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Interinstitutional files:
2022/0066 (COD)

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LIMITE

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NOTE

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| From: | General Secretariat of the Council |
| To: | Delegations |
| Subject: | Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence - 4 column table |

Delegations will find the above-mentioned 4 column table, as it stands at the date of 19 September 2023.

Delegations' attention is drawn to the fact that the two institutions have so far discussed and negotiated Chapter 3 (Protection of victims and access to justice), starting from line 181.

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating violence against women and domestic violence

2022/0066(COD)

DRAFT [Updated 4CD after Council revision 19.9.2023]

19-09-2023 at 14h31


| | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement |
|----------------|---|---|---|---|
| Formula | | | | |
| 1 | 2022/0066 (COD) | 2022/0066 (COD) | 2022/0066 (COD) | 2022/0066 (COD) Text Origin: Commission Proposal |
| Proposal Title | | | | |
| 2 | Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating violence against women and domestic violence | Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating violence against women and domestic violence | Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating violence against women and domestic violence | |
| Formula | | | | |
| 3 | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, | |
| Citation 1 | | | | |
| 4 | Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2) and | Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2) and | Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2) and | |

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| | Article 83(1) thereof, | Article 83(1) <u>and (2)</u> thereof, | Article 83(1) thereof, | |
| Citation 2 | | | | |
| 5 | Having regard to the proposal from the European Commission, | Having regard to the proposal from the European Commission, | Having regard to the proposal from the European Commission, | |
| Citation 3 | | | | |
| 6 | After transmission of the draft legislative act to the national parliaments, | After transmission of the draft legislative act to the national parliaments, | After transmission of the draft legislative act to the national parliaments, | |
| Citation 4 | | | | |
| 7 | Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u> | Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u> | Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u> | |
| Citation 5 | | | | |
| 8 | Acting in accordance with the ordinary legislative procedure, | Acting in accordance with the ordinary legislative procedure, | Acting in accordance with the ordinary legislative procedure, | |
| Formula | | | | |
| 9 | Whereas: | Whereas: | Whereas: | |
| Recital 1 | | | | |
| 10 | | | | |

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| | (1) The purpose of this Directive is to provide a comprehensive framework to effectively combat violence against women and domestic violence throughout the Union. It does so by strengthening and introducing measures in the following areas: the definition of relevant criminal offences and penalties, the protection of victims and access to justice, victim support, prevention, coordination and cooperation. | (1) The purpose of this Directive is to provide a comprehensive framework to effectively <u>prevent and</u> combat violence against women and domestic violence throughout the Union. It does so by strengthening and introducing measures in the following areas: the definition of relevant criminal offences and penalties, the protection of victims and access to justice, victim support <u>and compensation, enhanced data collection</u> , prevention, coordination and cooperation. | (1) The purpose of this Directive is to provide a comprehensive framework to effectively combat violence against women and domestic violence throughout the Union. It does so by strengthening and introducing measures in the following areas: the definition of relevant criminal offences and penalties, the protection of victims and access to justice, victim support, prevention, coordination and cooperation. | |
| Recital 2 | | | | |
| 11 | (2) Equality between women and men and non-discrimination are core values of the Union and fundamental rights enshrined, respectively, in Article 2 of the Treaty on European Union and in Articles 21 and 23 of the Charter of Fundamental Rights of the European Union (the 'Charter'). Violence against women and domestic violence endanger these very principles, undermining women and girls' rights to equality in all areas of life. | (2) Equality between women and men and non-discrimination are core values of the Union and fundamental rights enshrined, respectively, in Article 2 of the Treaty on European Union and in Articles 21 and 23 of the Charter of Fundamental Rights of the European Union (the 'Charter'). Violence against women and domestic violence endanger these very principles, undermining women and girls' rights to equality in all areas of life <u>and preventing the full advancement of women, girls and our societies as a whole</u> . | (2) Equality between women and men and non-discrimination are core values of the Union and fundamental rights enshrined, respectively, in Article 2 of the Treaty on European Union and in Articles 21 and 23 of the Charter of Fundamental Rights of the European Union (the 'Charter'). Violence against women and domestic violence endanger these very principles, undermining women and girls' rights to equality in all areas of life. | |
| Recital 3 | | | | |
| 12 | | | | |

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| | (3) Violence against women and domestic violence violate fundamental rights such as the right to human dignity, the right to life and integrity of the person, the prohibition of inhuman or degrading treatment or punishment, the right to respect for private and family life, personal data protection, and the rights of the child, as enshrined in the Charter of Fundamental Rights of the European Union. | (3) Violence against women and domestic violence violate <u>is a violation of</u> 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, <u>the right to liberty and security</u> , personal data protection, <u>the right to non-discrimination, including on the grounds of sex</u> , and the rights of the child, as enshrined in the Charter of Fundamental Rights of the European Union <u>and the United Nations Convention on the Rights of the Child</u> . | (3) Violence against women and domestic violence violate fundamental rights such as the right to human dignity, the right to life and integrity of the person, the prohibition of inhuman or degrading treatment or punishment, the right to respect for private and family life, personal data protection, and the rights of the child, as enshrined in the Charter of Fundamental Rights of the European Union. | |
| Recital 4 | | | | |
| 13 | (4) This Directive should apply to criminal conduct which amounts to violence against women or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape, female genital mutilation, the non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment, cyber incitement to violence or hatred and criminal conduct covered by other Union instruments, in particular Directives 2011/36/EU ¹ and 2011/93/EU ² of the European Parliament and of the | (4) This Directive should apply to criminal conduct which amounts to violence against women or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape, <u>sexual assault</u> , female genital mutilation, <u>intersex genital mutilation, forced sterilisation, forced marriage, sexual harassment in the world of work</u> , the non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment, <u>the unsolicited receipt of sexually explicit material</u> , cyber incitement | (4) The provisions of this Directive which relate to the rights of victims should apply to all victims of criminal conduct which amounts to violence against women or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape , female genital mutilation, the non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment, cyber incitement to violence or hatred, and criminal conduct covered by other Union instruments acts , in particular | |

