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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating violence against women and domestic violence - Outcome of the European Parliament's first reading (Strasbourg, 22 to 25 April 2024)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure[1], a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

[1] OJ C 145, 30.6.2007, p. 5.

In this context, the Chair of the Committee on Women's Rights and Gender Equality (FEMM) Robert BIEDROŃ (S&D, PL) presented on behalf of FEMM a compromise amendment (amendment number 298) to the abovementioned proposal for a Directive, for which the rapporteurs, Frances FITZGERALD (EPP, IE) and Evin INCIR (S&D, SE), had prepared a draft report. This amendment had been agreed during the informal contacts referred to above.

In addition, a number of EPP, S&D, RE and NA members tabled one amendment (amendment number 299).

II. VOTE

When it voted on 24 April 2024, the plenary adopted the compromise amendment (amendment number 298) to the abovementioned proposal for a Directive. No other amendments were adopted. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto[2].

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

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[2] The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics.*** The symbol " ▌ " indicates deleted text.

P9_TA(2024)0338

Combating violence against women and domestic violence

European Parliament legislative resolution of 24 April 2024 on the proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence (COM(2022)0105 – C9-0058/2022 – 2022/0066(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2022)0105),

– having regard to Article 294(2) and Articles 82(2) and 83(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0058/2022),

– having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Chamber of Deputies, asserting that the draft legislative act does not comply with the principle of subsidiarity,

– having regard to the opinion of the European Economic and Social Committee of 13 July 2022[1],

– having regard to the provisional agreement approved by the committees responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 14 February 2024 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

– having regard to Rule 59 and 40 of its Rules of Procedure,

– having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality under Rule 58 of the Rules of Procedure,

– having regard to the opinion of the Committee on Employment and Social Affairs, the Committee on Budgets and the Committee on Legal Affairs

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality of the (A9-0234/2023),

[1] OJ C 443, 22.11.2022, p. 93.

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2022)0066

Position of the European Parliament adopted at first reading on 24 April 2024 with a view to the adoption of Directive (EU) 2024/… 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[2],

[1] OJ C 443, 22.11.2022, p. 93.

[2] Position of the European Parliament of 24 April 2024.

Whereas:

(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 relation to 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 (TEU) 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 those very values and rights, 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***, the right to the protection of personal data, ***the right to non-discrimination, including on the grounds of sex,*** and the rights of the child, as enshrined in the Charter ***and the United Nations Convention on the Rights of the Child***.

(4) 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 ***and the United Nations Convention on the Rights of Persons with Disabilities,*** and, where relevant, the Council of Europe Convention on preventing and combating violence against women and domestic violence 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.

(5) In light of the specificities related to the offences of violence against women and domestic violence, it is necessary to lay down a comprehensive set of rules which address the persisting problem of violence against women and domestic violence in a targeted manner and cater to the specific needs of victims of such violence. The existing provisions at Union and national level have proven to be insufficient to effectively combat and prevent violence against women and domestic violence. In particular, while Directives 2011/36/EU[3] and 2011/93/EU[4] of the European Parliament and of the Council, which concentrate on specific forms of such violence, and Directive 2012/29/EU of the European Parliament and of the Council[5], which lays down the general framework for victims of crime, provide some safeguards for victims, meaning, for the purposes of this Directive, victims of violence against women and domestic violence, they do not address their specific needs.

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3 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

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

5 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).

(6) Violence against women and domestic violence can be exacerbated where it intersects with discrimination based on ***a combination of*** sex and any other ground or grounds of discrimination as ***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 ('intersectional discrimination'). 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***.

(7) Victims are at an increased risk of intimidation, retaliation and secondary and repeat victimisation. ***Member States*** should ***ensure that particular attention is paid*** to those risks and to the need to protect the dignity and physical integrity of such victims. ***Previous acquaintance or a previous relationship with the offender is a factor that should be taken into account when assessing the risk of retaliation.***

(8) Victims should be able to access their rights before, during and for an appropriate time after criminal proceedings in accordance with their needs and under the conditions set out in this Directive.

(9) ***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. That 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*** and cyber incitement to violence or hatred, and criminal conduct covered by other Union legal ***acts***, in particular Directives 2011/36/EU and 2011/93/EU. Lastly, certain criminal offences under national law fall under the definition of violence against women. They include offences 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 could 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 can 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***.

(10) 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 inflicted primarily on women and girls by men. It is rooted in ▌ socially constructed roles, behaviour, 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***.

(11) 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 is typically a person known to the victim and whom ***the victim*** would expect to be able to trust. Such violence can take various forms, including physical, sexual, psychological and economic forms, ***and can occur within a variety of relationships***. Domestic violence ***often includes coercive control and*** can occur whether or not the offender shares or has shared a household with the victim.

(12) The measures under this Directive are 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 by this Directive, namely violence against women and domestic violence. ▌ However, ▌ other persons ▌ also fall victim to those forms of violence and should ***therefore also*** benefit from the ***same*** measures ***for victims*** provided for ***in this Directive***. Therefore, the term 'victim' should refer to all persons, regardless of their ▌ gender, ***and, unless specified otherwise in this Directive, all victims should benefit from the rights related to the protection of victims and access to justice, victim support and preventive measures***.

(13) Due to their vulnerability, ***witnessing domestic violence can be devastating for children. Children who witness domestic violence within the family*** or domestic ***unit typically suffer*** direct ***psychological and*** emotional harm ***that*** impacts their development ***and run an increased risk of suffering from physical and mental illness, both in the short and long term. The acknowledgment 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***.

(14) For the purposes of this Directive, 'competent authorities' should be understood to be the authority or authorities designated under national law as competent to carry out a duty as provided for in this Directive. Each Member State should determine which authorities are to be competent for each of those duties.

(15) Pursuant to Article 288 of the Treaty on the Functioning of the European Union (TFEU), ***a directive is to be binding, as to the result to be achieved, upon each Member State to which it is addressed, but is to leave to the national authorities the choice of form and methods. However, given the special nature of the offence of*** female genital mutilation ***and the need to ensure the protection of*** victims ***who suffer specific damage as a result thereof***, that 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 woman or a girl and that is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over women's and girls' sexuality. It is sometimes performed in the context of child forced marriage or domestic violence. Female genital mutilation can 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 to victims.*** Female genital mutilation ***leads to psychological and social damage, which severely affects the victim's quality of life***. The term 'excising' should refer to the partial or total removal of the clitoris and the labia majora. The term 'infibulating' should refer to 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.

(16) 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. This Directive is without prejudice to the definitions of 'marriage' provided for 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 adjudication 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 for and commensurate with the gravity of the offence in question in order to allow for the efficient initiation of proceedings after the victim has reached 18 years of age.

(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 ('ICT') and those technologies are used to significantly amplify the severity of the harmful impact of the offence, 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.*** Cyber violence 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***, causes social exclusion, anxiety and inducement to inflict self-harm and*** can, in extreme cases, lead to suicide.

(18) The use of ICT 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 to the victim. The potential for such amplification, which is a pre-requisite for the perpetration of several offences of cyber violence defined in this Directive, should be reflected by the element of making certain material 'accessible to the public' by means of ICT***. The terms 'accessible to the public' and 'publicly accessible'*** should be understood as referring to ***potentially*** reaching a ▌ number of ***persons. Those terms should be interpreted and applied having regard to the relevant circumstances, including*** the technology ***used to make that material accessible. Moreover, in order to only set minimum rules for the most serious forms of cyber violence, the relevant offences defined in this Directive are 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 his or her own safety or that of dependants. In each case, when assessing whether the conduct is likely to cause serious harm, the specific*** circumstances ***of the case should be taken into account, without prejudice to judicial independence. The likelihood of causing serious harm can be inferred from objective factual circumstances. This Directive establishes a minimum legal framework in that regard, and Member States are free to adopt or maintain more stringent criminal rules***.

