives 2011/36/EU and 2011/93/EU concentrate on specific forms of such violence, while Directive 2012/29/EU of the European Parliament and of the Council[2] lays down the general framework for victims of crime. While providing some safeguards for victims of violence against women and domestic violence, it is not set out to address their specific needs.

[2] 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).

(10) This Directive supports the international commitments the Member States have undertaken to combat and prevent violence against women and domestic violence, in particular the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)[3]***, and the United Nations Convention on the Rights of Persons with Disabilities (CRPD),*** and, where relevant, the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention')[4] and the International Labour Organization's Convention concerning the elimination of violence and harassment in the world of work, signed on 21 June 2019 in Geneva.

(10bis) The rights of victims should be available before, throughout criminal proceedings and for an appropriate time after such proceedings in accordance with the needs of the victim and under the conditions set out in the Directive.

---

[3] ***Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA, 1979.***

[4] ***Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Council of Europe, 2011.***
EP proposal to be discussed

(11) Violence against women and domestic violence can be exacerbated where it intersects with discrimination based on ***a combination of*** sex and other grounds of discrimination ***referred to in Article 21 of the Charter***, namely ▌ race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Member States should therefore pay due regard to victims affected by such intersectional discrimination ***by taking*** specific measures***. Persons affected by intersectional*** discrimination are ***at a heightened risk of experiencing gender-based violence. Consequently, Member States should take that heightened level of risk into consideration when implementing the measures provided for by this Directive, especially regarding the individual assessment to identify victims' protection needs, specialist support to victims and training and information for professionals likely to come into contact with victims***.

(12) Victims of violence against women and domestic violence are at an increased risk of intimidation, retaliation, secondary and repeat victimisation. ***Member States*** should ***ensure that particular attention is paid in all cases*** to these risks and to the need to protect the dignity and physical integrity of such victims. ***The previous acquaintance or relationship with the perpetrator is a factor that should be taken into account when assessing the risk of retaliation.***

(12bis) For the purposes of this Directive, competent authorities should be understood as the authority or authorities designated under national law as competent to carry out the duties provided for in the relevant provisions of this Directive. Each Member State should determine which authorities should be competent for the purpose of each provision that refers to this concept.

▌

▌

▌

PUBLIC

(15a) Forced marriage is a form of violence that entails serious violations of fundamental rights and, in particular, the rights of women and girls to physical integrity, freedom, autonomy, physical and mental health, sexual and reproductive health, education and a private life. Poverty, unemployment, custom or conflicts are all factors that promote forced marriage. Physical and sexual violence and threats of violence are frequently used forms of coercion to force a woman or girl to marry. Often, forms of physical and psychological exploitation and violence, such as sexual exploitation, accompany forced marriage. It is therefore necessary that all Member States criminalise forced marriage and subject offenders to appropriate penalties. The rules in this Directive are without prejudice to the definitions of marriage provided in national or international law. Member States should take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision of forced marriage. Given that the victims of forced marriage are often minors, the limitation periods should continue for a period of time that is sufficient and commensurate with the gravity of the offence in question, to allow for the efficient initiation of proceedings after the victim has reached the age of majority.

PUBLIC

(16) ***A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods. However, given the special nature of the offense of*** female genital mutilation***, and the need to ensure the protection of*** victims ***who suffer specific damage***, this offence should be specifically ▌addressed in the criminal laws ***of the Member States***. Female genital mutilation is an ***abusive and*** exploitative practice that pertains to the sexual organs of a girl or a woman and that is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over girls and women's sexuality. It is sometimes performed in the context of child forced marriage or domestic violence. Female genital mutilation may occur as a traditional practice which some communities perform on their female members. It should cover ***mutilative*** practices undertaken for non-medical reasons***, which cause irreparable and lifelong damage on victims. It leads to psychological and social damages, which severely affect the victim's quality of life***. The term "excising" should refer to the partial or total removal of the clitoris and the ***labia majora***. "Infibulating" should cover the closure of the ***labia majora*** by partially sewing together the outer lips of the vulva in order to narrow the vaginal opening. The term "performing any other mutilation" should refer to all other physical alterations of the female genitals.

▌

▌

▌

PUBLIC

(17) It is necessary to provide for harmonised definitions of offences and penalties regarding certain forms of cyber violence ***where violence is intrinsically linked to the use of information and communication technologies, and those technologies are used to significantly amplify the severity of the harmful impact of the offences, thereby changing the characteristics of the offence***. Cyber violence particularly targets and impacts women politicians, journalists and human rights defenders. ***Human rights defenders are individuals, groups or organisations that promote and protect universally recognised human rights and fundamental freedoms.*** It can have the effect of silencing women and hindering their societal participation on an equal footing with men. Cyber violence also disproportionately affects women and girls in educational settings, such as schools and universities, with detrimental consequences to their further education and to their mental health***, social exclusion, anxiety, inducement to inflict self-harm and***, which may, in extreme cases, lead to suicide.

PUBLIC

(18) The use of information and communication technologies bears the risk of easy, fast and wide-spread amplification of certain forms of cyber violence with the ***clear risk*** of creating or enhancing profound and long-lasting harm for the victim. The potential for such amplification, which is a pre-requisite for the perpetration of several offences of cyber violence defined under this Directive, should be reflected by the element of making certain material accessible, through information and communication technologies, to ***'the public'. The terms 'accessible to the public' and 'publicly accessible***' should be understood as referring to ***potentially*** reaching a ▌ number of ***persons. These terms should be interpreted and applied having regard to the relevant circumstances, including*** the technologies ***used to make that material accessible. Moreover, in order to only set minimum rules for the most serious forms of cyber violence, the relevant incriminations limited to conduct which is likely to cause serious harm or serious psychological harm to the victim, or to conduct which is likely to cause the victim to seriously fear for their own safety or that of their dependants. In each case, when assessing whether the conduct is likely to cause serious harm, and without prejudice to judicial independence, the specific*** circumstances ***of the case should be taken into account. The likelihood to cause serious harm can be inferred from objective, factual circumstances. This Directive establishes a minimum legal framework in this regard, and Member States are free to adopt or maintain more stringent criminal rules***.

PUBLIC

(19) Especially due to its tendency for easy, swift and broad distribution and perpetration, as well as its intimate nature, the non-consensual making accessible of images***,*** or videos ***or similar*** material ***depicting sexually explicit*** activities, ***or the intimate parts of a person without the consent of the persons involved, to the public***, by means of information and communication technologies, can be very harmful for the victims. The offence provided for in this Directive should cover all types of such material, such as images, photographs and videos, including sexualised images, audio clips and video clips. It should relate to situations where the making accessible of the material to ***the public***, through information and communication technologies, occurs without the victim's consent, irrespective of whether the victim consented to the generation of such material or may have transmitted it to a particular person. The offence should also include the non-consensual production***, manipulation or altering*** for instance by image editing, ***including by means of artificial intelligence,*** of material that makes it appear as though another person is engaged in sexual activities, insofar as the material is subsequently made accessible to ***the public***, through information and communication technologies, without the consent of that person. Such production***, manipulation or altering*** should include the fabrication of 'deepfakes', where the material appreciably resembles an existing person, objects, places or other entities or events, depicting sexual activities of another person, and would falsely appear to others to be authentic or truthful. In the interest of effectively protecting victims of such conduct, threatening to engage in such conduct should be covered as well.

PUBLIC

(19bis) The dissemination of images, videos or other material depicting sexually explicit activities or the intimate parts of a person without the consent of the person involved to the public by means of information and communication technologies should not be criminalised, where required to safeguard the fundamental rights protected under the Charter, and in particular the freedom of expression, including the freedom to receive and impart information and ideas in an open and democratic society, as well as freedom of the arts and sciences, including academic freedom. Moreover, this offense should not cover the handling of material by public authorities, in particular to conduct criminal proceedings or to prevent, detect or investigate crime, and Member States may relieve a person of responsibility under specific circumstances, for example where telephone or internet hotlines handle material in order to report an offense to authorities.

PUBLIC

(20) Cyber stalking is a modern form of violence which is often perpetrated against family members or persons living in the same household, but also perpetrated by ex-partners or acquaintances. Typically, technology is misused by the offender to proceed to intensify coercive and controlling behaviour, manipulation and surveillance, thereby increasing the victim's fear, anxiety and gradual isolation from friends***, family and work***. Therefore, minimum rules on cyber stalking should be established. The offence of cyber stalking should cover ***repeated or*** continuous surveillance of the victim without their consent or ***a*** legal authorisation by means of information and communication technologies. This might be enabled by processing the victim's personal data, such as through identity theft***, stealing passwords or hacking*** their ***devices or secretly activating keylogging software*** to access their private spaces, via the installation of geo-localisation apps, including stalkerware, or via stealing their devices. Furthermore, stalking should cover the monitoring of victims, without that person's consent or authorisation, via technology devices connected through the Internet of Things, such as smart home appliances. ***However, there can be situations where surveillance is carried out for legitimate reasons, for example in the context of parents monitoring their minor childrens' whereabouts and their online activity, of relatives monitoring the health of ill, elderly or vulnerable persons or persons with disabilities, or of media monitoring and open source intelligence. Criminal liability should be limited to situations where monitoring is likely to cause serious harm to the person. When assessing whether the act is likely to cause such harm the focus should be on whether the act typically would cause harm to a victim.***

(20bis) In the definition of the offence of cyber stalking, the concept of 'tracking' should refer to tracing the location of a person and following their movements, while the concept of 'monitoring' should refer to the watching over a person more generally, including observing their activities. In the context of stalking, both actions ultimately aim at controlling a person.