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| | <p>Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of violence against women. This includes crimes such as femicide, sexual harassment, sexual abuse, stalking, early and forced marriage, forced abortion, forced sterilisation and different forms of cyber violence, such as online sexual harassment, cyber bullying or the unsolicited receipt of sexually explicit material. Domestic violence is a form of violence which may be specifically criminalised under national law or covered by criminal offences which are committed within the family or domestic unit or between former or current spouses.</p> <p>1. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011, p. 1–11. 2. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335, 17.12.2011, p. 1–14.</p> | <p>to violence or hatred and criminal conduct covered by other Union instruments, in particular Directives 2011/36/EU¹ <u>2011/36/E</u>² and 2011/93/EU³ of the European Parliament and of the Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of violence against women. This includes crimes such as femicide, <u>intimate partner violence</u>, sexual harassment, sexual abuse, stalking, early and forced marriage, forced abortion, forced sterilisation <u>abortion , sexual exploitation through the prostitution of others, preventing or attempting to prevent a voluntary termination of pregnancy</u> and different forms of cyber violence, such as online sexual harassment, cyber bullying or the unsolicited receipt of sexually explicit material <u>or cyber bullying</u>. Domestic violence is a form of violence which may be specifically criminalised under national law or covered by criminal offences which are committed within the family or domestic unit or between former or current spouses <u>or partners, irrespective of whether or not they share housing. However, in order to</u></p> | <p>Directives 2011/36/EU¹ and 2011/93/EU² of the European Parliament and of the Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of violence against women. This includes crimes such as femicide, rape, sexual harassment, sexual abuse, stalking, early and forced marriage, forced abortion, forced sterilisation and different forms of cyber violence, such as online sexual harassment, cyber bullying or the unsolicited receipt of sexually explicit material. Domestic violence is a form of violence which may be specifically criminalised under national law or covered by criminal offences which are committed within the family or domestic unit or between former or current spouses.</p> <p>1. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011, p. 1–11. 2. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335, 17.12.2011, p. 1–14.</p> | |

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| | | <p><u>fully complete the legislative framework to address all forms of gender-based violence, it is imperative that the areas of crime listed in Article 83(1) of the Treaty on the Functioning of the European Union (TFEU) be extended in order to include gender-based violence.</u></p> <p>² <u>Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims (OJ L 101, 15.4.2011, p. 1).</u></p> <p>³ <u>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).</u></p> <p>1. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011, p. 1–11.</p> <p>2. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335, 17.12.2011, p. 1–14.</p> |  | |

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| Recital 5 | | | | |
| 14 | <p>(5) The measures under this Directive have been designed to address the specific needs of women and girls, given that they are disproportionately affected by the forms of violence covered under this Directive, namely violence against women and domestic violence. This Directive, however, acknowledges that other persons may also fall victim to these forms of violence and should benefit from the measures provided for therein. Therefore, the term ‘victim’ should refer to all persons, regardless of their sex or gender.</p> | <p>(5) The measures under this Directive have been designed to address the specific needs of women and girls, given that they are disproportionately, <u>but not exclusively</u>, affected by the forms of violence covered under this Directive, namely violence against women and domestic violence. <u>According to Eurostat data from 2015, nine out of ten rape victims and eight out of ten sexual assault victims in the Union were women. 99 % of those imprisoned for such crimes were men.</u> This Directive, however, acknowledges that other persons may also fall victim to these forms of violence and should benefit from the measures provided for therein. Therefore, the term ‘victim’ should refer to all persons, regardless of their sex or gender.</p> | <p>(5) The measures under this Directive have been designed to address the specific needs of women and girls, given that they are disproportionately affected by the forms of violence covered under this Directive, namely violence against women and domestic violence. This Directive, However, acknowledges that other persons may also fall victim to these forms of violence and should therefore also benefit from the same measures provided for therein in the Directive for victims. Therefore, the term ‘victim’ should refer to all persons, regardless of their gender and, unless specified otherwise in a given provision, all victims should benefit from the rights related to the protection of victims and access to justice, victims support and prevention sex or gender.</p> | |
| Recital 6 | | | | |
| 15 | <p>(6) Due to their vulnerability, children who witness violence against women or domestic violence suffer a direct emotional harm, which impacts their development. Therefore, such children should be considered victims and benefit from targeted protection measures.</p> | <p>(6) Due to their vulnerability, children who witness violence against women or domestic violence suffer a direct emotional <u>and psychological</u> harm, which impacts their development. Therefore, such children should be considered victims and benefit from targeted</p> | <p>(6) Due to their vulnerability, children who witness domestic violence against women or domestic violence may suffer a direct emotional harm, which impacts their development. Therefore, such children should be considered victims and If this is the case, the</p> | |

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| | | <p><u>and specialised</u> protection measures, <u>targeted and specialised prevention measures and targeted and specialised support measures.</u> <u>Member States should, in particular, ensure that children of a parent who has been killed as a result of violence against women or domestic violence receive the support they need, including through targeted protection measures and support, especially during any relevant judicial proceedings, due to their particularly vulnerable situation. Targeted measures for children should be based on a holistic and gender-specific understanding of the dynamics of abusive relationships and should ensure that any re-victimisation of the child is avoided and should ensure the rights of the child. That is especially important when considering child custody rights and visitation rights.</u></p> | <p>children should benefit from targeted protection measures.</p> | |
| Recital 7 | | | | |
| 16 | <p>(7) Violence against women is a persisting manifestation of structural discrimination against women, resulting from historically unequal power relations between women and men. It is a form of gender-based violence, which is inflicted primarily on women and girls, by men. It is</p> | <p>(7) Violence against women is <u>understood to be a violation of human rights and to be a major public health issue and is</u> a persisting manifestation of structural discrimination against women <u>in all their diversity</u>, resulting from historically unequal power relations</p> | <p>(7) Violence against women is a persisting manifestation of structural discrimination against women, resulting from historically unequal power relations between women and men. It is a form of gender-based violence, which is inflicted primarily on women and girls, by men. It is</p> | |