(19) Especially due to its tendency for easy, swift and broad distribution and perpetration, as well as its intimate nature, making ▌ images, videos ***or similar*** material ***depicting sexually explicit*** activities ***or the intimate parts of a person accessible to the public by means of ICT without that person's consent*** can be very harmful for victims. The relevant offence defined 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 cover situations where making the material accessible to ***the public*** by means of ICT occurs without the victim's consent, irrespective of whether the victim consented to the generation of the material or might 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 a person is engaged in sexual activities, in so far as the material is subsequently made accessible to ***the public*** by means of ICT 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, depicts the sexual activities of a person, and would falsely appear to other persons to be authentic or truthful. In the interest of effectively protecting victims from such conduct, threatening to engage in such conduct should also be covered.

(20) The dissemination of images, videos or other material depicting sexually explicit activities or the intimate parts of a person without that person's consent to the public by means of ICT should not be criminalised, where such non-criminalisation is necessary to safeguard the fundamental rights protected under the Charter, 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 the freedom of the arts and sciences, including academic freedom. Moreover, the offence 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 should be able to exempt a person from responsibility under specific circumstances, for example where telephone or internet helplines handle material in order to report an offence to authorities.

(21) Cyber stalking is a modern form of violence which is often perpetrated against family members or persons living in the same household as the offender but is also perpetrated by ex-partners or acquaintances. Typically, technology is misused by the offender 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, by means of ICT, of the victim without the victim's consent or ***a*** legal authorisation. Such surveillance might be enabled by processing the victim's personal data, such as by means of identity theft***, by stealing passwords, by hacking*** the victim's devices***, by secretly activating keylogging software*** to access the victim's private spaces, by installing geo-localisation apps, including stalkerware, or by stealing the victim's devices.

Furthermore, the offence of cyber stalking should cover the monitoring of victims, without the victim's consent or authorisation, via technological 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 children's 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.***

(22) Criminal liability should be limited to situations in which monitoring is likely to cause serious harm to the victim. When assessing whether an act is likely to cause serious harm, the focus should be on whether the act would typically cause harm to a victim.

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

(24) Minimum rules concerning the offence of cyber harassment should be laid down ***in order to cover the most serious forms of cyber harassment. That should include repeatedly or continuously engaging in threatening conduct*** directed at a person ***at least where such conduct involves threats, by means of ICT, to commit criminal offences and where such conduct is likely to cause the person to seriously fear for his or her own safety or the safety of dependants. That should also include engaging, together with other persons, by means of ICT, in publicly accessible*** threatening or insulting ***conduct, directed at a person, where such conduct is likely to cause serious psychological harm to that person***. Such broad attacks, including coordinated online mob attacks, can morph into offline assault or cause significant psychological injury and, in extreme cases, lead to the suicide of the victim. Such attacks often target prominent women politicians, journalists and ***human rights defenders*** or otherwise well-known women***,*** but they can also occur in different contexts, for instance on campuses, 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 that person. Cyberflashing is a common form of intimidating and silencing women. The minimum rules concerning the offence of cyber harassment should also include rules on situations in which the personal information of the victim is made available to the public by means of ICT, without the victim's consent, for the purpose of inciting other persons to cause physical or serious psychological harm to the victim ('doxing').***

(25) Over recent years, 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. The easy, fast and broad sharing of hate speech through the digital world is reinforced by the online disinhibition effect, as presumed anonymity on the internet and a 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. That conduct needs to be ***prevented or*** intercepted at an early stage. The language used in that type of incitement does not always directly refer to the ▌ gender of the targeted person, but the biased motivation can be inferred from the overall content or context of the incitement.

(26) 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 ICT. Therefore, it should require dissemination to the public, which should be understood as entailing making a given item of material which amounts to incitement to violence or hatred accessible, through ICT, 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 without selecting to whom access is granted. In assessing whether material qualifies as amounting to incitement to hatred or violence, the competent authorities should take into account the fundamental right to freedom of expression as enshrined in Article 11 of the Charter.

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

(28) ***Penalties for the offences defined in this Directive should be effective, dissuasive and proportionate. To that 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 committed by natural persons should apply at least to the most serious forms of such offences.***

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

(30) Member States should, in addition to in-person reporting, provide the possibility to submit complaints online or through other accessible and secure ICT for the reporting of violence against women or domestic violence, at least with regard to the cybercrimes of non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment and cyber incitement to violence or hatred as defined in this Directive. Victims should be able to upload materials relating to their report, such as screenshots of the alleged violent conduct.

(31) In light of the specificities of violence against women and domestic violence, and the increased risk that victims might withdraw their complaint despite having been the victim of an offence, it is important that relevant evidence be collected in a comprehensive manner as early as possible, in accordance with applicable national procedural rules.

(32) Member States can extend legal aid, including free legal aid, to victims when reporting criminal offences, where provided for by national law. When assessing the victim's resources for the purpose of deciding whether to grant legal aid, Member States should consider the victim's effective access to his or her financial resources. Domestic violence can translate into economic control by the offender, and victims might not have effective access to their own financial resources.

(33) In the case of domestic violence and violence against women, especially where committed by close family members or intimate partners, victims might be under such duress from 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 which affect 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 who come into contact with child victims, including healthcare***,*** ***social services*** or education professionals, should not be constrained by confidentiality rules where they have reasonable grounds to believe that serious ***physical harm has been inflicted on*** a child ▌ .

Where professionals report such instances of violence, Member States should ensure that they are not held liable for breach of confidentiality. ***However, legal professional privilege should be protected, in accordance with Article 7 of the Charter, as justified by the fundamental role assigned to lawyers in a democratic society. Where provided for by national law, the clergy-penitent privilege, or equivalent principles applicable in order to safeguard the freedom of religion, should also be protected. In addition, the possibility for professionals to report such instances of violence is without prejudice to national rules on confidentiality of sources applicable in the context of the media.***

(34) In order to tackle underreporting in cases where the victim is a child, safe and child-friendly reporting procedures should be established. That 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 might be circumstances where such assistance might not be relevant, for example due to the maturity of the child or in the case of online reporting, or where such assistance might prove difficult, for instance in sparsely populated areas.***

(35) It is important that Member States ensure that victims who are third-country nationals, irrespective of their residence status, are not discouraged from reporting instances of violence against women or domestic violence and are treated in a non-discriminatory manner as regards their residence status in accordance with the objectives of Directive 2012/29/EU. To protect all victims from repeated violence, it is important to apply a victim-centred approach. In particular, it should be ensured that the enforcement of the return procedure under Directive 2008/115/EC of the European Parliament and of the Council[6] does not prevent victims from exercising their right to be heard under Directive 2012/29/EU. Member States can, in accordance with 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 are to comply with the obligation under that Directive to take into account as far as possible the special needs of vulnerable persons during the period for voluntary departure, where such a period is granted pursuant to that Directive.

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6 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (*OJ L 348, 24.12.2008, p. 98*).

(36) Delays in processing complaints of violence against women and domestic violence can create particular risks for 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 and*** have the ***adequate*** expertise and effective investigative tools to investigate and prosecute such ***acts, without having to set up specialised services or units***.

(37) Investigations into or prosecutions of acts of rape should not be dependent on a victim or the victim's representative reporting such acts or on a complaint by a victim or the victim's representative. Similarly, criminal proceedings should continue even where the victim withdraws the complaint. That 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.

(38) 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 time of the victim first coming into contact with the competent authorities, as soon as possible after the victim*** first comes into contact with the ***competent authorities,*** or as soon as suspicion arises that the person is a victim of domestic violence or sexual violence. That can be done before a victim has formally reported an offence or on the competent authorities'own initiative if a third party reports the offence.