PUBLIC

(21) Minimum rules concerning the offence of cyber harassment should be laid down ***in order to cover the most serious forms of such cyber harassment. This should include repeatedly or continuously engaging in threatening conduct*** directed at another person ***at least when this conduct involves threats to commit criminal offences, by means of information and communication technologies, where such conduct is likely to cause the person to seriously fear for their own safety or the safety of dependants. This should also include engaging, together with other persons, by means of information and communication technologies, in publicly accessible*** threatening or insulting ***conduct, directed at another person, where such conduct is likely to cause serious psychological harm to the attacked person.*** Such broad attacks, including coordinated online mob attacks, may morph into offline assault or cause significant psychological injury and in extreme cases lead to suicide of the victim. They often target prominent (female) politicians, journalists or otherwise well-known persons, ***as well as human-rights defenders,*** but they can also occur in different contexts, for instance on campuses or in schools ***and at work***. Such online violence should be addressed especially where the attacks occur on a wide-scale, for example in the form of pile-on harassment by a significant amount of people. ***The minimum rules concerning the offence of cyber harassment should also include the unsolicited sending of an image, video or other similar material depicting genitals to a person ("cyberflashing"), where such conduct is likely to cause serious psychological harm to the receiving person. Cyberflashing is a common form of intimidating and silencing women. The minimum rules concerning the offense of cyber harassment should also include rules on doxing, where the personal information of the victim is made available to the public by means of information and communication technologies, without the victim's consent, for the purpose of inciting others to cause physical or serious psychological harm to the victim.***

PUBLIC

(22) The increase in internet and social media usage has led to a sharp rise in public incitement to violence and hatred, including based on gender, over the past years. The easy, fast and broad sharing of hate speech through the digital word is reinforced by the online disinhibition effect, as the presumed anonymity on the internet and sense of impunity reduce people's inhibition to engage in such speech. Women are often the target of sexist and misogynous hate online, which can escalate into hate crime offline. This needs to be ***prevented or*** intercepted at an early stage. The language used in this type of incitement does not always directly refer to the gender of the targeted person(s), but the biased motivation can be inferred from the overall content or context of the incitement.

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

PUBLIC

(23a) In order to ensure a fair balance between freedom of expression and the prosecution of the offence of incitement to violence or hatred, Member States should be able to choose to punish only conducts, which are carried out in a manner likely to disturb public order or which are threatening, abusive or insulting. The application of these conditions, where required by national law, should not lead to undermining the effectiveness of the provision.

(23b) Sanctions for the offences should be effective, dissuasive and proportionate. To this end, minimum levels for the maximum term of imprisonment should be set for natural persons. The maximum terms of imprisonment provided for in this Directive for the offences referred to therein should apply at least to the most serious forms of such offences.

(24) Victims should be able to report crimes of violence against women or domestic violence ***and provide evidence*** easily without being subject to secondary or repeat victimisation. ***It is of utmost importance that victims, when reporting crimes, are referred to a specialised contact point, whenever possible, irrespective of whether a criminal complaint is filed. This contact point may be a trained police officer or any professional trained to assist victims of violence against women or domestic violence***.

PUBLIC

(24a) Member States should, in addition to in-person reporting, provide the possibility to submit complaints online or through other accessible and secure information and communication technologies for the reporting of such crimes, at least in view of crimes of cyber violence covered in the Articles 7 to 10. Victims should be able to upload materials relating to their report, such as screenshots of the alleged violent behaviour.

(24b) In view of the specificities of violence against women and domestic violence, and the increased risk that such victims may withdraw their complaint despite having been victim of a crime, it is important that relevant evidence is collected in a comprehensive manner as early as possible, in accordance with applicable national procedural rules.

(24c) Member States may extend legal aid, including free legal aid, to victims when reporting criminal offences, when provided by national law. When assessing the victim's resources in order to grant legal aid, Members states should consider the victim's effective access to his or her financial resources. Domestic violence can translate in economical control from the perpetrator, victims may not have effective access to their own financial resources.

PUBLIC

(25) In the case of domestic violence and violence against women, especially when committed by close family members or intimate partners, victims may be under such duress by the offender that they fear to reach out to the competent authorities, even if their lives are in danger. Therefore, Member States should ensure ***that*** their confidentiality rules do not constitute an obstacle for healthcare professionals ▌ to report to the competent authorities, where they have reasonable grounds to believe that ***there is*** an imminent risk of serious physical harm. ***Such reporting is justified because such acts might not be reported by those who experience or directly witness them.*** Similarly, instances of domestic violence or violence against women affecting children are often only intercepted by third parties noticing irregular behaviour or physical harm to the child. Children need to be effectively protected from such forms of violence and adequate measures promptly taken. Therefore, professionals coming in contact with child victims ***, including healthcare, social services*** or education professionals, should equally not be constrained by confidentiality where they have reasonable grounds to believe that serious ***physical harm has been inflicted on*** the child ▌ .Where professionals report such instances of violence, Member States should ensure that they are not held liable for breach of confidentiality. ***However, lawyers' legal professional privilege should be protected, in accordance with Article 7 of the Charter of fundamental rights, as justified by the fundamental role assigned to lawyers in a democratic society. Where provided for under national law, the clergy-penitent privilege, or equivalent principles applicable in order to safeguard the freedom of religion, should also be excluded from this possibility. In addition, this possibility is without prejudice to national rules on confidentiality or sources applicable in the context of media.***

PUBLIC

(26) In order to tackle underreporting in the cases when the victim is a child, safe and child-friendly reporting procedures should be established. This can include questioning by competent authorities in simple and accessible language. ***Member States should ensure that, to the extent possible, professionals specialised in caring for and supporting children are present in order to assist them with reporting procedures. There may be circumstances where this assistance may not be relevant, for example, in view of the maturity of the child or in the case of online reporting, or may prove difficult, for instance, in sparsely populated areas.***

(26a) It is important that Member States ensure that victims which are third-country nationals, irrespective of their residence status, are not discouraged from reporting and are treated in a non-discriminatory manner as regards their residence status in line with Article 1 of Directive 2012/29/EU. To protect all victims of violence against women and domestic violence from repeated violence, it is important to apply a victim-centred approach. In particular, it must be ensured that the enforcement of the return procedure under Directive 2008/115/EC do not prevent victims from exercising their right to be heard as results from Article 10 of Directive 2012/29/EU. Member States may, in line with Article 6(4) of Directive 2008/115/EC, decide to grant an autonomous residence permit or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying illegally on their territory and comply, in line with Article 14(d) of that Directive, with the obligation to take into account the special needs of vulnerable persons during the period for voluntary departure, where a period for voluntary departure was given pursuant to article 7 of that Directive.

PUBLIC

(27) Delays in processing complaints of violence against women and domestic violence can bear particular risks to victims thereof, given that they might still be in immediate danger ***and*** that offenders might often be close family members or spouses. Therefore, the competent authorities should ***be properly trained,*** have the ***adequate*** expertise and effective investigative tools to investigate and prosecute such ***acts, without having to set up specialised services or units***.

(27a) The investigations into or prosecutions of acts of rape should not be dependent on the reporting or accusation by the victims or by their representatives. Similarly, criminal proceedings should continue even if the victim withdraws the accusation. This is without prejudice to the discretion of the prosecuting authorities to discontinue criminal proceedings for other reasons, for example where they conclude that there is not sufficient evidence to continue criminal proceedings.

(28) Victims of domestic violence and ***sexual*** violence ▌ are typically in need of immediate protection ***and*** specific support, for example in the case of intimate partner violence ▌ where the rate of recidivism tends to be high. Therefore ▌ an individual assessment ***of*** the victim***'s*** needs should be ***initiated at the earliest possible stage, such as at the first contact, as soon as possible after the*** first contact ***by the victim*** with the ***competent authorities,*** or as soon as suspicion arises that the person is a victim of violence ▌ or domestic violence. This can be done before a victim has formally reported an offence or proactively if a third party reports the offence.

PUBLIC

(29) When assessing the victim′s protection and support needs, the primary concern should lie in safeguarding the victim***′s*** safety and providing tailored support, taking into account, among other matters, the individual circumstances of the ***victims.*** Circumstances requiring special attention ***may*** include***, for example, the fact that*** the victim ***is pregnant,*** the victim's dependence on or relationship to the offender***, the risk of the victim returning to the offender or suspect, recent separation from an offender or suspect, the possible risk that children are used to exercise control over the victim, the risks for victims with disabilities, and the use of companion animals to put pressure on the victim. The degree of control exercised by the offender or suspect over the victim, whether psychologically or economically, should also be taken into account***.

(30) In order to ensure comprehensive support and protection to victims, all competent authorities and relevant bodies, not limited to law enforcement and judicial authorities, should be involved in assessing the risks for victims and appropriate support measures on the basis of clear guidelines issued by the Member States. Such guidelines should include factors to be taken into consideration when assessing the risk emanating from the offender or suspect, including the consideration that suspects charged with minor offences are as likely to be dangerous as those charged with more severe offences, especially in cases of domestic violence and stalking. ***The individual assessment should be reviewed by competent authorities at regular intervals to ensure that no new protection or support need of the victim remains unaddressed. For instance, such review may take place at important junctures in the process, such as, for example, the commencement of court proceedings, the handing down of a judgement or order, or in the context of proceedings for the revision of custody arrangements or rights of access.***

PUBLIC

(31) ***In order to avoid secondary and repeat victimisation, intimidation and retaliation, the victim's dependants should receive the same protection measures as those afforded to the victim, unless there are indications that these dependants do not have specific needs. It has to be assessed whether there are any indications that the person has no specific protections needs. Because if it can be determined that there are no specific protection needs, any measure based on the wrong assumption of specific protection needs would be disproportionate. Victim's dependants under the age of 18 are due to their vulnerability especially endangered to suffer emotional harm that prejudices their development. This can also apply to other dependants where provided by national law.***

PUBLIC

(32) Victims of violence against women and domestic violence are often in need of specific support. To ensure they effectively receive offers of support, the competent authorities should refer victims to appropriate support services. This should in particular be the case where an individual assessment has found particular support needs of the victim. ***When determining whether to refer child victims to*** support services***, their best interests shall be a primary consideration, as laid down in Article 24 of the Charter***. For the processing of related personal data by competent authorities, Member States should ensure that it is based on law, in accordance with Article 6(1)(c) read in conjunction with Article (6)(2) and (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council[5] ***and Directive (EU) 2016/680***. Such laws should include appropriate personal data safeguards that respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the individuals. Where competent authorities transfer victims' personal data to support services for victims' referral, they should ensure that the data transferred is limited to what is necessary to inform the services of the circumstances of the case, so that victims receive appropriate support and protection. ***The support services should only store personal data for as long as necessary, and in any event for no longer than 5 years, or a shorter period of time if established in national law, after the last contact between the support service and the victim.***

▌

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

---

[5] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), (OJ L 119, 4.5.2016, p. 1–88).