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| | rooted in the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men, generally referred to under the term 'gender'. | between women and men. It is a form of gender-based violence, which is inflicted primarily on women and girls, by men. It is rooted in the socially constructed roles, behaviours, <u>gender stereotypes</u> , activities and attributes that a given society considers appropriate for women and men, generally referred to under the term 'gender'. <u>It remains widespread and affects women at all levels of society, regardless of age, education, income, social position or country of origin or residence. It is one of the most serious obstacles to achieving gender equality.</u> | rooted in the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men, generally referred to under the term 'gender'. | |
| Recital 8 | | | | |
| 17 | (8) Domestic violence is a serious social problem which often remains hidden. It can lead to serious psychological and physical trauma with severe consequences because the offender typically is a person known to the victims, whom they would expect to be able to trust. Such violence can take on various forms, including physical, sexual, psychological and economic. Domestic violence may occur whether or not the offender shares or has shared a household with the victim. | (8) Domestic violence is a serious social problem which often remains hidden <u>as a result of social stigma</u> . It can lead to serious psychological and physical trauma with severe consequences <u>for a victim's personal and professional life</u> because the offender typically is a person known to the victims, whom they <u>the victim</u> would expect to be able to trust. Such violence can take on various forms, including physical, sexual, psychological, and economic <u>and can occur within a range of relationships</u> . Domestic violence <u>often includes coercive control and</u> may occur whether or not the | (8) Domestic violence is a serious social problem which often remains hidden. It can lead to serious psychological and physical trauma with severe consequences because the offender typically is a person known to the victims, whom they would expect to be able to trust. Such violence can take on various forms, including physical, sexual, psychological and economic. Domestic violence may occur whether or not the offender shares or has shared a household with the victim. | |

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| | | offender shares or has shared a household with the victim. | | |
| Recital 9 | | | | |
| 18 | <p>(9) In light of the specificities related to these types of crime it is necessary to lay down a comprehensive set of rules, which addresses the persisting problem of violence against women and domestic violence in a targeted manner and caters to the specific needs of victims of such violence. The existing provisions at Union and national levels have proven to be insufficient to effectively combat and prevent violence against women and domestic violence. In particular, Directives 2011/36/EU and 2011/93/EU concentrate on specific forms of such violence, while Directive 2012/29/EU of the European Parliament and of the Council¹ lays down the general framework for victims of crime. While providing some safeguards for victims of violence against women and domestic violence, it is not set out to address their specific needs.</p> <p>¹. 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).</p> | <p>(9) <u><i>The persisting gravity of the problem of violence against women and domestic violence in the Union, which is clearly demonstrated by the fact that the existing legal acts and their implementation have proven to be insufficient, in combination with the specificities of those crimes, justifies treating victims of violence against women and domestic violence differently in comparison to victims of other crimes in the Union and justifies the specific measures introduced by this Directive in relation to victims of violence against women and domestic violence.</i></u> In light of the specificities related to these types of crime it is necessary to lay down a comprehensive set of rules, which addresses the persisting problem of violence against women and domestic violence in a targeted<u>gender-sensitive and holistic</u> manner and caters to the specific needs of victims of such violence. The existing provisions at Union and national levels have proven to be insufficient to effectively combat and prevent violence against women and domestic violence. In particular,</p> | <p>(9) In light of the specificities related to these types of crime it is necessary to lay down a comprehensive set of rules, which addresses the persisting problem of violence against women and domestic violence in a targeted manner and caters to the specific needs of victims of such violence. The existing provisions at Union and national levels have proven to be insufficient to effectively combat and prevent violence against women and domestic violence. In particular, Directives 2011/36/EU and 2011/93/EU concentrate on specific forms of such violence, while Directive 2012/29/EU of the European Parliament and of the Council¹ lays down the general framework for victims of crime. While providing some safeguards for victims of violence against women and domestic violence, it is not set out to address their specific needs.</p> <p>¹. 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).</p> | |

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| | | <p>Directives 2011/36/EU and 2011/93/EU concentrate on specific forms of such violence, while Directive 2012/29/EU of the European Parliament and of the Council⁴ lays down the general framework for victims of crime. While providing some safeguards for victims of violence against women and domestic violence, it is not set out to address their specific needs.</p> <p>⁴ <u>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).</u></p> <p><i>J. 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).</i></p> | | |
| Recital 10 | | | | |
| 19 | (10) This Directive supports the international commitments the Member States have undertaken to combat and prevent violence against women and domestic violence, in particular the United Nations | (10) This Directive supports the international commitments the Member States have undertaken to combat and prevent violence against women and domestic violence, in particular the United Nations | (10) This Directive supports the international commitments the Member States have undertaken to combat and prevent violence against women and domestic violence, in particular the United Nations | |

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| | <p>Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)¹ and, where relevant, the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention')² 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.</p> <p>1. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA, 1979. 2. Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Council of Europe, 2011.</p> | <p>Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)^{4,5}, <u>and its General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, the United Nations Convention on the Rights of Persons with Disabilities (CRPD)</u>, and, where relevant, the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention')² and⁶, 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, <u>and the International Labour Organization's Convention concerning Discrimination in Respect of Employment and Occupation and Convention concerning decent work for domestic workers.</u></p> <p>⁵ <u>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA, 1979.</u> ⁶ <u>Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Council of Europe, 2011.</u></p> | <p>Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)¹ and, where relevant, the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention')² 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.</p> <p>1. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA, 1979. 2. Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Council of Europe, 2011.</p> | |


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| | | <p>1. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA, 1979.</p> <p>2. Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Council of Europe, 2011.</p> | | |
| Recital 10bis | | | | |
| 19a | | | <p>(10bis) The rights of victims should be available before, throughout criminal proceedings and for an appropriate time after such proceedings in accordance with the needs of the victim and under the conditions set out in the Directive.</p> | |
| Recital 11 | | | | |
| 20 | <p>(11) Violence against women and domestic violence can be exacerbated where it intersects with discrimination based on sex and other grounds of discrimination prohibited by Union law, namely nationality, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Member States should therefore pay due regard to victims affected by such intersectional discrimination,</p> | <p>(11) Violence against women and domestic violence can be exacerbated where it intersects with <u>and is inseparable from</u> discrimination based on <u>gender or</u> sex and other grounds of discrimination prohibited by Union law, namely nationality, race, colour, ethnic or social origin, <u>residence status</u>, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, <u>gender identity, gender expression</u></p> | <p>(11) Violence against women and domestic violence can be exacerbated where it intersects with discrimination based on sex and other grounds of discrimination prohibited by Union law, namely nationality, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Member States should therefore pay due regard to victims affected by such intersectional discrimination,</p> | |