(39) When assessing the victim's protection and support needs, the primary concern should be ensuring the victim's safety and providing tailored support, taking into account, inter alia, the individual circumstances of the ***victim***. Circumstances requiring special attention ***might*** include***, for example, the fact that*** the victim ***is pregnant,*** the victim's dependence on or relationship to the offender or suspect***, the risk of the victim returning to the offender or suspect, recent separation from an offender or suspect, the potential 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***.

(40) 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 as dangerous as those charged with more severe offences, especially in cases of domestic violence and stalking. ***The competent authorities should review the individual assessment at regular intervals to ensure that no new protection or support need of the victim remains unaddressed. For instance, such a review could take place at important junctures in the process, such as the commencement of court proceedings, the handing down of a judgment or order, or in the context of proceedings for the revision of custody arrangements or rights of access.***

(41) ***In order to avoid secondary and repeat victimisation, intimidation and retaliation, dependants should receive the same protection measures as those afforded to the victim, unless there are indications that dependants do not have specific needs. The competent authorities should assess whether there are any indications that the dependant has no specific protection 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. Dependants under the age of 18 are, due to their vulnerability, especially at risk of suffering emotional harm that prejudices their development. Where provided by national law, other dependants can also be considered to be at similar risk.***

(42) Victims 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. That should, in particular, be the case where an individual assessment has found that the victim has particular support needs. ***When determining whether to refer child victims to*** support services***, the best interests of those victims should be a primary consideration, as laid down in Article 24 of the Charter***. Member States should ensure that the processing of related personal data by competent authorities is based on law, in accordance with the relevant provisions concerning the lawfulness of processing set out in Regulation (EU) 2016/679 of the European Parliament and of the Council[7] ***and in accordance with Directive (EU) 2016/680 of the European Parliament and of the Council***[8].

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

8 ***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).***

Such law 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 individuals. Where competent authorities transfer victims' personal data to support services for the purposes of victim referral, they should ensure that the data transferred are limited to what is necessary to inform the support services of the circumstances of the case, so that victims receive appropriate support and protection. ***A support service should only store personal data for as long as necessary and, in any event, for no longer than five years, or a shorter period of time if established in national law, after the last contact between the support service and the victim.***

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

(44) ***Without constituting a substitute to the arrest and detention of suspects and offenders, which remain subject to national law,*** Member States should ensure that emergency barring orders***, restraining orders or protection*** orders can 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 an application from the victim, victims are informed of the possibility to apply for such orders***.

(45) Protection orders can include prohibiting the offender or suspect from accessing certain localities, from approaching the victim or ***dependants*** closer than a prescribed distance or from contacting them, including by using online interfaces***. Protection orders can also include prohibiting the possession of*** firearms or deadly weapons, where necessary. ***Emergency barring orders, restraining orders or protection orders should be issued either for a specified period or until modified or discharged.***

(46) Electronic monitoring makes it possible to, where relevant, ensure compliance with emergency barring orders, restraining orders and protection orders, to record evidence of breaches of such orders and to enhance the supervision of offenders. Where available, appropriate and 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 orders, restraining orders and protection orders. Where electronic monitoring is used, victims should always be informed about its capabilities and limitations.

(47) In order to safeguard the effectiveness of emergency barring ***orders***, restraining orders and protection orders, breaches of such orders should be subject to penalties. Those penalties can be of a criminal or non-criminal nature and can include imprisonment, fines or any penalty that is effective, proportionate and dissuasive. ***It is essential that victims have the option to be informed of a breach of emergency barring orders, restraining orders or protection orders, where such a breach might have an impact on their safety. As breaches of emergency barring orders, restraining orders 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.***

(48) 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, can 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 the victim's 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***.

(49) Given the unique specificities and circumstances involved in offences of violence against women and domestic violence, guidelines for law enforcement and prosecutorial authorities have an inherent value. Due to the particular vulnerabilities of victims, guidance as to how they should be treated at each stage of the process is essential to raise awareness and to avoid revictimisation in addressing those types of offences. 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 in accordance with 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. That could 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.

(50) Given the complexities and gravity of offences of violence against women and domestic violence and specific support needs of victims, Member States should ensure that designated bodies provide additional support and prevent such offences. Given their expertise in matters of discrimination on the grounds of sex, national equality bodies, set up in accordance with Council Directive 2004/113/EC[9], and Directives 2006/54/EC[10] and 2010/41/EU[11] of the European Parliament and of the Council, are well placed to carry out those tasks. ***To enable those*** bodies ***to effectively carry out their tasks, Member States*** should ***ensure that they are provided with sufficient human and financial resources***.

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9 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).

10 Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23).

11 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).

(51) 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 ▌ making ***material*** ▌ resulting from certain offences of cyber violence ***accessible***, through ICT, 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 take suitable measures which aim to ***promptly*** remove the material in question. Considering that removal at the source might not always be feasible, for instance because of legal or practical difficulties relating to the execution or enforcement of an order to remove, Member States should also be allowed to provide for measures to ***promptly*** disable access to such material.

(52) The provisions of this Directive on orders and other measures for the removal of and disabling access to relevant material should leave the relevant rules set out in Regulation ***(EU) 2022/2065 of the European Parliament and of the Council***[12] unaffected. In particular, such orders should comply with the prohibition on imposing general obligations of monitoring or active fact-finding and with the specific requirements of that Regulation regarding orders to remove illegal online content.

(53) Measures which aim to promptly remove material or disable access to material should include, in particular, empowering national ▌ authorities to issue orders to ***hosting service providers*** to remove, or to disable access to, one or more specific items of the material in question. ***National authorities should also be able to address orders to disable access to other*** relevant ***intermediary service providers***.

[12] ***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) (OJ L 277, 27.10.2022, p. 1).***

(54) Any measures to remove or disable access, including, in particular, orders to remove or disable access, are liable to affect the rights and interests of parties other than the victims, such as the content providers, the ***hosting services*** providers whose services might be used and the end-users of those services, as well the general interest. Therefore, it should be ensured that such orders and other measures can only be taken in a transparent manner and that adequate safeguards are provided for in order to ensure that they remain limited to what is necessary and proportionate, that legal certainty is ensured, that ***hosting services providers, other relevant intermediary service providers and content providers*** can exercise their right to an effective judicial remedy in accordance with national law, and that 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 weighing of all rights and interests at stake on a case-by-case basis is ▌important ▌.

(55) Considering the potential importance of material that might be the subject of orders or other measures taken under this Directive to remove it 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.

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

(57) 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 various forms of cyber violence. ***Victims should be offered specialist support services irrespective of whether they have filed a formal complaint.***

(58) Specialist support ***services*** should provide victims support tailored to their specific needs. Such support should be provided ***by a person of the same gender where requested or appropriate and where 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 targeted and integrated support for victims, 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 can call on existing entities providing specialist support***, such as women's specialist support services***. Specialist support could be provided by ***public*** authorities, victims' support organisations, or other non-governmental organisations***, taking into account the geography and demographic composition of the Member States***. Such authorities or organisations should be granted sufficient human and financial resources. Where the services are provided by non-governmental organisations, Member States should ensure that they receive appropriate funds.

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

(60) Victims typically have multiple protection and support needs. In order to address those needs effectively, Member States should provide specialist support services at the same premises, ***by coordinating services through a contact point, or by facilitating access to*** such services ▌ through ***one-stop online access. One-stop online access would*** ensure that victims in remote areas or unable to physically reach such specialist support services are also able to access such services***. One-stop online access*** should ***at least*** entail setting up a single and updated website where all relevant information on and ***directions to*** access available support and protection services are provided. ***Such a*** website should follow accessibility requirements for persons with disabilities.

(61) Victims 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 geography and demographic composition of the Member State concerned, as well as the offering of online means. To assist with that end, 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.