(34) ***Without constituting a substitute to arrest and detention of suspects and offenders, which remain subject to national law,*** Member States should ensure that emergency barring***, restraining or protection*** orders may be issued in situations of immediate danger, such as where harm is imminent or has already materialised and is likely to be inflicted again***, and that, in such relevant situations, and where pursuant to national law, such orders are subject to a victim's application, victims are informed of the possibility to apply for such orders***.

(35) Protection orders may include prohibiting the offender or suspect to access certain localities; to approach the victim or ***their dependants,*** closer than a prescribed distance or to contact them, including through the use of online interfaces***. Such orders may also include prohibiting the possession of*** firearms or deadly weapons, where necessary. ***Emergency barring, restraining or protection orders should be issued either for a specified period, or until modified or discharged.***

(35a) Electronic monitoring makes it possible to, where relevant, ensure compliance with emergency barring, restraining and protection orders, to record evidence of breaches of such orders and to enhance the supervision of offenders. Where available, where appropriate and where relevant, taking into account the circumstances of the case and the legal nature of the proceedings, electronic monitoring should be considered to ensure the enforcement of emergency barring, restraining and protection orders. Where electronic monitoring is used, victims should always be informed about its capabilities and limitations.

PUBLIC

(36) In order to safeguard the effectiveness of emergency barring, restraining and protection orders, breaches of such orders should be subject to penalties. Those penalties can be of a criminal law or other legal nature and may include prison sentences, fines or any other legal penalty that is effective, proportionate and dissuasive. ***It is essential that victims have the option to be informed of a breach of barring, restraining or protection orders, when this may have an impact on their safety. As breaches of barring, prescription or protection orders can increase risks and require further protection to be put in place, a revision of the individual assessment should, when necessary, be considered after a reported breach.***

I

(37) Presenting evidence of past sexual behaviour***, the sexual preferences of the victim and the attire or outfit of the victim*** to challenge the credibility and lack of consent of victims in sexual violence cases, especially rape cases, may reinforce the perpetuation of damaging stereotypes of victims and lead to repeat or secondary victimisation. Therefore, ***Member States should ensure that evidence concerning the past sexual conduct of the victim, or other aspects of their private life connected thereto, is only permitted where it is necessary to assess a specific issue in the case at hand or for the exercise of the rights of defence***.

(37a) Women's specialist services can play a crucial role in providing advice and support for victims of violence against women and domestic violence, including women's support centres, women's shelters, helplines, rape crisis, sexual violence referral centres, and primary prevention services. They can also be provided by non-governmental women's-led organisations.

PUBLIC

(37b) Given the unique specificities and circumstances involved in crimes of violence against women and domestic violence, guidelines for prosecutorial authorities and law enforcement have an inherent value. Due to the particular vulnerabilities of the victims, guidance as to how the victims should be treated at each stage of the process is essential, to raise awareness and to avoid revictimization in addressing these types of crimes. Guidelines for prosecutorial authorities can be understood as both a procedural handbook and a reference for best practice. Particularly in relation to how to approach victims and how to treat them according to their unique circumstance and experience, women's specialist services can offer expert advice and guidance based on their daily interactions with victims. Member States are encouraged to consult and cooperate with women's specialist services for the creation and revision of any such guidelines. Member States should review their guidelines for law enforcement and prosecutorial authorities when important developments in their legal frameworks or society at large occur. This may include cases where there are substantial changes to existing laws or established case-law, or where new trends or forms of violence emerge, in particular where technological developments lead to new forms of cyberviolence.

PUBLIC

(38) Given the complexities and gravity of offences of violence against women and domestic violence and specific support needs of victims, Member States should ensure additional support and prevention of such offences is provided by designated bodies. Given their expertise in matters of discrimination on grounds of sex, national equality bodies, set up in accordance with Directives 2004/113/EC[6], 2006/54/EC[7] and 2010/41/EU[8] of the European Parliament and of the Council, are well placed to fulfil these tasks. ***To enable these*** bodies ***to effectively carry out their tasks, Member States*** should ***ensure that they are provided with sufficient human and financial resources***

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

---

6 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).

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

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

(40) Those measures should include, in particular, empowering national ▌ authorities to issue orders to ***hosting service providers*** to remove, or also to disable access to, one or more specific items of the material in question. ***The national authorities may also address the orders to disable access to other*** relevant ***intermediary service providers.***

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

(42) The provisions of this Directive on orders and other measures for the removal and disabling access to relevant material should leave the relevant rules***,*** contained in Regulation ***(EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act),*** unaffected. In particular, those orders should comply with the prohibition of imposing general obligations of monitoring or active fact-finding and with the specific requirements of that Regulation regarding orders to remove illegal content online.

PUBLIC

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

(44) In order to avoid secondary victimisation, victims should be able to obtain compensation in the course of criminal proceedings. ▌

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

(46) Specialised support services should provide support to victims of all forms of violence against women and domestic violence, including sexual violence, female genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence. ***Victims should be offered specialist support services irrespective of whether they have filed a formal complaint.***

PUBLIC

(47) Specialist support ***services*** should offer victims support tailored to their specific needs, ***by a person of the same gender when requested or appropriate and such a person is available. Building on the requirements set out in Directive 2012/29/EU, the legal framework needs to be supplemented in order to ensure that specialist support services are provided with all the necessary tools to provide a targeted and integrated support for victims of violence against women and domestic violence, in view of their specific needs***. Such services could be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support***, such as women's specialist support services***. Specialist support may be provided by ***public*** authorities, victims' support organisations, or other non-governmental organisations***, taking into account the Member States' geography and demographic composition***. They should be granted sufficient human and financial resources and, where the services are provided by non-governmental organisations, Member States should ensure that they receive appropriate funds.

(48) Victims of domestic violence and violence against women typically have multiple protection and support needs. In order to address these effectively, Member States should provide such services at the same premises, ***by coordinating services through a contact point, or by facilitating access to*** such services ▌ through ***one-stop online access. The latter would*** ensure ***that*** also victims in remote areas or unable to physically reach such centres are reached***. This*** should ***at least*** entail setting up a single and updated website where all relevant information on and ***direction to*** access to available support and protection services is provided (one-stop online access). ***Such a*** website should follow accessibility requirements for persons with disabilities.

▌

PUBLIC

(48b) ***Victims of violence against women and domestic violence have unique support needs given the trauma experienced. Specialist support services should provide assistance to victims which is empowering and which aids in their recovery process. Specialist support services should be available in sufficient numbers and adequately spread over the territory of each Member State, taking into account the Member States geography and demographic composition, as well as the offer of online means. To assist in this, specialised support should be provided whenever possible in a language that the victim can understand and in a manner that is age-appropriate for the victim.***

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

(50) The traumatic nature of sexual violence, including rape, requires a particularly sensitive response by trained and specialised staff. Victims of this type of violence need immediate ▌ trauma support combined with immediate forensic examinations ***for the safe keeping of*** evidence needed for ***future*** prosecution. Rape crisis centres or sexual violence referral centres should be available in sufficient numbers and adequately spread over the territory of each Member State***, taking into account the Member States geography and demographic composition. Such centres can form part of the existing healthcare system in the Member State***. Similarly, victims of female genital mutilation, who are often girls, typically are in need of targeted support. Therefore, Member States should ensure they provide dedicated support tailored to these victims. ***Considering the unique circumstances of victims of such crimes and the associated vulnerability, such specialist support should be provided with the highest standards of privacy and confidentiality.***

▌

PUBLIC

(51) ***Sexual*** harassment at work is considered as ***a form of*** discrimination on grounds of sex by Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. Sexual harassment at work has significant negative consequences both for the victims and the employers. ***Internal or external counselling services should be provided to both victims and employers, where such conduct is specifically criminalised under national law. These should include information on ways to adequately address such instances , and on remedies available to remove the offender from the workplace***.

(52) Member States ***are encouraged to*** ensure that national helplines are ***reachable*** under the EU-harmonised number [116016] ***in addition to any existing national numbers***, free of charge and available round-the-clock. The ***public should be adequately informed of the existence of and use of such number. It should be possible for such helplines to be operated by specialist support services, including women's specialist support services, in accordance with national practice. Existing helpline providers, including NGOs, have significant experience in providing such services. The*** support provided ***via such helplines*** should include crisis counselling and ***providing information to victims about*** face-to-face services, such as shelters, ***specialist support services, other relevant social and health services*** or the police. ***Support helplines for victims of crime should be able to refer victims of violence against women and domestic violence to specialist support services and/or specialist helplines, if needed and requested.***

PUBLIC

(53) Shelters ***and other appropriate interim accommodations for victims of crime*** play a vital role in protecting victims from acts of violence. Beyond providing a safe place to stay, shelters should provide the necessary support concerning interlocking problems related to victims' health, ***including mental health,*** financial situation and the well-being of their children, ultimately preparing victims for an autonomous life. ***Member States should ensure that there is a sufficient number of shelters other appropriate interim accommodations available. The term "sufficient numbers" is intended to ensure that the needs of all victims are met, both in terms of shelter places and specialised support. The Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV (2008)6) recommends safe accommodation in specialised women's shelters, available in every region, with one family place per 10 000 head of population. However, the number of shelter places should depend on a realistic estimation of the actual need. The identity of victims staying in these shelters should remain confidential in order to ensure women's safety. Shelters should be equipped to address the specific needs of women, including by providing women-only shelters. The shelters and other appropriate interim accommodations should be available to the victim's dependents under the age of 18. Nonetheless, the safety and well-being of the victims staying in these shelters and accommodations remains the first priority, in particularly when this would lead to shared accommodations between victims and dependents close to adulthood. In case they are not free of charge and Member States request a contribution from victims when hosted in shelters and interim accommodations, this should be affordable and not hinder their accessibility. Shelters should ensure for trained and specialised personnel to engage with and support victims.***

PUBLIC

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

(54a) Considering the life-long consequences of violence against women or domestic violence for children whose parent has been killed as a result of these crimes, Member States should ensure that these children can fully avail of the provisions enshrined in this Directive, in particular through targeted protection and support measures, including during any relevant judicial proceeding.

(55) In order to ensure the safety of children during possible visits with an offender or suspect who is a holder of parental responsibility with rights of access ***as determined under the applicable national civil law rules.*** Member States should ensure that supervised neutral places, including child protection or welfare offices, are made available so that such visits can take place there in the best interests of the child. If needed, the visits should take place in the presence of child protection or welfare officials. Where it is necessary to provide for interim accommodation, children should as a priority be accommodated together with the holder of parental responsibility who is not the offender or suspect ▌. The best interest of the child should be always taken into account.