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| | through providing specific measures where intersecting forms of discrimination are present. In particular, lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) women, women with disabilities and women with a minority racial or ethnic background are at a heightened risk of experiencing gender-based violence. | <u>and sex characteristics</u> . Member States should therefore pay due regard to victims affected by such intersectional discrimination, through providing specific measures where intersecting forms of discrimination are present. In particular, lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) women, women with disabilities, <u>pregnant women</u> , <u>women living in rural areas</u> and women with a minority racial or ethnic background are at a heightened risk of experiencing gender-based violence <u>and domestic violence. For example, acts of gender-based violence which seek to punish victims for their sexual orientation, gender expression or gender identity, such as so-called "corrective rape", should be given particular attention. In addition, women and girls exposed to discrimination and violence on the basis of a combination of their sex or gender and other grounds are disproportionately affected by cyber violence, including cyber harassment and cyber incitement to violence or hatred and, therefore, those offences should be treated with due gravity.</u> | through providing specific measures where intersecting forms of discrimination are present. In particular, lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) women, women with disabilities and women with a minority members of one or several groups of persons protected against discrimination on the basis of sexual orientation, disability, racial or ethnic background and origin are at a heightened risk of experiencing gender-based violence. 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. | |
| Recital 12 | | | | |
| 21 | (12) Victims of violence against | (12) Victims of violence against | (12) Victims of violence against | |

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| | women and domestic violence are at an increased risk of intimidation, retaliation, secondary and repeat victimisation. Particular attention should thus be paid to these risks and to the need to protect the dignity and physical integrity of such victims. | women and domestic violence are at an increased risk of intimidation, retaliation, secondary and repeat victimisation. Particular attention should thus be paid to these risks and to the need to protect the <u>physical and psychological</u> dignity and physical integrity of such victims <u>in all cases, including before, during and after criminal proceedings, and their right to protection and support, while ensuring justice by holding offenders accountable. According to a report from the European Union Agency for Fundamental Rights entitled ‘Violence against women: an EU-wide survey’, 67% of victims of sexual violence have had some previous acquaintance or relationship with the perpetrator and, therefore, robust victim protection is needed in order to prevent further attacks.</u> | women and domestic violence are at an increased risk of intimidation, retaliation, secondary and repeat victimisation. Particular attention Member States should thus ensure that particular attention is paid to these risks and to the need to protect the dignity and physical integrity of such victims. | |
| Recital 12bis | | | | |
| 21a | | | (12bis) For the purposes of this Directive, competent authorities should be understood as the authority or authorities designated under national law as competent to carry out the duties provided for in the relevant provisions of this Directive. Each Member State should determine which authorities should be competent | |

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| | | | for the purpose of each provision that refers to this concept. | |
| Recital 13 | | | | |
| 22 | <p>(13) Rape is one of the most serious offences breaching a person's sexual integrity and is a crime that disproportionately affects women. It entails a power imbalance between the offender and the victim, which allows the offender to sexually exploit the victim for purposes such as personal gratification, asserting domination, gaining social recognition, advancement or possibly financial gain. Many Member States still require the use of force, threats or coercion for the crime of rape. Other Member States solely rely on the condition that the victim has not consented to the sexual act. Only the latter approach achieves the full protection of the sexual integrity of victims. Therefore, it is necessary to ensure equal protection throughout the Union by providing the constitutive elements of the crime of rape of women.</p> | <p>(13) Rape is one of the most serious offences breaching a person's <u>dignity and</u> sexual <u>and bodily</u> integrity and is a crime that disproportionately affects<u>affect</u> women. It entails a power imbalance between the offender and the victim, which allows the offender to sexually exploit the victim for purposes such as personal gratification, asserting domination, gaining social recognition, advancement or, possibly financial gain <u>or punishment through "corrective rape"</u>. Many Member States still require the use of force, threats or coercion for the crime of rape. Other Member States solely rely on the condition that the victim has not consented to the sexual act. Only the latter approach achieves the full protection of the sexual integrity of victims. Therefore, it is necessary to ensure equal protection throughout the Union by providing the constitutive elements of the crime of rape of women. <u>in particular</u>.</p> | <p>(13) Rape is one of the most serious offences breaching a person's sexual integrity and is a crime that disproportionately affects women. It entails a power imbalance between the offender and the victim, which allows the offender to sexually exploit the victim for purposes such as personal gratification, asserting domination, gaining social recognition, advancement or possibly financial gain. Many For the purposes of this Directive, competent authorities should be understood as the authority or authorities designated under national law as competent to carry out the duties provided for in the relevant provisions of this Directive. Each Member States still require the use of force, threats or coercion State should determine which authorities should be competent for the crime of rape. Other Member States solely rely on the condition that the victim has not consented to the sexual act. Only the latter approach achieves the full protection of the sexual integrity of victims. Therefore, it is necessary to ensure equal protection throughout the Union by providing the</p> | |

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| | | | constitutive elements of the crime of rape of women. purpose of each provision that refers to this concept. | |
| Recital 14 | | | | |
| 23 | (14) Rape should explicitly include all types of sexual penetration, with any bodily part or object. The lack of consent should be a central and constitutive element of the definition of rape, given that frequently no physical violence or use of force is involved in its perpetration. Initial consent should be withdrawable at any given time during the act, in line with the sexual autonomy of the victim, and should not automatically imply consent for future acts. Non-consensual sexual penetration should constitute rape even where committed against a spouse or intimate partner. | (14) Rape should explicitly include all types of sexual penetration, with any bodily part or object. The lack of consent should be a central and constitutive element of the definition of rape, given that frequently no physical violence or use of force is involved in its perpetration <u>when the act is committed</u> . Initial Consent should be withdrawable at any given time during the act, in line with the sexual autonomy of the victim, and should not automatically imply consent for future acts. Non-consensual sexual penetration should constitute rape, <u>including even</u> where committed against a spouse or intimate partner. | (14) Rape should explicitly include all types of sexual penetration, with any bodily part or object. The lack of consent should be a central and constitutive element of the definition of rape, given that frequently no physical violence or use of force is involved in its perpetration. Initial consent should be withdrawable at any given time during the act, in line with the sexual autonomy of the victim, and should not automatically imply consent for future acts. Non-consensual sexual penetration should constitute rape even where committed against a spouse or intimate partner. | |
| Recital 14a | | | | |
| 23a | | <u>(14a) Sexual assault is a type of sexual violence that disproportionately affects women and that seriously violates a person's physical integrity and bodily autonomy. National law on sexual assault varies widely across Member States and there is</u> | | |