(62) 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 those services in*** situations where instances of domestic violence and violence against women tend to surge.

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

(64) The traumatic nature of sexual violence, including rape, requires a particularly sensitive response by trained and specialised staff. Victims of sexual 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 geography and demographic composition of the Member State concerned. 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 that they provide dedicated support tailored to these victims. ***Considering the unique circumstances of victims of such offences and their associated vulnerability, such specialist support should be provided with the highest standards of privacy and confidentiality.***

(65) ***Sexual*** harassment at work is considered as ***a form of*** discrimination on the 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 sexual harassment at work is specifically criminalised under national law. Such services should include information on ways to adequately address instances of sexual harassment at work and on remedies available to remove the offender from the workplace.***

(66) Member States ***are encouraged to*** ensure that national helplines are ***reachable free of charge*** through the harmonised number at Union level, namely 116 016, ***in addition to any existing national numbers***, and that they are available round the clock. The ***public should be adequately informed of the existence of and use of that harmonised 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 non-governmental organisations, have significant experience in providing such services. The*** support provided ***via such helplines*** should include crisis counselling and the ***provision of 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 to specialist support services, specialist helplines, or both, where needed and requested.***

(67) Shelters ***and other appropriate interim accommodation 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 a sufficient number of shelters and other appropriate interim accommodation is 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, of September 2008, 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 such 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. Shelters and other appropriate interim accommodation should be available to dependants under the age of 18. Nonetheless, the safety and well-being of the victims staying in such shelters and accommodation remains the first priority, in particular where victims and dependants close to adulthood share accomodation. Where shelters are not free of charge and Member States request a contribution from victims when hosted in shelters or interim accommodation, the contribution should be affordable and not hinder victims' access to shelters or interim accommodation. Shelters should ensure that there are trained and specialised staff to engage with and support victims.

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

(69) Considering the life-long consequences of violence against women or domestic violence for children whose parent has been killed as a result of those offences, Member States should ensure that such children can fully benefit from this Directive, in particular through targeted protection and support measures, including during any relevant judicial proceedings.

(70) 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 interests of the child should always be taken into account.

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

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

(73) 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 and 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 interpersonal 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.

(74) Member States should ***take appropriate*** preventive measures***. Such measures could include*** awareness-raising campaigns to counter violence against women and domestic violence. Prevention ***can*** also take place in formal education, in particular through strengthening sexuality education, socio-emotional competencies and empathy and learning how to develop healthy and respectful relationships. ***Taking into account language barriers and different levels of literacy and ability, Member States should focus targeted measures on groups at a 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.***

(75) Member States should take measures to prevent the cultivation of harmful gender stereotypes in order to eradicate the idea of the inferiority of women or stereotyped roles of women and men. That could also include measures which aim to ensure that culture, custom, religion, tradition or honour is not perceived as a justification for, or does not give rise to 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 they should also aim to overcome stereotypes whereby men are inhibited from reaching out for help in situations of violence directed against them.*** Considering that, from a very young age, 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.

(76) 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.

(77) In order to ensure that victims 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. ***Court staff should be required to receive such training only if they are likely to come into contact with victims and only to a level appropriate to the contact they have with victims. Training should be promoted for lawyers, prosecutors and judges and for practitioners who provide victim support or restorative justice services. Such training should include, as appropriate, 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.*** Training should cover the risk and prevention of intimidation and 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 sexual harassment at work is specifically criminalised*** under ***national law. Those persons*** should also ***receive information on*** the risk of third-party violence. 'Third-party violence' refers to violence which staff might suffer at the workplace at the hands of someone other than a co-worker and includes cases such as nurses sexually harassed by a patient.

(78) To establish a comprehensive approach to preventing and combating all forms of violence against women and domestic violence, Member States should ensure that relevant officials and professionals receive training 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 specialists, including in the medical, legal, educational or social services fields, are engaged in the handling of such cases. It should be for Member States to decide how they organise such training. The obligations in this Directive should not be interpreted as interfering with the autonomy of higher education institutions.

(79) In order to counteract underreporting, Member States should liaise with law enforcement authorities in the development of training, 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.

(80) Intervention programmes should be set up to prevent and minimise the risk of ***committing*** offences of violence against women or domestic violence ***or of reoffending. Intervention programmes should be delivered by trained and skilled professionals***. Intervention programmes should specifically aim to ***ensure safe relations and*** to teach offenders or those at risk of offending how to adopt non-violent behaviour in interpersonal relationships and how to counter violent behavioural patterns. ***The Member States could use common standards and guidelines prepared by the European Institute for Gender Equality for intervention programmes***.

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

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

(83) Member States should adopt and implement effective, comprehensive and coordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence. Those policies should place the rights of the victim at the centre of all measures. 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 by 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. Member States should ensure minimum policy 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. That coordination could be part of national action plans.

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

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

(86) In order to ensure that victims of the offences of cyber violence defined in this Directive can effectively realise their rights to have illegal material relating to such offences removed, Member States should encourage ***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 ***or raise awareness*** of existing self-regulatory measures of a voluntary nature, such as codes of conduct***. Such 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 employees of such intermediary service providers who ***engage in the prevention of violence and provide assistance and support to*** victims. ***Such self-regulatory measures could complement action at Union level, in particular under Regulation (EU) 2022/2065.***

(87) Exchanging best practices and consulting in individual cases, within the mandates of 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.

(88) 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***, Member States are also invited to regularly conduct surveys. That could be done*** using the harmonised methodology of ▌ the Commission (Eurostat).

(89) Member States should ensure that the data collected for the purposes of this Directive 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 to design new policy strategies in that area. ***Member States should provide required data to the European Institute for Gender Equality in order to allow for the comparability, assessment and analysis of those data at Union level***.

(90) 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 and Directives 2002/58/EC[13] and (EU) 2016/680 ▌ 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) 2016/794[14], (EU) 2018/1725[15] and (EU) 2018/1727[16] of the European Parliament and of the Council, or any other applicable Union rules on data protection.

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

14 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).

15 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).

16 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).

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

(92) 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 TEU. 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.

(93) 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 TEU and the TFEU, Ireland has notified, by letter of ***22 June 2022***, its wish to take part in the adoption and application of this Directive.

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

(95) 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,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER 1

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. 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) protection ***and*** support for victims***, prevention and early intervention***.

2. ***Chapters 3 to 7 apply to all victims of offences of violence against women and domestic violence, regardless of their gender. Such victims are all the victims of acts criminalised under Chapter 2 and victims of any other acts of violence against women or domestic violence, as criminalised under other Union legal acts or under national law.***

▌

Article 2

Definitions

For the purposes of this Directive, the following definitions 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 affect 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 violence ***against women or domestic violence***, including ***children who have suffered harm because they have witnessed domestic*** violence;

▌

(d) '***hosting service provider***' means a provider of a hosting service as defined in Article ***3,*** point (***g***)***(iii),*** of Regulation (EU) ***2022/2065***;

(e) 'intermediary service provider' means a provider of an intermediary service as defined in Article 3, point (g), of Regulation (EU) 2022/2065;

▌

(f) 'child' means any person below the age of 18 years;

▌

(g) 'dependant' means a child of the victim or any person, other than the offender or suspect, who lives in the same household as the victim and for whom the victim provides care and support***;***

(h) 'competent authority' means any public authority designated under national law as competent to carry out a duty as provided for in this Directive.

CHAPTER 2

OFFENCES CONCERNING SEXUAL EXPLOITATION OF WOMEN AND CHILDREN AND COMPUTER CRIME

Article 3

Female genital mutilation

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

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

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

Article 4

Forced marriage

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

(a) forcing an adult or a child to enter into a marriage;

(b) luring an adult or a child to the territory of a country other than the one in which he or she resides with the purpose of forcing that adult or child to enter into a marriage.