▌

PUBLIC

(56) Victims ***experiencing intersectional discrimination are at a heightened*** risk of violence***. These may include*** women with disabilities, women with dependant residence status or permit, undocumented migrant women, women applicants for international protection, women fleeing armed conflict, women affected by homelessness, with a minority racial or ethnic background, living in rural areas, women ***in prostitution, women with low income***, detainees, ***lesbian, gay, bisexual, trans or intersex persons,*** older women ***or women with alcohol and drug use disorders. They*** should ***consequently*** receive specific protection and support.

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

(57a) Actions to prevent violence against women and domestic violence should be based on a comprehensive approach composed of primary, secondary and tertiary preventive measures. Primary preventive measures should aim to prevent violence from occurring and could include actions such as awareness-raising campaigns, targeted education programmes to increase understanding among the general public of the different manifestations of all forms of violence and their consequences and to increase knowledge about consent in inter-personal relationships at an early age. Secondary preventive measures should aim to detect violence early and prevent its progression or escalation at an early stage. Tertiary prevention should be focused on preventing reoffending and revictimisation and on properly managing the consequences of the violence, and could include the promotion of bystander intervention, early intervention centres and intervention programmes.

PUBLIC

(58) Member States should ***take appropriate*** preventive measures***. Such measures may include*** awareness-raising campaigns, to counter violence against women and domestic violence. Prevention ***may*** also take place in formal education, in particular, through strengthening sexuality education and socio-emotional competencies, empathy and developing healthy and respectful relationships. ***Taking into account language barriers and different levels of literacy and abilities, Member States should address targeted actions to groups at heightened risk, which include children, taking into account their age and maturity, persons with disabilities, persons with alcohol and drug use disorders, and lesbian, gay, bisexual, trans or intersex persons.***

▌

(59) Member States should take measures to prevent the cultivation of harmful gender stereotypes to eradicate the idea of the inferiority of women or stereotyped roles of women and men. This could also include measures aimed at ensuring that culture, custom, religion, tradition or honour is not perceived as a justification for, or a more lenient treatment of, offences of violence against women or domestic violence. ***Preventive measures should encourage men and boys to act as positive role models to support equality between men and women, but should also aim to overcome stereotypes whereby men are inhibited to reach out for help in situations of violence directed against them.*** Considering that from a very young age onwards, children are exposed to gender roles that shape their self-perception and influence their academic and professional choices as well as expectations of their roles as women and men throughout their life, it is crucial to address gender stereotypes as of early-childhood education and care.

(59a) In order to focus resources where they are most needed, the requirement to take preventive measures to raise awareness of female genital mutilation and forced marriage and the extent of those measures should be commensurate with the number of persons at risk of or affected by that practice in the Member State concerned.

PUBLIC

(60) In order to ensure victims of violence against women and domestic violence are identified and receive appropriate support ***and protection***, Member States should ensure that ***officials*** likely to come into contact with victims receive training and targeted information. ***Regarding court staff, such training should be required only for those likely to come into contact with victims, and to a level appropriate to their contact with victims. Equally, training should be promoted for lawyers, prosecutors and judges and for practitioners who provide victim support or restorative justice services. This requirement should include training on the specific support services to which victims should be referred or specialist training where their work focuses on victims with specific needs and specific psychological training, as appropriate.*** Trainings should cover the risk and prevention of intimidation, repeat and secondary victimisation and the availability of protection and support measures for victims. To prevent and appropriately address instances of sexual harassment at work, persons with supervisory functions should also receive training***, where such conduct is specifically criminalised*** under ***national law. They*** should also ***receive information*** the risk of third party violence. Third party violence refers to violence which staff may suffer at the workplace, not at the hands of a co-worker, and includes cases, such as nurses sexually harassed by a patient.

(60a) To establish a comprehensive approach to prevent and combat all forms of violence against women and domestic violence, Member States should ensure that relevant officials and professionals receive trainings on coordinated multi-disciplinary cooperation, with a view to ensuring that relevant government bodies and authorities swiftly handle referrals of cases, and that relevant professional specialisations (including in the medical, legal, educational, social services fields are engaged in the handling of such cases. It should be left to Member States how they organise the aforementioned trainings, and the obligations in this Directive should not be interpreted as interfering with the autonomy of higher education institutions.

PUBLIC

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

(62) Intervention programmes should be set up to prevent and minimise the risk of ***committing*** (repeated) offences of violence against women or domestic violence ***or reoffending. Such programmes should be carried out by trained and skilled professionals***. The programmes should specifically aim at ***ensuring safe relations and*** teaching offenders or those at risk of offending how to adopt non-violent behaviour in interpersonal relationships and how to counter violent behavioural patterns. ***Common standards and guidelines for intervention programmes prepared by the EIGE could be used by the Member States***.

(62a) Information as regards available intervention programmes should be given to an offender or suspect of violence covered by this Directive, should they be subject to a barring, restraining or protection order.

(62bis) With regard to offences amounting to rape, offenders should be encouraged to participate in intervention programmes to mitigate the risk of recidivism.

PUBLIC

(62e) Member States should have discretion to decide which authorities are designated or established as official bodies responsible for coordinating, implementing, monitoring and evaluating policies and measures to prevent and combat all forms of violence covered under this Directive, in accordance with the principle of procedural autonomy of the Member States, provided that such authorities have the necessary competences to carry out the tasks provided for in this Directive. Policy coordination should be carried out at the level of the Member State and/or at the regional and local level in Member States, in accordance with national law or practice.

(62f) Civil society organisations, including non-governmental organisations working with victims of violence against women and domestic violence, embrace a wide range of actors with multiple roles and mandates. These organisations provide valuable expertise and their involvement and contributions could be beneficial during the design, implementation and associated monitoring processes of government policies.

(62g) Member States should adopt and implement effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence. These policies should place the rights of the victim at the centre of all measures. Member states should ensure a minimum coordination at central level as well as, where appropriate, at regional or local level, in accordance with national law and without prejudice to the distribution of powers in each Member State. This coordination could be part of national action plans.

PUBLIC

(63) In order to ensure that victims of the offences of cyber violence contained in this Directive can effectively realise their rights to have illegal material relating to such offences removed, Member States should encourage ***the self-regulatory*** cooperation between ***relevant intermediary service providers***.To ensure that such material is detected early on and tackled effectively and that victims of those offences are adequately assisted and supported, Member States should also facilitate the establishment ***of or raise awareness*** of existing self-regulatory measures of a voluntary nature, such as codes of conduct***. This facilitation should include self-regulatory measures for*** the detection of systematic risks***, in particular to reinforce mechanisms designed to tackle*** cyber violence and ***to improve*** the training of the providers' employees ***engaged in the prevention of violence and the assistance and support to*** victims. ***Such self-regulatory measures could complement action at Union level, in particular under the Digital Services Act.***

(63a) Exchanging best practices and consulting in individual cases, within the mandates Eurojust, the European Judicial Network in criminal matters and other relevant Union agencies, could be of great value in preventing and combating all forms of violence against women and domestic violence.

(63b) As part of efforts to combat violence against women and domestic violence, Member States should adopt national action plans.

▌

(64) Policies to adequately tackle violence against women and domestic violence can only be formulated on the basis of comprehensive and comparable disaggregated data. In order to effectively monitor developments in the Member States***, they are also invited to regularly conduct surveys. This may be done*** using the harmonised methodology of ▌ the Commission (Eurostat).

PUBLIC

(65) Member States should ensure that the data collected are limited to what is strictly necessary in relation to supporting the monitoring of the prevalence and trends of violence against women and domestic violence and design new policy strategies in this field. ***Member States should provide required data to the European Institute of Gender Equality in order to allow for the comparability, assessment and analysis of those data at Union level***.

PUBLIC

(66) Any processing of personal data carried out pursuant to this Directive, including the exchange or transmission of personal data by the competent authorities, ***is to*** be carried out in accordance with Regulation (EU) 2016/679, Directives 2016/680/EU[9] and 2002/58/EC[10] of the European Parliament and of the Council. Any processing of personal data by Union institutions, bodies, offices or agencies ***is to*** be carried out in accordance with Regulations (EU) 2018/1725[11], 2018/1727[12] and 2016/794[13] of the European Parliament and of the Council, or any other applicable Union rules on data protection.

▌

PUBLIC

---

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

10 ***[2]*** Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) OJ L 201, 31.7.2002, p. 37.

11 ***[3]*** Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, (OJ L 295, 21.11.2018, p. 39).

12 ***[4]*** Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA, (OJ L 295, 21.11.2018, p. 138).

13 ***[5]*** Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, (OJ L 135, 24.5.2016, p. 53).

(67bis) This Directive establishes minimum rules. Member States are therefore free to adopt or maintain more stringent criminal law rules concerning the definition of criminal offences and sanctions in the area of violence against women. As regards the provisions of this Directive on the rights of victims, Member States may introduce or maintain provisions with higher standards, including such which provide a higher level of protection and support for victims.

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

(69) ▌In accordance with Article 3 of Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified ▌, by letter of ***22 June 2022*** its wish to take part in the adoption and application of this Directive. ▌

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

(71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on ***5 April 2022***,

PUBLIC

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER 1
GENERAL PROVISIONS

PUBLIC

Article 1

Subject matter

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

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

(b) the rights of victims of all forms of violence against women or domestic violence before, during ***and for an appropriate time*** after criminal proceedings;

(c) victims' protection**,** victims' support***, prevention and early intervention.***

▌

2. The provisions of Chapters 3 to 7 shall apply to all victims of offences of violence against women and domestic violence, as defined under this Directive, regardless of their gender. These victims are all the victims of acts criminalised under Chapter 2, as well as victims of any other acts of violence against women or domestic violence, as criminalised under other Union acts or under national law.

PUBLIC

Article 4

Definitions

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

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

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

(c) "victim" means any person, regardless of ***their*** gender, ▌ who has suffered harm, directly caused by acts of violence ***against women or domestic violence***, including ***children who have suffered harm because they have witnessed domestic*** violence;

▌

▌

(f) "***hosting service providers*** " means providers of the services as defined in Article ***3*** point ***(g) (iii)*** of Regulation (EU) ***2022/2065*** of the European Parliament and of the Council ***of 19 October 2022*** on a Single Market For Digital Services ***and amending Directive 2000/31/EC (Digital Services Act)***;

(fa) "providers of intermediary services" means providers of the services as defined in Article 3, point (g) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act);

▌

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

▌

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

(k) "competent authorities" means any public authorities designated under national law as competent to carry out the duties provided for in the relevant provisions of this Directive.