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| | | <u>therefore a clear need to establish rules on sexual assault at Union level. Sexual assault covers acts of a sexual nature. Acts of a sexual nature includes acts where there is physical contact between the perpetrator's body and the victim's genitals and acts where there is contact between the victim's body and the perpetrator's genitals.</u> |  | |
| Recital 14b | | | | |
| 23b | | <u>(14b) Consent should always be given freely and voluntarily. Consent should be withdrawable at any given time during an act, in line with the sexual autonomy of the victim, and should not automatically imply consent for future acts. There are a number of situations in which a victim is unable to form free will and offences committed in those situations should therefore be deemed non-consensual acts. While making an assessment of a particular situation, personal and external circumstances should be taken into account. In that context, fear is not limited to the threat of a criminal act. The lack of consent due to intoxication should cover incapacitation caused by drugs, alcohol or other intoxicating substances. Particularly vulnerable situations include situations in</u> | | |


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| | | <u>which victims have clearly limited opportunities to defend their bodily and sexual integrity and avoid an assault. A particularly vulnerable situation could also include situations of a particularly serious power imbalance or of serious economic dependence. Stealthing involves intentionally and secretly ceasing to use a method of prophylaxis or reproductive control during penetration. Due to the fact that stealthing changes the circumstances in which consent was given, it could be considered rape or sexual assault.</u> |  | |
| Recital 15 | | | | |
| 24 | (15) With regard to offences amounting to rape, offenders who have been previously convicted of offences of the same nature should be obliged to participate in intervention programmes to mitigate the risk of recidivism. | (15) With regard to offences amounting to rape, Offenders who have been previously convicted of offences of the same nature <u>rape</u> should be obliged to participate in <u>evidence-based</u> intervention programmes to mitigate the risk of recidivism, <u>to ensure safe relations and to address, in a comprehensive and informative manner, the harm caused by recognising their responsibility and changing their harmful attitudes and behaviours.</u> <u>The competent authorities should inform the judicial authorities of the availability of such programmes.</u> | (15) With regard to offences amounting to rape, offenders who have been previously convicted of offences of the same nature should be obliged to participate in intervention programmes to mitigate the risk of recidivism. | |


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| Recital 15a | | | | |
| 24a | | <p><u>(15a) Forced marriage is a form of exploitation that primarily affects women and girls and has the intention of asserting domination over them. It 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. Once forced to marry, there is a greater risk of sexual exploitation and further violence. 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, subject offenders to appropriate penalties and make it possible for such marriages to be annulled or dissolved without any excessive administrative or financial burden for victims.</u></p> | PUBLIC | |
| Recital 16 | | | | |

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| 25 | <p>(16) In order to address the irreparable and lifelong damage female genital mutilation has on victims, this offence should be specifically and adequately addressed in the criminal laws. Female genital mutilation is an exploitative practice that pertains to the sexual organs of a girl or a woman and that is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over girls and women's sexuality. It is sometimes performed in the context of child forced marriage or domestic violence. Female genital mutilation may occur as a traditional practice which some communities perform on their female members. It should cover practices undertaken for non-medical reasons. The term "excising" should refer to the partial or total removal of the clitoris and the labia majora. "Infibulating" should cover the closure of the labia majora by partially sewing together the outer lips of the vulva in order to narrow the vaginal opening. The term "performing any other mutilation" should refer to all other physical alterations of the female genitals.</p> | <p>(16) In order to address the irreparable and lifelong damage <u>severe and long-lasting physical and psychological consequences that</u> female genital mutilation has on victims, this offence should be specifically and adequately addressed in the criminal laws. Female genital mutilation is an exploitative practice that pertains to the sexual organs of a girl or a woman and that is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over girls and women's sexuality. It is sometimes performed in the context of child forced marriage or domestic violence. Female genital mutilation may occur as a traditional practice which some communities perform on their female members. It should cover practices undertaken for non-medical reasons. The term "excising" should refer to the partial or total removal of the clitoris and the labia majora. "Infibulating" should cover the closure of the labia majora by partially sewing together the outer lips of the vulva in order to narrow the vaginal opening. The term "performing any other mutilation" should refer to all other physical alterations of the female genitals.</p> | <p>(16) In order to address the irreparable and lifelong damage Female genital mutilation has on victims, this offence should be specifically and adequately addressed in the criminal laws. Female genital mutilation is an is an abusive and exploitative practice that pertains to the sexual organs of a girl or a woman and that is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over girls and women's sexuality. It is sometimes performed in the context of child forced marriage or domestic violence. Female genital mutilation may occur as a traditional practice which some communities perform on their female members. It should cover mutilative practices undertaken for non-medical reasons, which cause irreparable and lifelong damage on victims. It leads to psychological and social damages, which severely affect the victim's quality of life. The term "excising" should refer to the partial or total removal of the clitoris and the labia majora labia majora. "Infibulating" should cover the closure of the labia majora labia majora by partially sewing together the outer lips of the vulva in order to narrow the vaginal opening. The</p> | |


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| | | | term "performing any other mutilation" should refer to all other physical alterations of the female genitals. | |
| Recital 16a | | | | |
| 25a | | <p><u>(16a) Forced, coercive and otherwise involuntary sterilisation is a harmful and exploitative practice that removes the ability of victims to sexually reproduce, often results in grave consequences for the person's physical, psychological and social health, and is performed for the purpose of exerting social control over women and children and their sexuality. It violates fundamental rights such as the rights to dignity, physical integrity and privacy, it does not respect the requirement that free and informed consent be given and it is recognised as a form of torture and ill-treatment. Forced, coercive and otherwise involuntary sterilisation is often deeply connected with discrimination and stereotypical ideas about who should or should not be pregnant and have children. Roma women and children, women and children with disabilities, including, in particular, intellectual and psychosocial disabilities, women wishing to obtain gender affirming treatment and women and children living in institutions</u></p> | | |