Article 5

Non-consensual sharing of intimate or manipulated material

1. 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 ('ICT'),*** images, videos or ***similar*** material depicting ***sexually explicit*** activities or the intimate parts of a person, ***without that*** person's consent***, where such conduct is likely to cause serious harm to that person***;

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

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

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

Article 6

Cyber stalking

Member States shall ensure that the ▌ intentional conduct ***of*** ▌ ***repeatedly or continuously*** placing a person under ▌ surveillance, without that person's consent or ***a*** legal authorisation to do so, by means of ICT, to track or monitor that person's movements and activities***, where such conduct is likely to cause serious harm to that person, is punishable as a criminal offence.***

▌ Article 7

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 a person, ***at least where such conduct involves threats to commit criminal offences***, by means of ICT, ***where such conduct is likely to cause that person to seriously fear for their own safety or the safety of dependants;***

(b) ***engaging, together with other persons, by means of ICT, in publicly accessible threatening or insulting conduct directed at a person, where such conduct is likely to cause serious psychological harm to that person;***

(c) the unsolicited sending, by means of ICT, of an image, video or other similar material depicting genitals to a person, where such conduct is likely to cause serious psychological harm to that person;

(d) making accessible to the public, by means of ICT, material containing the personal data of a person, without that person's consent, for the purpose of inciting other persons to cause physical or serious psychological harm to that person.

Article 8

Cyber incitement to violence or hatred

1. Member States shall ensure that intentionally inciting violence or hatred directed against a group of persons or a member of such a group, defined by reference to ▌ gender, by ▌ publicly ***disseminating,*** by means of ICT, material containing such incitement is punishable as a criminal offence.

2. For the purposes 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 9

Inciting, aiding and abetting and attempt

1. Member States shall ensure that inciting ▌ the commission of any of the criminal offences referred to in Articles ***3 to 6 and Article 7, first paragraph, point (b),*** is punishable as a criminal offence.

2. Member States shall ensure that aiding and abetting the commission of any of the criminal offences referred to in Article 3, first paragraph, point (a), and Articles 4 to 8 is punishable as a criminal offence.

3. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles ***3*** and ***4*** is punishable as a criminal offence.

Article 10

Penalties

1. Member States shall ensure that the criminal offences referred to in Articles ***3*** to 9 are punishable by effective, proportionate and dissuasive criminal penalties.

2. Member States shall ensure that the criminal offences referred to in Article 3 are punishable by a maximum term of imprisonment of at least five years.

3. Member States shall ensure that the criminal offences referred to in Article 4 are punishable by a maximum term of imprisonment of at least three years.

4. Member States shall ensure that the criminal offences referred to in Articles ***5 and 6, Article 7, first paragraph, points (a), (b) and (d),*** and Article 8 are punishable by a maximum term of imprisonment of at least ***one year***.

▌

Article 11

Aggravating circumstances

To the extent that the following circumstances do not form part of the constituent elements of the criminal offences referred to in Articles ***3*** to 8, Member States shall ***take the necessary measures to*** ensure that***, in relation to the relevant criminal offences referred to in those Articles, one or more of the following circumstances can, in accordance with national law, be regarded as an aggravating circumstance***:

(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 of a weapon or the threat of using a weapon;

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

(i) the ***conduct caused*** the death ▌ of the victim or severe physical or psychological harm to 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 of, or a person cohabiting with, the victim;

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

▌

(n) the offence was committed against a person because that person was a public representative, a journalist or a human rights defender;

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

(p) the intention of the offence was to punish the victim for the victim's sexual orientation, gender, colour, religion, social origin or political beliefs.

Article 12

Jurisdiction

1. Each Member State shall take the necessary measures to establish its jurisdiction over the criminal offences referred to in Articles ***3*** to 9 where:

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

   (b) the offender is one of its nationals.

2. A Member State shall inform the Commission where it decides to extend its jurisdiction to criminal offences as referred to in Articles ***3*** to 9 which have been committed outside its territory, where:

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

   (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 5 to ***9*** includes situations where the criminal offence is committed by means of ICT accessed from their territory, whether or not the intermediary service provider is based on their territory.

4. In the cases referred to in paragraph 1, point (b), of this Article, each Member State shall ensure that its jurisdiction ***established over the criminal offences referred to in Articles 3 and 4*** is not subject to the condition that the conduct referred to in those Articles is punishable as a criminal offence in the State where it was carried out.

5. In the cases referred to in paragraph 1, point (b), Member States shall take the necessary measures to 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 13

Limitation periods

1. Member States shall take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and adjudication ***of*** criminal offences as referred to in Articles ***3*** to 9 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 criminal offence concerned***.

▌

2. Where the victim is a child, the limitation period ***for criminal offences as referred to in Article 3*** shall commence at the earliest once the victim has reached 18 years of age.

CHAPTER 3

PROTECTION OF VICTIMS AND ACCESS TO JUSTICE

Article 14

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***. That shall include***, at least for the cybercrimes referred to in Articles 5 to 8 of this Directive,*** the possibility of reporting ***online or through other accessible and secure ICT, without prejudice to national procedural rules regarding formalising online reporting.***

Member States shall ensure that the possibility to report online or through other ***accessible and secure*** ICT ***includes*** the possibility to submit evidence ***by the means set out in the first subparagraph, without prejudice to national procedural rules regarding formalising the submission of evidence***.

2. 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, where provided for under national law.

3. 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 such acts to the competent authorities ***without fearing negative consequences***.

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

5. 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 where 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.

6. 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 designed and accessible in child-friendly language, in accordance with the child's 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, where the holder of parental responsibility is involved in the act of violence,*** the ability of a child to report the act is not conditional upon the consent of the holder of parental responsibility ***and that the measures necessary to protect the safety of the child are taken by the competent authorities before that person is informed about the reporting***.

▌

Article 15

Investigation and prosecution

1. Member States shall ensure that persons, units or services investigating and prosecuting acts of violence against women or domestic violence have ***adequate expertise in those matters*** and have effective investigative tools at their disposal to effectively investigate and prosecute such ***acts***, especially for the purpose of gathering, analysing and securing electronic evidence in cases of cyber***crime as referred to in Articles 5 to 8***.

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 19, where necessary***.

3. ***Where*** the competent authorities ***have reasonable grounds to suspect that a criminal offence might have been committed, they*** shall***, without undue delay,*** effectively ***investigate, upon receipt of a complaint or on their own initiative, acts*** of violence against women or domestic violence***. They shall*** ensure that an official ***record*** is filed ***and 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 25, 26 and 27 ***that are specialised in assisting*** with securing 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 the prosecution of ***acts of rape*** are not dependent on a victim or the victim's representative reporting the act, or on a complaint by a victim or the victim's representative, and ***that*** criminal proceedings ***are not discontinued solely because*** the report or complaint has been withdrawn.

Article 16

Individual assessment to identify victims' protection needs

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

2. ***At the earliest possible stage, such as at the time of*** first coming into contact with the competent authorities ***or as soon as possible after first coming into contact with them, the victim's specific protection needs shall be identified by means of an individual assessment, where appropriate in collaboration with all relevant competent authorities***.

3. The individual assessment as referred to in paragraph 2 shall focus on the risk emanating from the offender or suspect. ***That risk may include any of the following:***

(a) the risk of repeated violence;

(b) the risk of bodily ***or psychological harm;***

(c) ***the possible*** use of ***and access to*** weapons;

(d) the fact that the offender or suspect lives with the victim;

(e) the misuse of drugs or alcohol by the offender or suspect;

(f) child abuse;

(g) mental health issues; or

(h) stalking behaviour.