PUBLIC

CHAPTER 2

OFFENCES CONCERNING SEXUAL EXPLOITATION OF WOMEN AND CHILDREN AND COMPUTER CRIME

Article 6

Female genital mutilation

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

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

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

PUBLIC

PUBLIC

Article 6c

Forced marriage

Member States shall ensure that the following intentional conduct is punishable as a criminal offence: (a) forcing a adult or a child to enter into a marriage; (b) luring a adult or child to the territory of a country other than the one in which the he or she resides with the purpose of forcing that person to enter into a marriage.

Article 7

Non-consensual sharing of intimate or manipulated material

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

(a) making ***accessible to the public, by means of information and communication technologies*** images, or videos or ***similar*** material depicting ***sexually explicit*** activities ***or the intimate parts of a*** person ***without the*** consent ***of the persons involved where such conduct is likely to cause serious harm to those persons***;

(b) producing***, manipulating or altering*** and subsequently making accessible to ***the public***, by means of information and communication technologies, images, videos or ***similar*** material, making it appear as though another person is engaged in ***sexually explicit*** activities, ***without their consent, where such conduct is likely to cause serious harm to the*** person***;***

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

▌

Paragraph 1 (a) and (b) shall not affect the obligation to respect the rights, freedoms and principles referred to in Article 6 TEU and shall apply without prejudice to fundamental principles related to freedom of expression and information and freedom of the arts and sciences, as implemented in national law or Union law.

Article 8

Cyber stalking

Member States shall ensure that the ▌ intentional conduct ***of***:

▌

(b) ***repeatedly or continuously*** placing another person under surveillance, without that person's consent or ***a*** legal authorisation to do so, by means of information and communication technologies, to track or monitor that person's movements and activities***, where such conduct is likely to cause serious harm to the person, is punishable as a criminal offence***;

▌

PUBLIC

Article 9

Cyber harassment

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

(a) ***repeatedly or continuously engaging in threatening conduct*** directed at another person, ***at least when this conduct involves threats to commit criminal offences***, by means of information and communication technologies, ***where such conduct is likely to cause the person to seriously fear for their own safety or the safety of dependents***;

(b) ***engaging, together with other persons, by means of information and communication technologies, in publicly accessible threatening or insulting conduct, directed at another person, where such conduct is likely to cause serious psychological harm to the attacked person;***

(ba) the unsolicited sending, by means of information and communication technologies, of an image, video or other similar material depicting genitals to a person, where such conduct is likely to cause serious psychological harm to the receiving person.

(c) making accessible to the public by means of information and communication technologies material containing the personal data of another person, without that person's consent, for the purpose of inciting others to cause physical or serious psychological harm to the person.

PUBLIC

Article 10

Cyber incitement to violence or hatred

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

For the purpose of paragraph 1, Member States may choose to punish only conduct which is either carried out in a manner likely to disturb public order or which is threatening, abusive or insulting.

Article 11

Incitement, aiding and abetting, and attempt

1. Member States shall ensure that inciting ▌ the commission of any of the criminal offences referred to in Articles ***6 to 9(b)*** are punishable as criminal offences.

1bis. Member States shall ensure that aiding and abetting the commission of any of the criminal offences referred to in Articles 6 point a, 6c to 10 are punishable as criminal offences.

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

Article 12

Penalties

1. Member States shall ensure that the criminal offences referred to in Articles ***6*** to 11 are punishable by effective, proportionate and dissuasive criminal penalties.

PUBLIC

PUBLIC

4. Member States shall ensure that the criminal offence referred to in Article 6 is punishable by a maximum penalty of at least 5 years of imprisonment**.**

4a. Member States shall ensure that the criminal offence referred to in Article 6c is punishable by a maximum penalty of at least 3 years of imprisonment.

5. Member States shall ensure that the criminal offences referred to in Articles ***7, 8, 9 (a), (b), (c)*** and 10 are punishable by a maximum penalty of at least ***1 year*** of imprisonment.

6. ▌

Article 13

Aggravating circumstances

In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles ***6*** to 10, Member States shall ***take the necessary measures to*** ensure that***, in relation to the relevant offences referred to in Articles 6 to 10, one or several of the following circumstances may, in accordance with the relevant provisions of national law, be regarded as aggravating circumstances.***

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

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

(c) the offence was committed against a child;

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

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

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

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

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

(i) the ***conduct caused*** the death ▌ of the victim or severe physical or psychological harm for the victim;

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

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

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

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

▌

▌

(oa) the offence was committed against a person due to the fact that they are a public representative, a journalist or a human rights defender;

PUBLIC

PUBLIC

[redacted]

(oc) the intention of the crime was to preserve or restore the so-called "honour" of a person, a family, a community or another similar group;

(od) the intention of the crime was to punish victims for their sexual orientation, gender, skin colour, religion, social origin or political beliefs.

Article 14

Jurisdiction

1. Member States shall take the necessary measures to establish their jurisdiction over the criminal offences referred to in Articles ***6*** to 11 where:

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

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

2. A Member State shall inform the Commission where it decides to extend its jurisdiction to criminal offences referred to in Articles ***6*** to 11 which have been committed outside its territory in any of the following situations:

   [redacted]

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

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

3. Member States shall ensure that their jurisdiction established over the criminal offences referred to in Articles 7 to ***11*** includes situations where the offence is committed by means of information and communication technology accessed from their territory, whether or not the provider of intermediary services is based on their territory.

4. In cases referred to in paragraph 1, point (b), each Member State shall ensure that its jurisdiction ***established over the criminal offences referred to in Article 6 and 6 c*** is not subject to the condition that the acts are punishable as criminal offences in the country where they were performed.

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

Article 15

Limitation periods

1. Member States shall take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision ***of*** criminal offences referred to in Articles ***6*** to 11 for a sufficient period of time after the commission of those criminal offences***, in order for those criminal offences to be tackled effectively. The limitation period shall be commensurate with the gravity of the offence concerned***.

6. If the victim is a child, the limitation period ***for offences referred to in Article 6*** shall commence at the earliest once the victim has reached 18 years of age.

CHAPTER 3
PROTECTION OF VICTIMS AND ACCESS TO JUSTICE

PUBLIC

Article 16

Reporting of violence against women or domestic violence

1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, Member States shall ensure that victims can report ***acts*** of violence against women or domestic violence to the competent authorities ***through accessible, easy-to-use, safe and readily available channels***. This shall include***, at least for the [acts of cyber violence covered in Articles 7 to 10,*** the possibility of reporting ***online or through other accessible and secure information and communication technologies, without prejudice to national procedural rules regarding formalisation of such online reporting. The possibility to report*** online or through other ***accessible and secure*** information and communication technologies ***shall include*** the possibility to submit evidence ***through such means, without prejudice to national procedural rules regarding the formalisation of the submission of such evidence***.

1a. Member States shall ensure that victims have access to legal aid in accordance with Article 13 of Directive 2012/29/EU. Member States may extend legal aid to victims reporting criminal offences, when provided by national law.

2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that ***acts*** of violence against women or domestic violence have occurred, or that ▌ acts of violence are to be expected, to report this to the competent authorities ***without fearing negative consequences***.

3. Member States shall ensure that ▌ healthcare professionals ***subject to confidentiality obligations are able to report*** to the competent authorities if they have reasonable grounds to believe that there is an imminent risk that serious physical harm will be inflicted on a person due to violence ***against women or domestic*** violence ▌ .

3bis ***Member States shall ensure that, where the victim is a child, without prejudice to rules on legal professional privilege or, where provided for under national law, clergy-penitent privilege or equivalent principles, professionals subject to confidentiality obligations under national law are able to report to the competent authorities if they have reasonable grounds to believe that serious physical harm has been inflicted on the child as a result of violence against women or domestic violence.***

4. Where children report ***acts*** of violence against women or domestic violence ***to the competent authorities***, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and language, in accordance with their age and maturity. ***Member States shall ensure that professionals trained to work with children assist in reporting procedures to ensure that they are in the best interests of the child.*** Member States ***shall*** ensure ***that, if the act of violence involves the holder of parental responsibility,*** reporting is not conditional upon this person's consent ***and that the measures which are necessary to protect the safety of the child are taken by the competent authorities before that person is informed about the reporting***.

▌

PUBLIC

Article 17

Investigation and prosecution

1. Member States shall ensure that persons, units or services investigating and prosecuting violence against women or domestic violence have ***adequate expertise in these matters*** and effective investigative tools to effectively investigate and prosecute such ***acts***, especially to gather, analyse and secure electronic evidence in cases of cyberc***rimes in Articles 7 to 10***.

2. Member States shall ensure that reported ***acts*** of violence against women or domestic violence are processed and transferred without delay to the competent authorities for ***the purposes of investigation and*** prosecution and ***for the purpose of adopting protection measures pursuant to Article 21 of this Directive, when necessary***.

3. ***Where*** the competent authorities ***have reasonable grounds to suspect that a criminal offence may have been committed, they*** shall***, without undue delay,*** effectively ***investigate, upon a complaint or ex officio, acts*** of violence against women or domestic violence***. They shall*** ensure that an official ***record,*** is filed in all cases. ***They shall preserve a record of relevant findings and evidence in accordance with national law.***

4. ***In order to assist in the voluntary securing of evidence, in particular in cases of sexual violence,*** the competent authorities shall ***direct victims without undue delay*** to relevant ***healthcare*** professionals or ***to the*** support services referred to in Articles 27, 28 and 29***, specialised in assisting*** in securing ***of*** evidence***. Victims shall be informed of the importance of collecting such evidence at the earliest possible time***.

5. ***Member States shall ensure that*** investigations into or prosecution of ***acts of rape*** shall not be dependent on reporting or accusation by a victim or by their representative, and ***that*** criminal proceedings ***are not discontinued solely because*** the report or accusation has been withdrawn.

PUBLIC

Article 18

Individual assessment to identify victims' protection needs

1. In ***addition to the requirements*** of the individual assessment [redacted] under Article 22 of Directive 2012/29/EU, Member States shall ensure that, ***at least in respect of*** victims ***of sexual violence and domestic violence, the requirements*** set out in [redacted] this Article are ***fulfilled***.