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| | | <p><u>have been particularly at risk of forced, coercive and otherwise involuntary sterilisation. Specific emphasis should be placed on the prior and informed consent of the woman or child to undergo sterilisation. The consent of the woman or child should not be substituted by the consent of a legal guardian. The provisions on forced sterilisation set out in this Directive do not cover emergency medical interventions or surgical procedures which are carried out, for example, for the purpose of assisting a woman by saving her life.</u></p> |  | |
| Recital 16b | | | | |
| 25b | | <p><u>(16b) Intersex genital mutilation is a medically unnecessary, non-vital surgical or medical procedure or treatment that is performed on a person born with variations of sex characteristics with the purpose or effect of altering such characteristics to align them with those considered typically female or male. Non-vital and non-consensual procedures and treatments performed on intersex women and children are based on the belief that a binary option of sex characteristics is the norm and that any alternative is abnormal and needs to be rectified. Procedures or</u></p> | | |

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| | | <p><u>treatments on the sex characteristics of women or children born with variations of sex characteristics who do not have the capacity to consent should only be performed when there is a clear and urgent need to preserve their life or prevent serious harm to their physical health. Non-vital procedures or treatments with the purpose or effect of altering sex characteristics should only be performed with the fully informed and prior consent of a woman or child born with variations of sex characteristics. Intersex genital mutilation can result in life-long physical and psychological impairments and, therefore, should be treated with the same gravity as female genital mutilation. It is therefore important to provide appropriate medical and psychological support to intersex persons and their families and to respect their right to make informed decisions about their own bodies and healthcare.</u></p> |  | |
| Recital 16c | | | | |
| 25c | | <p><u>(16c) Sexual harassment and harassment related to sex are generally prohibited at national level in the framework of the implementation of the Union directives on gender equality.</u></p> | | |

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| | | <p><u>However, Union legal acts have not proven sufficiently effective in combating those phenomena in practice, in particular with regard to penalties. If such conduct is not penalised under criminal law, victims will not benefit from the targeted protection that this Directive provides. Article 83(2) TFEU allows for the establishment of minimum rules with regard to the definition of criminal offences provided that the approximation of criminal laws of the Member States proves essential to ensure the effective implementation of a Union policy in an area which has been subject to harmonisation measures. Directives 2006/54/EC, 2004/113/EC and 2010/41/EU have harmonised, at Union level, rules concerning sexual harassment at work and sexual harassment in the provision of and access to goods and services. Given that context and the ineffective implementation of the Union's policy against sexual harassment, additional minimum rules are therefore needed in that area.</u></p> |  | |
| Recital 17 | | | | |
| 26 | (17) It is necessary to provide for harmonised definitions of offences and penalties regarding certain forms of cyber violence. Cyber violence | (17) It is necessary to provide for harmonised definitions of offences and penalties regarding certain forms of cyber violence. Cyber violence | (17) It is necessary to provide for harmonised definitions of offences and penalties regarding certain forms of cyber violence where violence is | |

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| | <p>particularly targets and impacts women politicians, journalists and human rights defenders. It can have the effect of silencing women and hindering their societal participation on an equal footing with men. Cyber violence also disproportionately affects women and girls in educational settings, such as schools and universities, with detrimental consequences to their further education and to their mental health, which may, in extreme cases, lead to suicide.</p> | <p>particularly targets and impacts women politicians, journalistsand, human rights defenders, <u>activists and persons who are part of marginalised communities or who are subject to intersecting forms of discrimination. Women exposed to discrimination or violence on the basis of their gender or other grounds are disproportionately affected by cyber violence. Cyber violenceIt</u> can have the effect of silencing women and hindering their societal <u>and professional</u> participation on an equal footing with men. <u>The increased use of information and communication technologies at work has led to increased cyber violence against women. As a result of such increased cyber violence, the European Economic and Social Committee, in an opinion entitled ‘Teleworking and gender equality – conditions so that teleworking does not exacerbate the unequal distribution of unpaid care and domestic work between women and men and for it to be an engine for promoting gender equality’, and the International Labour Organization have stated that particular attention needs to be paid to preventative and protective measures in the context of work.</u> Cyber violence also disproportionately affects women and girls in educational settings,</p> | <p>intrinsically linked to the use of information and communication technologies, and those technologies are used to significantly amplify the severity of harmful impact of the offences, thereby changing the characteristics of the offence. Cyber violence particularly targets and impacts women politicians, journalists and human rights defenders. It can have the effect of silencing women and hindering their societal participation on an equal footing with men. Cyber violence also disproportionately affects women and girls in educational settings, such as schools and universities, with detrimental consequences to their further education and to their mental health, which may, in extreme cases, lead to suicide.</p> | |

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| | | <p>such as schools and universities, with detrimental consequences to their further education and to their mental health, which may, in extreme cases, lead to suicide.</p> <p><u>Competent authorities combating violence against women should be trained to successfully prosecute offences related to cyber violence in order to ensure that such offences are successfully prosecuted and in order to fight against impunity.</u></p> |  | |
| Recital 18 | | | | |
| 27 | <p>(18) The use of information and communication technologies bears the risk of easy, fast and wide-spread amplification of certain forms of cyber violence with the effect of creating or enhancing profound and long-lasting harm for the victim. The potential for such amplification, which is a pre-requisite for the perpetration of several offences of cyber violence defined under this Directive, should be reflected by the element of making certain material accessible, through information and communication technologies, to a ‘multitude’ of end-users. The term ‘multitude’ should be understood as referring to reaching a significant number of end-users of the technologies in question, thus allowing for significant access to, and potential further distribution of</p> | <p>(18) The use of information and communication technologies bears the risk of easy, fast and wide-spread amplification <u>dissemination</u> of certain forms of cyber violence with the effect of creating or enhancing <u>exacerbating</u> profound and long-lasting harm for the victim. The potential for such amplification, which <u>Dissemination</u> is a pre-requisite for the perpetration of several offences of cyber violence defined under this Directive, should be <u>and is</u> reflected by the element of making certain material accessible, through information and communication technologies, to a ‘multitude’ of other end-users. The term ‘multitude of other end-users’ should be understood as referring to reaching a significant number of end-users of the technologies in</p> | <p>(18) The use of information and communication technologies bears the risk of easy, fast and wide-spread amplification of certain forms of cyber violence with the effect <u>risk</u> of creating or enhancing profound and long-lasting harm for the victim. The potential for such amplification, which is a pre-requisite for the perpetration of several offences of cyber violence defined under this Directive, should be reflected by the element of making certain material accessible, through information and communication technologies, to a ‘multitude’ of end-users. The term ‘multitude’ ‘the public’. The terms ‘accessible to the public’ and ‘publicly accessible’ should be understood as referring to potentially reaching a significant number of end-users of the</p> | |