4. The ***individual*** assessment as referred to in paragraph 2 shall take into account the victim's individual circumstances, including whether the victim experiences discrimination based on a combination of sex and any other ground or grounds ***of discrimination as referred to in Article 21 of the Charter ('intersectional discrimination'),*** and, therefore, faces a heightened risk of violence, and 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 repeat victimisation.

5. Member States shall ensure that ***the competent authorities take*** adequate protection measures ***, with due regard to*** the individual assessment as referred to in paragraph 2***. Such measures may include***:

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

(b) the granting of emergency barring orders, restraining orders or protection orders pursuant to Article 19 of this Directive;

(c) measures other than those referred to in points (a) and (b) of this paragraph to manage the offender or suspect's behaviour, in particular under Article 37 of this Directive.

6. ***When appropriate,*** the individual assessment as referred to in paragraph 2 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 as referred to in paragraph 2 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. Dependants shall be presumed to have specific protection needs without undergoing an individual assessment as referred to in paragraph 2***, unless there are indications that they do not have specific protection needs***.

Article 17

Individual assessment of victims' support needs

1. Member States shall ensure that, taking into account the individual assessment referred to in Article 16, the competent authorities assess the victim's ***individual support needs as provided for under Chapter 4. The competent authorities shall assess dependants'*** individual support needs as provided ▌ for under Chapter 4***, unless there are indications that they do not have specific support needs***.

2. Article 16(4)***, (6) and (7) applies*** to the individual assessment of ***victims'*** support needs under paragraph 1 of this Article.

Article 18

Referral to support services

1. Where the assessments referred to in Articles 16 and 17 identify specific support or protection needs or where 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 for their safety. Member States may make such contact subject to the consent of the victim***.

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

3. Member States shall ensure that, where needed, the ***competent authorities*** can refer child victims ▌ to support services***, where necessary*** without the prior consent of the holder of parental responsibility.

4. Where necessary to ensure that the victim receives appropriate support and protection, 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. Such data shall be transmitted in a confidential manner. ***Member States may make the transmission of such data subject to the consent of the victim.***

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 ***five years*** after the last contact between the support services and the victim.

Article 19

Emergency barring orders, restraining orders and protection orders

1. Member States shall ensure that, in situations of immediate danger for the victim's or dependants' health or safety, the competent authorities ***are granted the power to*** issue, ***without undue delay***, orders addressed to an offender or suspect of an act of violence covered by this Directive ordering the offender or suspect to vacate the residence of the victim or dependants for a sufficient period of time and prohibiting the offender or suspect from entering***, or coming closer than a prescribed distance from, that residence,*** from entering the victim's workplace or ***from*** contacting the victim or dependants in any way.

   Orders referred to in the first subparagraph of this paragraph 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 16***.

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

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

4. Member States shall ensure that***, where relevant for the safety of the victim,*** the competent authorities inform victims of the possibility to apply for emergency barring orders, restraining orders or protection orders and of the possibility to seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU[17] or Regulation (EU) No 606/2013[18] of the European Parliament and of the Council.

5. Any breaches of emergency barring orders, restraining orders or protection orders shall be subject to effective, proportionate and dissuasive criminal or non-criminal penalties. ***Member States shall ensure that, where such a breach occurs, a revision of the individual assessment referred to in Article 16 is considered in accordance with paragraph 7 of that Article, where necessary.***

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

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

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

7. 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 20

Protection of victims' 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 ***is*** permitted ***only where it is relevant and necessary***.

Article 21

Guidelines for law enforcement and ***prosecutorial*** authorities

Member States ***may*** issue guidelines ***for cases concerning 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 how to:

(a) ensure that all forms of violence against women and domestic violence are properly identified;

(b) gather and preserve relevant evidence, including online evidence;

(c) conduct the individual assessments under Articles 16 and 17***, including the process for reviewing such assessments***;

(d) handle cases which might require emergency barring orders, restraining orders or protection orders to be issued or implemented;

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

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

(g) cater to the enhanced protection and ***all relevant*** support needs of victims experiencing intersectional discrimination ***as provided for in Article 33(1)***;

(h) ***identify and*** avoid gender stereotypes

(i) raise awareness about all victim groups in the context of domestic violence;

(j) refer victims to ***specialist*** support ***services, including medical*** services, in order to ensure that victims are appropriately treated and that cases of violence against women or domestic violence are appropriately handled ***without undue delay; and***

(k) ensure that victims' privacy and confidential information are protected.

In order to ensure that the guidelines referred to in the first paragraph are appropriately updated, they shall be reviewed where necessary, having regard to the way in which they apply in practice.

Article 22

Role of national bodies, ***including*** equality bodies

1. Member States shall designate and make the necessary arrangements for one or more bodies to carry out the following tasks:

▌

(a) publishing ▌ reports and making recommendations on any issue relating to ***violence against women and domestic*** violence***, including gathering existing good practices***; and

(b) exchanging available information with relevant European bodies such as the European Institute for Gender Equality.

For the purposes of the first subparagraph, Member States may consult with civil society organisations.

2. The bodies referred to in paragraph 1 of this Article may form part of equality bodies set up pursuant to Directives 2004/113/EC, 2006/54/EC and 2010/41/EU.

▌

Article 23

Measures to remove certain online material

1. ***Without prejudice to Regulation (EU) 2022/2065,*** Member States shall take the necessary measures to ensure ***that online publicly accessible*** material as referred to in Article 5(***1), points*** (a) and (b), ▌ and Articles 7 and 8 of this Directive is promptly removed ***or that access thereto is disabled***.

Measures as referred to in the first subparagraph of this paragraph shall include the possibility for the competent ▌ authorities to issue ▌ binding legal orders to remove or to disable access to such ***material. Member States shall ensure that such orders meet, at least, the conditions set out in Article 9(2) of Regulation (EU) 2022/2065***.

2. ***Orders as referred to in the second subparagraph of paragraph 1 shall be addressed to hosting service providers.***

Where removal would not be feasible, the competent authorities may also address orders to disable access to the material concerned to relevant intermediary service providers other than hosting service providers that have the technical and operational ability to take action regarding the material concerned.

▌

3. ▌ Member States shall ensure that, where criminal proceedings regarding an offence as referred to in Article 5(***1), point*** (a) or (b), Article 7 or Article 8 are terminated without leading to a finding that an offence has been committed, orders as referred to in the second subparagraph of paragraph 1 of this Article are discharged and the addressees of ***such orders are*** informed thereof.

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 as referred to in the second subparagraph of paragraph 1 have a right to an effective judicial remedy. Such 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 affected by an order as referred to in the first subparagraph of paragraph 1*** are informed, where appropriate by the ***hosting service providers or by any other relevant*** intermediary service providers concerned, of the reasons for the removal of or the disabling of 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 the disabling of access to the material pursuant to the orders or other measures referred to in ***paragraph*** 1 ▌ does not prevent the competent authorities from obtaining or securing***, without undue delay,*** the evidence necessary for the investigation and prosecution of an offence as referred to in Article 5(***1), point*** (a) or (b), ▌ Article 7 or Article 8.

Article 24

Compensation from offenders

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

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

CHAPTER 4

VICTIM SUPPORT

Article 25

Specialist support to victims

1. Member States shall ensure that specialist support services as referred to in ***Article 8(3) and*** Article 9(3) of Directive 2012/29/EU are available for victims***, irrespective of whether they have filed a formal complaint.***

Where specialist support services as referred to in the first subparagraph are not provided as an integrated part of general victim support services, general and specialist support services shall be coordinated.

Specialist support services as referred to in the first subparagraph shall provide:

(a) ▌ information ***and support*** on any 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;

(b) information on access to legal advice, including the possibility of legal aid, where available;

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

(d) support to victims of cyber***crimes as referred to in Articles 5 to 8***, including ***on how to document the cybercrime and information*** on judicial remedies and remedies to remove online content related to the crime***;***

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

(f) 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 services as referred to in paragraph 1 shall be provided in person***,*** ***tailored to the needs of victims*** and easily accessible ***and readily available***, including online or through other adequate means, such as ICT ▌.