2. ***At the earliest possible stage, such as at*** the first contact ***or as soon as possible after the first contact with the competent authorities, the victim's specific protection needs shall be identified, where appropriate in collaboration with all relevant competent authorities***.

3. The individual assessment shall focus on the risk emanating from the offender or suspect, ***which may include*** the risk of repeated violence, the risk of bodily ***or psychological harm, the possible*** use of ***and access to*** weapons, the offender or suspect living with the victim, an offender or suspect's drug or alcohol misuse, child abuse, mental health issues or behaviour of stalking.

4. The ***individual*** assessment shall take into account the victim's individual circumstances, including whether they experience ***intersectional discrimination, that is*** discrimination based on a combination of sex and other grounds ***of discrimination referred to in Article 21 of the Charter*** and therefore face a heightened risk of violence, as well as the victim's own account and assessment of the situation. It shall be conducted in the best interest of the victim, paying special attention to the need to avoid secondary or repeated victimisation.

5. Member States shall ensure that ***the competent authorities take*** adequate protection measures***, with due regard to*** the individual assessment***. Those measures may include***:

PUBLIC

(a) measures ***under*** Articles 23 and 24 of Directive 2012/29/EU;

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

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

6. ***When appropriate,*** the individual assessment shall be undertaken in collaboration with ***other*** relevant competent authorities depending on the stage of the proceedings, and relevant support services, such as victim protection centres***, specialised services, social services, healthcare professionals,*** shelters, ***specialist support*** services and ***other relevant stakeholders***.

7. Competent authorities shall ***review the*** individual assessment at regular intervals ***and, where relevant, take new or update ongoing*** protection measures ***in accordance with paragraph 5, to ensure that they address the victim's current situation***.

8. Victims' dependants shall be presumed to have specific protection needs without undergoing the assessment referred to in paragraphs 1 to 6***, unless there are indications that these dependants do not have specific protection needs***.

Article 19

Individual assessment of victims' support needs

1. Member States shall ensure that, taking into account the individual assessment referred to in Article 18, the competent authorities assess the victim's ***individual needs for support as provided for under Chapter 4. Competent authorities shall also assess the victim's dependants'*** individual needs for support as provided ▌ under Chapter 4***, unless there are indicators that these dependants do not have specific support needs***.

2. Article 18(4)***, (6) and (7) applies*** to the individual assessment of ***victims'*** support needs under paragraph 1 of this Article.

Article 20

Referral to support services

1. If the assessments referred to in Articles 18 and 19 have identified specific support or protection needs or if the victim requests support, Member States shall ensure that support services***, such as specialist support services, in cooperation with the competent authorities,*** contact victims to offer support***, with due regard to their safety. Member States may make the contact subject to the victim's consent***.

2. The competent authorities shall respond to ***the victim's request*** for protection and support***, without undue delay and in a*** coordinated manner.

3. Where needed, ***competent authorities*** shall be able to refer child victims ▌ to support services***, when necessary*** without the prior consent of the holder of parental responsibility.

4. Member States shall ensure ***that the competent authorities transmit*** relevant personal data concerning the victim and ***the*** situation ***of the victim*** to the relevant support services, where this is necessary to ensure that the victim receives appropriate support and protection. Such transmission shall be confidential. ***Member States may make the transmission subject to the victim's consent.***

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

PUBLIC

Article 21

Emergency barring, restraining and protection orders

1. Member States shall ensure that, in situations of immediate danger for the victim's or their dependant's health or safety, the competent authorities ***are granted the power to*** issue orders ***without undue delay*** addressed at an offender or suspect of violence covered by this Directive to vacate the residence of the victim or their dependants for a sufficient period of time and to prohibit the offender or suspect from entering***, or coming closer than a prescribed distance from, that residence or*** the residence or to enter the victim's workplace or ***from*** contacting the victim or their dependants in any way. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence***, or on the initiation of an individual assessment pursuant to Article 18***.

2. Member States shall ensure that the competent authorities ***are granted the power to*** issue restraining or protection orders to provide ▌ protection for ***as long as necessary for victims*** against any acts of violence covered by this Directive ▌ .

2bis. Where the victim is an adult, Member States may require, in accordance with their national law, that emergency barring, restraining and protection orders, provided for in paragraphs 1 and 2, shall be issued at the request of the victim.

▌

▌

▌

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

4. Any breaches of emergency barring or restraining and protection orders shall be subject to effective, proportionate and dissuasive criminal or other legal penalties. ***Member States shall ensure that, where such a breach occurs, a revision of the individual assessment is considered in accordance with Article 18 (7), when necessary.***

4a. Member States shall ensure that victims are offered the opportunity to be notified, without undue delay, when there is a breach of emergency barring, restraining or protection orders which may have an impact on their safety.

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

Article 22

Protection of victim's private life

Member States shall ensure that, in criminal proceedings, evidence concerning ***the*** past sexual conduct of the victim or other aspects of the victim's private life related thereto ***shall be*** permitted ***only when it is relevant and necessary***.

PUBLIC

Article 23

Guidelines for law enforcement and *prosecutorial* authorities

1. Member States ***may*** issue guidelines ***concerning cases of violence against women or domestic violence,*** for the competent authorities acting in criminal proceedings, including prosecutorial ▌ guidelines***. Those guidelines shall be gender sensitive and advisory in nature and may*** include guidance on:

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

(aa) how to gather and preserve relevant evidence, including online evidence;

(b) how to conduct the individual assessment ***under Articles 18 and 19 and individual assessment of victims' support needs, including the process for review***;

(ba) how to handle cases which may require the issuance and/or the implementation of emergency barring, restraining or protection orders;

(c) how to treat victims in a trauma, gender***, disability*** and child-sensitive manner ***and how to ensure the child's right to be heard and the best interests of the child***;

(d) how to ensure ***that victims are treated in a respectful way and that*** the proceedings are conducted in ***such*** a manner as to prevent secondary or repeat victimisation;

(e) how to cater to the enhanced protection and ***all relevant*** support needs of victims experiencing discrimination based on a combination of sex and other grounds ***as referred to in Article 35 (1)***;

(f) how to ***identify and*** avoid gender stereotypes; ***and raise awareness on all victim groups in the context of domestic violence;***

PUBLIC

(g) how to refer victims to ***specialist*** support ***services, including medical*** services, to ensure the appropriate treatment of victims and handling, of cases of violence against women or domestic violence ***without undue delay;***

(h) how to ensure the protection of the victim's privacy and confidential information.

2. In order to ensure the appropriate update, the guidelines referred to in the first paragraph shall be reviewed where necessary, having regard to the way they apply in practice.

Article 24

Role of national bodies *including* equality bodies ▌

Member States shall designate and make the necessary arrangement for a body or bodies to carry out the following tasks***, for which they may consult with civil society organisations***:

▌

(b) publish reports and make recommendations on any issue relating to ***violence against women and domestic*** violence***, including gathering existing good practices***;

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

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

▌

PUBLIC

Article 25

Measures to remove certain online material

1. ***Without prejudice to Regulations (EU) 2022/2065,*** Member States shall take the necessary measures to ensure the prompt removal of ***or disabling access to online publicly accessible*** material referred to in ***[***Article 7, ***point 1*** (a) and (b) and Articles 9 and 10***]***. Those measures shall include the possibility for their competent ▌ authorities to issue ▌ binding legal orders to remove or disable access to such material***. Member States shall ensure that the orders meet, at least, the conditions set out in Article 9 (2) of Regulation (EU) 2022/2065***.

2. ***The orders to remove or disable access to the material concerned shall be addressed to hosting service providers. To cover situations where removal would not be feasible, the competent authorities may also address the orders to disable access to other relevant intermediary service providers that have the technical and operational ability to act against the material concerned.***

▌

▌

▌

3. ▌ Member States shall ensure that, where criminal proceedings regarding the offences referred to in Article 7, point ***1*** (a) and (b) ***and*** Article 9 or Article 10 are terminated without leading to the finding of such an offence having been committed, the orders are invalidated and the ***hosting services providers or other relevant*** intermediary ***service providers*** concerned ***by the orders are*** informed thereof.

PUBLIC

4. Member States shall ensure that the orders and other measures referred to in ***paragraph 1*** are taken following transparent procedures and are subject to adequate safeguards, in particular to ensure that those orders and other measures are limited to what is necessary and proportionate and that due account is taken of the rights and interests of all ***relevant*** parties involved***, including their fundamental rights in accordance with the Charter. Member States shall ensure that hosting service providers, other relevant intermediary service providers, and content providers affected by an order referred to in paragraph 1 have a right to an effective judicial remedy. That right shall include the right to challenge such an order before the courts of the Member State of the competent authority that issued the order***.

5. Member States shall ensure that the ▌ relevant ***content providers*** are informed, where appropriate by the ***hosting service providers, or, where relevant, by any other relevant*** intermediary service providers concerned, of the reasons for the removal of or disabling access to the material pursuant to the orders or other measures referred to in ***paragraph*** 1 and ***of the possibility to*** have access to judicial redress.

6. Member States shall ensure that the removal of or disabling access to the material pursuant to the orders or other measures referred to in ***paragraph 1*** does not prevent the competent authorities***, without undue delay,*** from obtaining or securing the evidence necessary for the investigation and prosecution of the offences referred to in ***Article 7, point 1*** (a) and (b), ▌ Article 9 or Article 10.

PUBLIC

Article 26

Compensation from offenders

1. Member States shall ensure that victims have the right to claim full compensation from offenders for damages resulting from ***offences*** of violence against women or domestic violence***, in accordance with national law***.

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

PUBLIC

CHAPTER 4
VICTIM SUPPORT

PUBLIC

Article 27

Specialist support to victims ▌

1. Member States shall ensure that specialist support services referred to in ***Articles 8(3) and*** 9(3) of Directive 2012/29/EU are available for victims of acts of violence covered by this Directive***, irrespective of whether they have filed a formal complaint. Where specialist support services are not provided as an integrated part of general victim support services, general and specialist support services shall be well coordinated***. The specialist support services shall provide:

   (a) ***information and support on*** relevant ▌ practical matters arising as a result of the crime, including on access to housing, education, ***childcare,*** training***, financial support*** and assistance to remain in or find employment;

   (aa) information about access to legal counselling, including possibilities of legal aid, where available;

   (b) ***Information on and, where appropriate, referral to, services providing*** medical ***and*** forensic examinations***, which may include comprehensive healthcare services, and on psychosocial counselling, including trauma care***;

   (c) support to victims of cyberc***rimes in Articles 7 to 10***, including ***on how to document the act and information on*** judicial remedies and remedies to remove online content related to the crime***;***

(ca) information on and, where appropriate, referral to women's support services, rape crisis centres, shelters and sexual violence referral centres.