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| | that material. That term should be interpreted and applied having regard to the relevant circumstances, including the technologies used to make that material accessible and the means these technologies offer for amplification. | question, thus allowing for significant access to, and potential further distribution of that material. That term should be interpreted and applied having regard to the relevant circumstances, including the technologies used to make that material accessible and the means these technologies offer for amplification <u>dissemination</u> . | technologies in question, thus allowing for significant access to, and potential further distribution of persons. . These terms should be interpreted and applied having regard to the relevant circumstances, including the technologies used to make that material accessible. Moreover, in order to only set minimum rules for the most serious forms of cyber violence, the relevant incriminations. That term should be interpreted and applied having regard to the relevant circumstances, including the technologies used to make that material accessible and the means these technologies offer for amplification limited to conduct which is likely to cause serious harm or serious psychological harm to the victim, or to conduct which is likely to cause the victim to seriously fear for their own safety or that of their dependants. | |
| Recital 19 | | | | |
| 28 | (19) Especially due to its tendency for easy, swift and broad distribution and perpetration, as well as its intimate nature, the non-consensual making accessible of intimate images or videos and material that depict sexual activities, to a multitude of end-users, by means of information and communication | (19) Especially Due to its tendency for easy, swift and broad distribution and perpetration, as well as its intimate nature, the non-consensual making accessible of intimate images or videos and material that depict sexual activities, to a multitude of end-users, by means of information and communication | (19) Especially due to its tendency for easy, swift and broad distribution and perpetration, as well as its intimate nature, the non-consensual making accessible of intimate images, or videos and-or similar material depicting sexually explicit that depict sexual activities, to a multitude of end-users or the | |

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| | <p>technologies, can be very harmful for the victims. The offence provided for in this Directive should cover all types of such material, such as images, photographs and videos, including sexualized images, audio clips and video clips. It should relate to situations where the making accessible of the material to a multitude of end-users, through information and communication technologies, occurs without the victim's consent, irrespective of whether the victim consented to the generation of such material or may have transmitted it to a particular person. The offence should also include the non-consensual production or manipulation, for instance by image editing, of material that makes it appear as though another person is engaged in sexual activities, insofar as the material is subsequently made accessible to a multitude of end-users, through information and communication technologies, without the consent of that person. Such production or manipulation should include the fabrication of 'deepfakes', where the material appreciably resembles an existing person, objects, places or other entities or events, depicting sexual activities of another person, and would falsely appear to others to be authentic or truthful. In the interest</p> | <p>technologies<u>by means of information and communication technologies of intimate material and material of a sexual nature to other end-users</u>, can be very harmful for the victims. The offence provided for in this Directive should cover all types of such material, such as images, photographs and videos, including sexualized images, audio clips and video clips. It should relate to situations where the making accessible of the material to a multitude of<u>other</u> end-users, through information and communication technologies, occurs without the victim's consent, irrespective of whether the victim consented to the generation of such material or may have transmitted it to a particular person. The offence should also include the non-consensual production or manipulation, for instance by image editing, <u>including by means of artificial intelligence</u> of material that makes it appear as though another person is engaged in sexual activities, insofar as the material is subsequently made accessible to a multitude of end-users, through information and communication technologies, without the consent of that person. Such production or manipulation should include the fabrication of 'deepfakes', where the material appreciably resembles an existing</p> | <p>intimate parts of a person without the consent of the persons involved, to the public, by means of information and communication technologies, can be very harmful for the victims. The offence provided for in this Directive should cover all types of such material, such as images, photographs and videos, including sexualized images, audio clips and video clips. It should relate to situations where the making accessible of the material to a multitude of end-usersthe public, through information and communication technologies, occurs without the victim's consent, irrespective of whether the victim consented to the generation of such material or may have transmitted it to a particular person. The offence should also include the non-consensual production, manipulation or altering or manipulation, for instance by image editing, of material that makes it appear as though another person is engaged in sexual activities, insofar as the material is subsequently made accessible to a multitude of end-usersthe public, through information and communication technologies, without the consent of that person. Such production, manipulation or altering or manipulation should include the fabrication of 'deepfakes', where the</p> | |

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| | of effectively protecting victims of such conduct, threatening to engage in such conduct should be covered as well. | person, objects, places or other entities or events, depicting sexual activities of another <u>which amounts to intimate material or material of a sexual nature depicts a person that appreciably resembles an existing person,</u> and would falsely appear to others to be authentic or truthful. In the interest of effectively protecting victims of such conduct, threatening to engage in such conduct should be covered as well. <u>Moreover, since "cyber-flashing" is a common form of intimidating and silencing women, an offence of the unsolicited sending of images, videos or other material depicting genitals should therefore be covered by this Directive.</u> | material appreciably resembles an existing person, objects, places or other entities or events, depicting sexual activities of another person, and would falsely appear to others to be authentic or truthful. In the interest of effectively protecting victims of such conduct, threatening to engage in such conduct should be covered as well. | |
| Recital 19bis | | | | |
| 28a | | | (19bis) The dissemination of images, videos or other material depicting sexually explicit activities or the intimate parts of a person without the consent of the person involved to the public by means of information and communication technologies should not be criminalised, where required to safeguard the fundamental rights protected under the Charter, and in particular the freedom of expression, including the freedom to receive and impart information | |

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| | | | <p>and ideas in an open and democratic society, as well as freedom of the arts and sciences, including academic freedom. Moreover, this offense should not cover the handling of material by public authorities, in particular to conduct criminal proceedings or to prevent, detect or investigate crime, and Member States may relieve a person of responsibility under specific circumstances, for example where telephone or internet hotlines handle material in order to report an offense to authorities.</p> | |
| Recital 20 | | | | |
| 29 | <p>(20) Cyber stalking is a modern form of violence which is often perpetrated against family members or persons living in the same household, but also perpetrated by ex-partners or acquaintances. Typically, technology is misused by the offender to proceed to intensify coercive and controlling behaviour, manipulation and surveillance, thereby increasing the victim's fear, anxiety and gradual isolation from friends and family. Therefore, minimum rules on cyber stalking should be established. The offence of cyber stalking should cover the continuous surveillance of the victim without their consent or legal</p> | <p>(20) Cyber stalking is a modern form of violence which is often perpetrated against family members or persons living in the same household, but also perpetrated by ex-partners or acquaintances. Typically, technology is misused by the offender to proceed to intensify coercive and controlling behaviour, manipulation and surveillance, thereby increasing the victim's fear, anxiety and gradual isolation from friends, family and work and family. Therefore, minimum rules on cyber stalking should be established. The offence of cyber stalking should cover the continuous surveillance of the victim without their consent or</p> | <p>(20) Cyber stalking is a modern form of violence which is often perpetrated against family members or persons living in the same household, but also perpetrated by ex-partners or acquaintances. Typically, technology is misused by the offender to proceed to intensify coercive and controlling behaviour, manipulation and surveillance, thereby increasing the victim's fear, anxiety and gradual isolation from friends and family. Therefore, minimum rules on cyber stalking should be established. The offence of cyber stalking should cover the repeated or continuous surveillance of the victim without their consent or</p> | |