3. Member States shall ensure sufficient human and financial resources to provide the specialist support services referred to in paragraph 1**.**

Where specialist support services as referred to in paragraph 1 are provided by non-governmental organisations, Member States shall provide them with adequate funding, taking into account the proportion of specialist support services that are ***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 ***by providing those services, including those provided by non-governmental organisations,*** at the same premises, ***by coordinating such*** services ▌ through a ▌ contact point, or ***by facilitating*** access to such services ***through one-stop online access.***

The services referred to in the first subparagraph shall ***include*** ▌ at least 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 services and police services***, or information on and direction to such services***.

5. Member States shall ***ensure that*** guidelines and protocols for healthcare and social service professionals on identifying and providing appropriate support to victims ***are issued***, including on referring victims to the relevant support services ***and avoiding secondary victimisation***.

Guidelines and protocols referred to in the first subparagraph shall 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 any other ground or grounds of discrimination.

Guidelines and protocols referred to in the first subparagraph ***shall be developed 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.***

6. ***Member States shall ensure that guidelines and protocols for health-care services performing first-hand medical care on identifying and providing appropriate support to victims are issued.***

Guidelines and protocols referred to in the first subparagraph shall cover the preservation and documentation of evidence and the further transmission of evidence to competent forensic centres in accordance with national law.

7. Member States shall ***aim to*** ensure that specialist support services referred to in paragraph 1 remain fully operational for victims in times of crisis, such as health crises or other states of emergency.

8. Member States shall ensure that specialist support services referred to in paragraph 1 are available to victims before, during and for an appropriate time after criminal proceedings.

Article 26

Specialist support for victims of sexual violence

1. Member States shall provide for appropriately equipped and easily accessible rape crisis or sexual violence referral centres***, which may form part of the national healthcare system,*** to ensure effective support to victims of sexual violence ***and to ensure the clinical management of rape***, including assisting in the ***safekeeping*** and documentation of evidence.

Centres referred to in the first subparagraph shall provide ***trauma-sensitive support and, where necessary, referral to specialised*** trauma support and ▌ counselling ***for victims***, after the offence has been committed***.***

Member States shall ensure that victims of sexual violence have access to medical and forensic examinations. Those examinations may be provided in the centres referred to in this paragraph or by referral to specialised centres or units. Member States shall ensure coordination between the referral centres and competent medical and forensic centres.

Where the victim is a child, the services referred to in this paragraph shall be provided in a child-friendly manner.

2. ***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.***

3. The services referred to in paragraphs 1 ***and 2*** of this Article shall be available free of charge***, without prejudice to those services that are provided for under the national healthcare system,*** and accessible every day of the week. They may be part of the services referred to in Article 25.

4. Member States shall ensure a sufficient geographical distribution and capacity of the services referred to in paragraphs 1 ***and 2*** across the Member State.

5. Article 25(3) and (7) shall apply to the provision of support for victims of sexual violence under this Article.

Article 27

Specialist support for victims of female genital mutilation

1. Member States shall ensure effective, age-appropriate ***and 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 committed and for as long as necessary thereafter. That support shall include the provision of information on units in public hospitals that perform ***genital and*** clitoral reconstructive surgery.

   Support as referred to in the first subparagraph may be provided by the referral centres referred to in Article 26 or any dedicated health centre.

2. Article 25(3) and (7) and Article 26(3) shall ***apply*** to the provision of support for victims of female genital mutilation under this Article.

Article 28

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 ▌. Those services shall include ***information*** on ***ways to*** adequately ***address*** such cases of sexual harassment***, including on*** available ***remedies*** to remove the offender from the workplace ▌.

Article 29

Helplines for victims

1. Member States shall ***ensure that*** state-wide telephone helplines ***are available***, free of charge, 24 hours a day and seven days a week, to provide ***information and*** advice ***to*** victims.

Helplines as referred to in the first subparagraph may be operated by specialist support services, in accordance with national practice.

Information and advice as referred to in the first subparagraph shall be provided ***on a confidential basis*** or with due regard for ***the victim's*** anonymity.

Member States ***are encouraged to*** also ***provide*** helplines as referred to in the first subparagraph through other ***secure and accessible*** ICT, including online applications.

2. Member States shall take appropriate measures to ensure that ***the*** services referred to in paragraph 1 of this Article are accessible for end-users with disabilities, including by providing support in language that is easy to understand. Those services shall be accessible in line with the accessibility requirements for electronic communications services set out in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council[19].

3. Member States shall strive to ensure the provision of the services referred to in paragraph 1 in a language that victims can understand, including by means of telephone interpreting.

4. Article 25(3) and (7) shall apply to the provision of helplines and support through ICT under this Article.

5. Member States ***are encouraged to*** ensure that the services referred to in paragraph 1 for victims of violence against women are ***reachable*** through the harmonised number at Union level, namely "116 016", ***in addition to any existing national*** number ***or numbers***.

[19] 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).

6. Member States shall ensure that end-users are adequately informed of the existence of and number for helplines, including by means of regular awareness-raising campaigns.

Article 30

Shelters and other interim accommodation

1. The shelters and other appropriate interim accommodation as provided for in Article 9(3), point (a), of Directive 2012/29/EU ('shelters and other appropriate interim accomodation') 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 accommodation shall be ***provided in sufficient numbers and shall be easily accessible and*** equipped to accommodate the specific ***needs of women, including by providing women-only shelters with room for children, and ensuring the rights and*** needs of children, including child victims.

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

4. Article 25(3) and (7) applies to shelters and other appropriate interim accommodation .

Article 31

Support for child victims

1. Member States shall ensure that a child is provided specific adequate support as soon as the competent authorities have reasonable grounds to believe that that ***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 the age, developmental needs and individual situation of the child***, while respecting the best interests of the child.

2. Child victims shall be provided with age-appropriate medical care and emotional, psychosocial, psychological and educational support, ***tailored to the developmental needs and individual situation of the child,*** and 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 had their views on the matter heard, 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 or holder of parental responsibility, 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***.

Article 32

Safety of children

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

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

Article 33

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 who are at an increased risk of violence against*** women ***or domestic violence***.

2. The support services referred to in Articles 25 to 30 shall have sufficient capacity to accommodate victims with disabilities, taking into consideration their specific needs, including personal assistance.

3. Support services shall be available for third-country nationals who are victims, ***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 so request can be kept separate from persons of the other sex in detention facilities for third-country nationals subject to 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 that those staff or the competent authorities*** adequately and swiftly address such reports in accordance with the requirements ***set out in Articles*** 16, 17 and 18.

CHAPTER 5

PREVENTION ***AND EARLY INTERVENTION***

Article 34

Preventive measures

1. Member States shall take appropriate measures 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 aimed at persons from an early age.***

Campaigns or programmes as referred to in the first subparagraph 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 prevention and***, where appropriate***, the consequences of such violence, in particular on children.***

Where relevant, programmes as referred to in the first subparagraph may be developed in cooperation with relevant civil society organisations***, specialist services***, the 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 on their territory***.

4. Targeted measures shall be ***focused on*** groups at ***heightened*** risk, ***such as those referred to in Article 33(1).***

Information for children shall be formulated in, or adapted into, a child-friendly manner. 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 persons, 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.

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

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

8. Preventive measures shall specifically address the cyber***crimes referred to in Articles 5 to 8***. In particular, Member States shall ensure that ***such*** preventive 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 among ***relevant*** intermediary service ***providers*** and competent authorities, to develop and implement measures to address the cyber***crimes referred to in Articles 5 to 8***.