(caa) information on and, where appropriate, referral to specialist support services for victims at an increased risk of violence, which may include services for rehabilitation and socio-economic integration after sexual exploitation;

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

3. Member States shall ensure sufficient human and financial resources to provide the services referred to in paragraph 1***. Where such services are provided by non-governmental organisations, Member States shall provide the latter with adequate funding, taking into account the proportion of*** services ***already*** provided by ***public authorities***.

4. Member States shall provide the protection and specialist support services necessary to comprehensively address the multiple needs of victims ***of violence against women and domestic violence either by providing these services, including those provided by non-governmental organisations,*** at the same premises, or ***by coordinating*** services ▌through a ▌contact point, or ***by facilitating*** access to such services ***through one-stop online access. The*** services ***included shall*** at least ***cover*** first hand medical care and ***referral to further medical care, as provided in the national healthcare system, as well as*** social services, psychosocial support, legal ▌and police services***, or information on and direction to such services***.

PUBLIC

5. Member States shall ***ensure that*** guidelines and protocols for healthcare and social service professionals on identifying and providing appropriate support to victims of all forms of violence against women and domestic violence ***are issued***, including on referring victims to the relevant support services ***and avoiding secondary victimisation***. Such guidelines and protocols shall also indicate how to address the specific needs of victims who are at an increased risk of such violence as a result of their experiencing discrimination based on a combination of sex and other grounds of discrimination. ***Such guidelines shall be created in a gender-,trauma- and child-sensitive manner in cooperation with specialist support service providers and shall be reviewed and where appropriate, updated to reflect changes in law and practice.***

5a. Member States shall ensure that guidelines and protocols for health-care services performing first hand medical care are issued on identifying and providing appropriate support to victims of violence against women and domestic violence. Such guidelines and protocols shall cover preservation and documentation of evidence, and its further transmission to competent forensic centres in accordance with national law.

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

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

PUBLIC

Article 28

Specialist support for victims of sexual violence

1. Member States shall provide for appropriately equipped, easily accessible rape crisis or sexual violence referral centres***, which may form part of the healthcare system,*** to ensure effective support to victims of sexual violence ***and clinical management of rape***, including assisting in the ***safekeeping*** and documentation of evidence. ***Those*** centres shall provide for ***trauma-sensitive support and, where necessary, referral to specialised*** trauma support and ***counselling for victims***, after the offence has been perpetrated***. In addition, Member States shall ensure that victims of sexual violence have access to medical and forensic examinations. These examinations may be provided in the centres referred to in this paragraph or through referral to specialised centres or units; in such case Member States shall ensure coordination between the referral centres and competent medical and forensic centres***. Where the victim is a child, such services shall be provided in a child-friendly manner.

1a. Member States shall provide for victims of sexual violence to have timely access to healthcare services, including sexual and reproductive healthcare services, in accordance with national law.

2. The services referred to in paragraph 1 ***and 1a*** shall be available free of charge***, without prejudice to those services that are provided for under the national health care system,*** and accessible every day of the week. They may be part of the services referred to in Article 27.

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

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

Article 29

Specialist support for victims of female genital mutilation ▌

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

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

▌

▌

Article 30

Specialist support for victims of sexual harassment at work

In cases of sexual harassment at work that constitute a criminal offence under national law, Member States shall ensure ***that*** counselling services are available for victims and employers ▌ . These services shall include ***information on ways to*** adequately ***address*** such instances***, including on*** available ***remedies*** to remove the offender from the workplace ▌ .

▌

▌

▌

PUBLIC

PUBLIC

Article 31

Helplines for victims

1. Member States shall ***ensure that*** state-wide round-the-clock (24/7) telephone helplines ***are available***, free of charge, to provide ***information and*** advice ***to*** victims of violence against women and domestic violence. ***Such helplines may be operated by specialist support services, in accordance with national practice. Such information and*** advice shall be provided ***on a confidential basis*** or with due regard for ***the victim's*** anonymity. Member States ***are encouraged to provide*** such service also through other ***secure and accessible*** information and communication technologies, including online applications.

2. Member States shall take appropriate measures to ensure the accessibility of ***the*** services referred to in paragraph 1 for end-users with disabilities, including providing support in easy to understand language. Those services shall be accessible in line with the accessibility requirements for electronic communications services set in Annex I to Directive 2019/882/EU of the European Parliament and of the Council[14].

2a. Member States shall strive to ensure the provision of those services in a language that victims can understand, including by means of telephone interpreting.

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

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

4. ▌ Member States ***are encouraged to*** ensure that the service under paragraph 1 for victims of violence against women is ***reachable*** under the harmonised number at EU level ***"***116 016***" in addition to any existing national*** number***(s)***.

4a. Member States shall ensure that the end-users are adequately informed of the existence and number of helplines, including through regular awareness-raising campaigns.

▌

Article 32

Shelters and other interim accommodations

1. The shelters and other appropriate interim accommodations as provided for in Article 9(3), point (a), of Directive 2012/29/EU shall ***specifically*** address the ▌ needs of ▌ victims of domestic violence and sexual violence ***, including those of victims at an increased risk of violence***. They shall assist ***victims*** in their recovery ***by*** providing ***safe, easily accessible,*** adequate and appropriate living conditions with a view ***to*** a return to independent living ***and by providing information on support services and referrals, including for further medical care;***

2. The shelters and other appropriate interim accommodations shall be ***provided in sufficient numbers and easily accessible and*** equipped to accommodate the specific ***needs of women, including by providing women-only shelters with room for their children, and ensuring the rights and*** needs of children, including child victims.

PUBLIC

3. The shelters and other appropriate interim ***accommodation*** shall be available to victims***, and their dependents under the age of 18,*** regardless of their nationality, citizenship, place of residence or residence status.

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

Article 33

Support for child victims

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

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

▌

3. Where it is necessary to provide for interim accommodation, children***, after having heard their views on the matter, taking into account their age and maturity,*** shall as a priority***,*** be placed together with other family members, in particular with a non-violent parent in permanent or temporary housing, equipped with support services. ***The principle of the best interests of the child*** shall be ***decisive when assessing matters regarding interim accommodation***.

▌

PUBLIC

Article 34

Safety of children

Member States shall ensure that the relevant competent authorities may have access to information regarding acts of violence against women or domestic violence involving children, in so far as necessary to allow that this can be taken into account when assessing the best interests of the child in the framework of civil proceedings concerning those children.

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

Article 35

Targeted support for victims with *intersectional* needs and groups at risk

1. Member States shall ensure the provision of specific support to victims ***experiencing intersectional discrimination based on a combination of sex and other protected ground or grounds that are at an increased risk of violence against*** women ***or domestic violence***.

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

PUBLIC

3. The support services shall be available for third-country nationals who are victims of violence against women and domestic violence, ***in accordance with the principle of non-discrimination referred to in Article 1 of Directive 2012/29/EU***. Member States shall ensure that victims who request so may be kept separately from persons of the other sex in detention facilities for third-country nationals subject of return procedures, or accommodated separately in reception centres for applicants for international protection.

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

PUBLIC

CHAPTER 5

PREVENTION *AND EARLY INTERVENTION*

PUBLIC

Article 36

Preventive measures

1. Member States shall take appropriate actions to prevent violence against women and domestic violence ***by adopting a comprehensive multi-layered approach.***

2. Preventive measures shall include ***conducting or supporting targeted*** awareness-raising campaigns ***or programmes from the earliest ages, which may include*** research and education programmes, ***to increase awareness and understanding among the general public of the different manifestations and root causes of all forms of violence against women and domestic violence, the need for their prevention and,*** where appropriate***, their consequences in particular on children. Where relevant , such programmes may be*** developed in cooperation with relevant civil society organisations***, specialist services***, social partners, impacted communities and other stakeholders.

3. Member States shall make information on preventive measures, the rights of victims, access to justice and to a lawyer, and the available protection and support measures***, including medical treatment,*** available ***and easily accessible*** to the general public***, taking into account the most widely spoken languages in their territory***.

4. Targeted action shall be ***focused on*** groups at ***heightened*** risk, ***such as those referred in article 35(1). Information for children shall be formulated or adapted in a child-friendly way***. Information ▌ shall be ***presented in formats accessible to people with disabilities***.

5. Preventive measures shall in particular aim ***to challenge*** harmful gender stereotypes, ***, to promote gender*** equality***, mutual respect, and the right to personal integrity, and to encourage all, especially*** men and boys, to act as positive role models to support corresponding behaviour changes across society as a whole in line with the objectives of this directive.

5a. Preventive measures shall aim to target and reduce the demand for victims of sexual exploitation.

6. Preventive measures shall develop ***or*** increase sensitivity about the harmful practice of female genital mutilation ***and forced marriage, taking into account the number of persons at risk of, or affected by, that practice in the Member State concerned***.

7. Preventive measures shall also specifically address cyberc***rimes in Articles 7 to 10***. In particular, Member States shall ensure that ***such*** measures include the development of digital literacy skills, including critical engagement with the digital world ***and critical thinking*** to enable users to identify and address cases of cyber violence, ***to*** seek support and ***to*** prevent its perpetration. Member States shall foster multidisciplinary and stakeholder cooperation, including ***relevant*** intermediary services ***providers*** and competent authorities***,*** to develop and implement measures to tackle cyberc***rimes in Articles 7 to 10***.

8. ***Without prejudice to Article 26 of Directive 2006/54/EC,*** Member States shall ***take adequate and appropriate measures to address*** sexual harassment at work***, when it constitutes a criminal offense under national law,*** in relevant national policies. Those national policies ***may*** identify and establish ***the*** targeted actions referred to in paragraph 2 for sectors where workers are most exposed.