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

Article 35

Specific measures to prevent rape and to promote 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 based on stereotyped roles for women and men, in particular in the context of sexual relationships, sex and consent.***

Measures as referred to in the first subparagraph shall be based on the principles of gender equality and non-discrimination and on 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.

Measures as referred to in the first subparagraph 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.

Measures as referred to in the first subparagraph shall be promoted or implemented on a regular basis, including, where appropriate, in cooperation with civil society and non-governmental organisations, in particular women's organisations.

2. Awareness-raising campaigns or programmes as referred to in the third subparagraph of paragraph 1 shall aim, in particular, to increase knowledge of the fact that non-consensual sex is considered a criminal offence.

3. Consent education material as referred to in the third subparagraph of paragraph 1 shall promote the understanding that consent must be given voluntarily as a result of a person's free will, mutual respect, and the right to sexual integrity and bodily autonomy. Such material shall be adapted to the evolving capacity of the persons to whom it is addressed.

4. Information as referred to in this Article shall be widely disseminated with a view to informing the general public about existing measures of rape prevention, including the availability of the intervention programmes referred to in Article 37.

Article 36

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 contact with victims in order to enable them to identify, prevent and address instances of violence against women or domestic violence and to treat victims in a ***trauma-, gender-*** and child-sensitive manner.

2. Member States shall promote or offer training to healthcare professionals, social services and educational staff likely to come into 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.

3. 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 those judges and prosecutors. Such training shall be human-rights based, victim centred and gender, disability and child sensitive.

4. Without prejudice to 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 and to treat victims in a trauma-, gender- and child-sensitive manner.

5. 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.

6. 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, ***where it constitutes a criminal offence 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.

7. The training activities referred to in paragraphs 1***, 2*** and 5 shall include training on coordinated ***multi-disciplinary*** cooperation to allow for a comprehensive and appropriate handling of referrals in cases of violence against women or domestic violence.

8. Without affecting the freedom and pluralism of the media, Member States shall encourage and support the setting up of media training activities by organisations of media professionals, 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, aiming to reduce the risk of violence against women or domestic violence.

Training activities as referred to in the first subparagraph may be provided by relevant civil society organisations, non-governmental organisations working with victims, the social partners and other stakeholders.

9. 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 offences ***and to avoid secondary victimisation***.

10. Training activities as referred to in paragraphs 1 ***to*** 5 of this Article shall be ***complemented by appropriate follow up***, including on the cyber***crimes referred to in Articles 5 to 8***, 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 intersectional discrimination.

11. The measures under paragraphs 1 to 9 shall be implemented without prejudice to judicial independence, the self-organisation of regulated professions and differences in the organisation of the judiciary across the Union.

Article 37

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 of reoffending.

2. The intervention programmes referred to in paragraph 1 shall be made available for the participation ▌ of ***persons who have committed an offence of violence against women or domestic violence and may be made available for the participation of other*** persons who ***are assessed as being at risk of committing such offences. That 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 a rape offender is encouraged to participate in an intervention programme as referred to in paragraph 1.

CHAPTER 6

COORDINATION AND COOPERATION

Article 38

Coordinated policies and coordinating body

1. Member States shall adopt and implement state-wide effective, comprehensive and coordinated 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 ***bodies*** responsible for coordinating, implementing, monitoring and evaluating policies and measures to prevent and combat all forms of violence covered by this Directive.

3. The body ***or bodies referred to in paragraph 2*** shall coordinate the collection of data referred to in Article 44 and analyse and disseminate the results of such collections.

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

Article 39

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

1. By ... [five years from the date of the entry into force of this Directive], Member States shall adopt, in consultation with specialist support services, where relevant, national action plans for preventing and combating gender-based violence.

2. The national action plans referred to in paragraph 1 may include priorities and actions for preventing and combating violence against women and domestic violence, their objectives and monitoring mechanisms, the resources necessary to achieve such priorities and actions and how those resources are to be allocated.

3. Member States shall ensure that the national action plans referred to in paragraph 1 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 the effective coordination of and effective cooperation ▌ among relevant authorities, agencies and bodies, including ***ombudsmen,*** local and regional authorities, law enforcement ▌ , the judicial authorities, ***without prejudice to judicial independence***, support ***services, in particular women's specialist support services,*** as well as non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, the social partners, without prejudice to their autonomy, and other relevant organisations and entities***, in protecting victims from violence against women and domestic violence and in supporting them***.

2. Mechanisms ***of coordination and cooperation*** as referred to in paragraph 1 of this Article shall, in particular, pertain***, in so far as relevant,*** to the individual assessments under Articles 16 and 17, the provision of protection and support measures under Article 19 and Chapter 4, the ***guidelines*** of an advisory nature under Article 21, and the training activities for professionals referred to in Article 36.

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, in particular concerning: the provision of ***adequate*** support to victims; policymaking initiatives; information and awareness-raising campaigns; research and education programmes; training; and the monitoring and evaluation of 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 the establishment of codes of conduct.***

Member States shall raise awareness of self-regulatory measures ***adopted by relevant intermediary service providers*** in connection ***with*** this Directive, in particular measures to reinforce ***mechanisms implemented*** by such intermediary service providers to address online material referred to in Article 23(1) and to improve the employee training as regards preventing the offences referred to in this Directive on assisting and supporting victims of the offences provided for in this Directive.

Article 43

Union-level cooperation

Member States shall take appropriate action to facilitate cooperation between each other ***and at Union level*** to improve the implementation of this Directive. As part of such cooperation, Member States shall aim at least to:

(a) exchange 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***; and

(b) ***where necessary, consult 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 referred to in paragraph 1 shall***, as a minimum,*** include the following ***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:

(a) the annual number of ▌ reported offences and of ***convictions*** of violence against women or domestic violence, obtained from national administrative sources***;***

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

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

(d) the number of calls to national helplines.

3. 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 data resulting from surveys as referred to in the first subparagraph to the Commission (Eurostat) ***as soon as they become available***.

4. In order to ensure the comparability ***and standardisation*** of administrative data across the Union, Member States shall ***endeavour to*** collect administrative data on the basis of common disaggregations developed in cooperation with and in accordance with the ***standards*** developed by the European Institute for Gender Equality pursuant to paragraph 5. They shall transmit those 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 that paragraph***.

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

7. ***Until at least the end of the 2021-2027 multiannual financial framework, the Commission shall*** support ***or conduct*** research on root causes, effects, incidences and conviction rates of the forms of violence covered by this Directive.

CHAPTER 7

FINAL PROVISIONS

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Article 45

Reporting ***and review***

1. By ... [***eight*** years from the date of ***entry into force of*** this Directive], 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 a report to the European Parliament and the Council***. That report shall assess, in particular, whether an extension of the scope of this*** Directive ***and the introduction of new offences is necessary. That report shall be accompanied by a legislative proposal, if necessary***.

3. ***By ... [eight years from the date of entry into force of this Directive], the Commission shall assess whether further measures at Union level are necessary to effectively tackle sexual harassment and violence in the workplace, taking into account applicable international conventions, the Union'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.***

Article 46

Relationship with other Union acts

1. This Directive does 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 provided for in Chapters 3, 4 and 5 of this Directive apply in addition to the measures laid down in Directives 2011/36/EU, 2011/93/EU and 2012/29/EU.

Article 47

Freedom of the press and freedom of expression in other media

This Directive shall not affect special liability regimes relating to fundamental principles on the freedom of the press and the freedom of expression in protected media which exist in Member States as of ... [the date of entry into force of this Directive], provided that such regimes can be applied in full compliance with the Charter.

Article 48

Non-regression clause

The implementation of this Directive shall ***not constitute grounds for justifying a reduction in the level of protection of victims. That 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 49

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [***three*** years from the date of entry into force of this Directive]. They shall immediately inform the Commission therof.

   When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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

Article 50

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 51

Addressees

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

Done at ...,

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