PUBLIC

Article 36a

Specific prevention measures of rape and the promotion of the central role of consent in sexual relationships

1. ***Member States shall take appropriate measures to promote changes in behavioural patterns rooted in the historically unequal power relations between women and men or on stereotyped roles for women and men, in particular in the context of sexual relationships, sex and consent.***

Such measures shall be based on the principles of gender equality, non-discrimination and fundamental rights and shall address, in particular, the central role of consent in sexual relationships, which must be given voluntarily as a result of the person's free will. The measures shall include awareness raising campaigns or programmes, the making available and distribution of consent education material and the wide dissemination of information on measures of rape prevention.

They shall be promoted or conducted on a regular basis, including, where appropriate, in cooperation with civil society and non-governmental organisations, especially women's organisations.

2. ***Awareness raising campaigns or programmes shall aim, in particular, to increase knowledge of the fact that non-consensual sex is considered a criminal offence.***

3. ***Consent education material shall promote the understanding that consent must be given voluntarily as a result of a person's free will, mutual respect, right to sexual integrity and bodily autonomy. The material shall be adapted to the evolving capacity of to whom it is addressed.***

4. ***Information shall be widely disseminated with a view to informing the general public about existing measures of rape prevention, including the availability of intervention programmes referred to in Article 38.***

Article 37

Training and information for professionals

1. Member States shall ensure ***that officials*** likely to come into contact with victims, ***such as police officers and court*** staff, receive both general and specialist training and targeted information to a level appropriate to their contacts with victims, to enable them to identify, prevent and address instances of violence against women or domestic violence and to treat victims in a ***trauma-sensitive, gender-sensitive*** and child-sensitive manner.

1a. Member States shall promote or offer training to healthcare professionals, social services and educational staff likely to come in contact with victims, in order to enable them to identify instances of violence against women or domestic violence and to direct victims to specialist support services.

1b. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall take the necessary measures to ensure that both general and specialist training is provided for judges and prosecutors involved in criminal proceedings and investigations with respect to the objectives of this Directive and appropriate to the functions of these authorities. Such training shall be human-rights based, victim-centred, gender-, disability- and child-sensitive.

1c. With due respect for the independence of the legal profession, Member States shall recommend that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims of violence against women or domestic violence and to treat victims in a trauma-, gender- and child-sensitive manner.

PUBLIC

2. Relevant health professionals, including paediatricians***, gynaecologists, obstetricians,*** midwives ***and healthcare staff involved in psychological support***, shall receive targeted training to identify and address, in a ***culturally- sensitive*** manner, the physical, psychological and sexual consequences of female genital mutilation.

3. Persons with supervisory functions in the workplace, in both the public and private sectors, shall receive training on how to recognise, prevent and address sexual harassment at work, ***when it constitutes a criminal offense under national law***. Those persons and employers shall receive information***,*** about the effects of violence against women and domestic violence on work and the risk of third party violence.

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

5. Without affecting media freedom and pluralism, Member States shall encourage and support the setting up of media training activities by media professionals' organisations, media self-regulatory bodies and industry representatives or other relevant independent organisations, to combat stereotypical portrayals of women and men, sexist images of women, and victim-blaming in the media, aimed at reducing the risk of violence against women or domestic violence. ***These training activities may be provided by relevant civil society organisations, non-governmental organisations working with victims of violence against women or domestic violence, social partners and other stakeholders.***

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

PUBLIC

7. Training activities referred to in paragraphs 1***, 1a, 1b, 1c*** and 2 shall be ***sustained with appropriate follow-up***, including on ***cybercrimes in Articles 7 to 10***, and built on the specificities of violence against women and domestic violence. Such training activities ***may*** include training on how to identify and address the specific protection and support needs of victims who face a heightened risk of violence due to their experiencing discrimination based on a combination of sex and other grounds.

▌

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

Article 38

Intervention programmes

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

2. The intervention programmes shall be made available for participation ***to persons who committed an offence of violence against women or domestic violence and may be made available to other*** persons who ***are assessed as being at risk for committing such offences. This may include persons who feel the need to participate, for example because they*** fear they might commit any offence of violence against women or domestic violence.

3. Member States shall ensure that an offender of the offence of rape is encouraged to participate in an intervention programme.

PUBLIC

CHAPTER 6
COORDINATION AND COOPERATION

PUBLIC

Article 39

Coordinated policies and coordinating body

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

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

3. That body***, or one of the bodies designated pursuant to paragraph 2,*** shall coordinate the collection of data referred to in Article 44, and analyse and disseminate its results.

4. ***Member States*** shall ***ensure that policies are coordinated*** at the central ***level as well as, where appropriate, at the*** regional ***and/or*** local levels***, in accordance with the distribution of competences in the Member State concerned***.

Article 39a

National action plans for preventing and combatting violence against women and domestic violence

1. Member States shall adopt [by two years from the final date of transposition of this directive] national action plans for preventing and combatting gender-based violence (the 'national action plans'), in consultation with specialist support services, where relevant.

2. The national action plans may include priorities and actions for preventing and combatting violence against women and domestic violence, their targets and monitoring mechanisms, the resources necessary to achieve them and how those resources are to be allocated.

3. Member States shall ensure that these national action plans are reviewed and updated to ensure that they remain relevant.

Article 40

Multi-agency coordination and cooperation

1. Member States shall put in place appropriate mechanisms***, with due regard to national law or practice,*** to ensure effective***,*** coordination and cooperation ▌ of relevant authorities, agencies and bodies, including ***ombudsmen,*** local and regional authorities, law enforcement ▌, the judiciary, ***with due respect for judicial independence***, support ***services, in particular women specialist support services,*** as well as non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities***, in protecting and supporting victims from violence against women and domestic violence***.

PUBLIC

2. Such mechanisms ***of coordination and cooperation*** shall in particular pertain***, in so far as relevant,*** to the individual assessments under Articles 18 and 19, and the provision of protection and support measures under Article 21 and Chapter 4, the ***advisory in nature guidelines*** under Article 23, and in the trainings for professionals as referred to in Article 37.

Article 41

Cooperation with non-governmental organisations

Member States shall cooperate with and ***hold regular consultations with*** civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence, in particular in providing ***adequate*** support to victims ▌ concerning policymaking initiatives, information and awareness-raising campaigns, research and education programmes***,*** and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims.

Article 42

Cooperation between intermediary service providers

Member States shall ***encourage self-regulatory cooperation between relevant intermediary service providers, such as codes of conduct, and raise awareness on*** self-regulatory measures ***which may be adopted by relevant intermediary service providers*** in connection ***with*** this Directive, in particular to reinforce ***mechanisms that they implement*** to tackle the online material referred to in Article 25(1) and to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein.

PUBLIC

Article 43

Union level cooperation

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

(a) exchanging best practices ***with*** each other ***through established networks working on matters relevant to violence against women and domestic violence, as well as with Union agencies, within their respective mandates.***

(b) ***when necessary, consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters, within their respective mandates***;

Article 44

Data collection and research

1. Member States shall have a system in place for the collection, development, production and dissemination of statistics on violence against women or domestic violence.

2. The statistics shall***, as a minimum,*** include the ***existing data, available at a central level,*** disaggregated by sex, age ***group (child/adult)*** of the victim and of the offender, ***and, where possible and relevant,*** relationship between the victim and the offender and type of offence***.***

PUBLIC

(b) the annual number of ▌ reported offences, of ***convictions*** of such forms of violence, obtained from national administrative sources.

▌

(bb) the number of victims who have been killed due to violence against women or domestic violence

(bc) the number and capacity of shelters per Member State;

▌

(be) the number of calls to national helplines.

Member States shall ***endeavour to conduct*** population-based ***surveys at regular intervals to*** assess the prevalence of and trends in all forms of violence covered by this Directive.

Member States shall transmit those data to the Commission (Eurostat) ***as soon as they become available***.

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

5. The European Institute for Gender Equality shall support Member States in the data gathering referred to in paragraph 2 ▌ including by establishing common standards ***taking into account the requirements set out in paragraph 2***.

6. The Member States shall make the collected statistics available to the public ***in an easily accessible manner***. The statistics shall not contain personal data.

PUBLIC

7. ***Until at least the end of the current Multi-Annual Financial Framework 2028, the Commission will*** support ***or conduct*** research on root causes, effects, incidences and conviction rates of the forms of violence covered by this Directive.

PUBLIC

CHAPTER 7
FINAL PROVISIONS

Article 47

Reporting *and review*

1. By ***five*** years after the ***end of the transposition period for*** this Directive ▌ at the latest, Member States shall communicate to the Commission all relevant information concerning the ***functioning*** of this Directive necessary for the Commission to draw up a report on the ***evaluation*** of this Directive.

2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall ***carry out an evaluation of the impact of this Directive and of whether the objective of preventing and combating violence against women and domestic violence across the Union has been achieved and*** submit to the European Parliament and the Council a report***. The report shall in particular assess, whether an extension of the scope of the*** Directive ***and the introduction of new offences is necessary. The report shall be accompanied by a legislative proposal, if necessary***.

2a. By 5 years after the end of the transposition period at the latest, the Commission will assess whether further measures at EU level are necessary to effectively tackle sexual harassment and violence in the workplace taking into account applicable international Conventions, the EU's legal framework in the area of equal treatment of men and women in matters of employment and occupation and the legal framework on occupational safety and health.

PUBLIC

Article 48

Relationship with other Union acts

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

   (a) Directive 2011/36/EU,

   (b) Directive 2011/93/EU,

   (c) Directive 2011/99/EU,

   (d) Directive 2012/29/EU,

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

   (f) ▌Regulation (EU) ***2022/2065***.

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

Article 48bis

Freedom of the press and the freedom of expression in other media

This Directive shall not affect special liability regimes relating to fundamental principles on to the freedom of the press and the freedom of expression in protected media which exist in Member States at the time of adoption of this Directive, provided these provisions can be applied in full compliance with the Charter.

PUBLIC

Article 49

Non-regression clause

The implementation of this Directive shall ***not constitute grounds for justifying a reduction in the level of protection of victims. The prohibition of such a reduction in the level of protection shall be without prejudice to the right of*** Member States ***to lay down, in light of changing circumstances, legislative or regulatory arrangements other than those in force on the date*** of entry into force of this Directive***, provided that the minimum requirements laid down in this Directive are complied with***.

Article 50

Transposition

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

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

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

PUBLIC

Article 51

Entry into force

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

Article 52

Addressees

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

Done at Strasbourg,

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

PUBLIC