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| | <p>authorisation by means of information and communication technologies. This might be enabled by processing the victim's personal data, such as through identity theft or the spying out of such data on their various social media or messaging platforms, their emails and phone, stealing passwords or hacking their devices to access their private spaces, via the installation of geo-localisation apps, including stalkerware, or via stealing their devices. Furthermore, stalking should cover the monitoring of victims, without that person's consent or authorisation, via technology devices connected through the Internet of Things, such as smart home appliances.</p> | <p>legal authorisation by means of information and communication technologies. This might be enabled by processing the victim's personal data, such as through identity theft or the spying out of such data on their various social media or messaging platforms, their emails and phone, stealing passwords or hacking their devices <u>or secretly activating keylogging software</u> to access their private spaces, via the installation of geo-localisation apps, including stalkerware, or via stealing their devices. Furthermore, stalking should cover the monitoring of victims, without that person's consent or authorisation, via technology devices connected through the Internet of Things, such as smart home appliances.</p> <p><u>Moreover, since the repeated sending of threatening and insulting messages in private conversations is a common form of violence against women, it should therefore be covered by this Directives.</u></p> | <p>a legal authorisation by means of information and communication technologies. This might be enabled by processing the victim's personal data, such as through identity theft or the spying out of such data on their various social media or messaging platforms, their emails and phone, stealing passwords or hacking their devices to access their private spaces, via the installation of geo-localisation apps, including stalkerware, or via stealing their devices. Furthermore, stalking should cover the monitoring of victims, without that person's consent or authorisation, via technology devices connected through the Internet of Things, such as smart home appliances. However, there can be situations where surveillance is carried out for legitimate reasons, for example in the context of parents monitoring their minor childrens' whereabouts and their online acitivity, of relatives monitoring the health of ill, elderly or vulnerable persons or persons with disabilities, or of media monitoringand open source intelligence. Criminal liability should be limited to situations where monitoring is likely to cause serious harm to the person. When assessing whether the act is likely to cause such harm the focus</p> | |

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| | | | should be on whether the act typically would cause harm to a victim. | |
| Recital 20bis | | | | |
| 29a | | | (20bis) In the definition of the offence of cyber stalking, the concept of ‘tracking’ should refer to tracing the location of a person and following their movements, while the concept of ‘monitoring’ should refer to the watching over a person more generally, including observing their activities. In the context of stalking, both actions ultimately aim at controlling a person. | |
| Recital 21 | | | | |
| 30 | (21) Minimum rules concerning the offence of cyber harassment should be laid down to counter initiating an attack with third parties or participating in such an attack directed at another person, by making threatening or insulting material accessible to a multitude of end-users. Such broad attacks, including coordinated online mob attacks, may morph into offline assault or cause significant psychological injury and in extreme cases lead to suicide of the victim. They often target prominent (female) | (21) Minimum rules concerning the offence of cyber harassment should be laid down to counter initiating an attack with third parties or participating in such an attack directed at another person, by making threatening or insulting material accessible to a multitude of other end-users. Such broad attacks, including coordinated online mob attacks, may morph into offline assault or cause significant psychological injury and in extreme cases lead to suicide of the victim. They often target prominent (female) | (21) Minimum rules concerning the offence of cyber harassment should be laid down in order to cover the most serious forms of such cyber harassment. This includes to counter initiating an attack with third parties or participating in such an attack directed at another person, by making threatening or insulting material accessible to a multitude of end-users the public . Such broad attacks, including coordinated online mob attacks, may morph into offline assault or cause significant psychological injury and in extreme | |


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| | politicians, journalists or otherwise well-known persons, but they can also occur in different contexts, for instance on campuses or in schools. Such online violence should be addressed especially where the attacks occur on a wide-scale, for example in the form of pile-on harassment by a significant amount of people. | politicians, journalists, <u>human-rights defenders</u> or otherwise well-known persons, but they can also occur in different contexts, for instance on campuses or in schools <u>and in the world of work</u> . 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. | cases lead to suicide of the victim. They often target prominent (female) politicians, journalists or otherwise well-known persons, but they can also occur in different contexts, for instance on campuses or in schools. Such online violence should be addressed especially where the attacks occur on a wide-scale, for example in the form of pile-on harassment by a significant amount of people. The minimum rules concerning the offense of cyber harassment should also include rules on doxing, where the personal information of the victim is made available to the public by means of information and communication technologies, without the victim's consent, for the purpose of inciting others to cause physical or serious psychological harm to the victim. | |
| Recital 22 | | | | |
| 31 | (22) The increase in internet and social media usage has led to a sharp rise in public incitement to violence and hatred, including based on sex or gender, over the past years. The easy, fast and broad sharing of hate speech through the digital word is reinforced by the online disinhibition effect, as the presumed anonymity on the internet and sense of impunity reduce people's inhibition to engage | (22) <u>The prevalence of dominant online platforms has played a significant role in</u> the increase in internet and social media usage <u>and</u> has led to a sharp rise in public incitement to violence and hatred, including based on sex or gender, <u>especially in combination with other grounds</u> , over the past years. The easy, fast and broad sharing of hate speech through the digital word | (22) The increase in internet and social media usage has led to a sharp rise in public incitement to violence and hatred, including based on sex or gender, over the past years. The easy, fast and broad sharing of hate speech through the digital word is reinforced by the online disinhibition effect, as the presumed anonymity on the internet and sense of impunity reduce people's inhibition to engage | |

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| | <p>in such speech. Women are often the target of sexist and misogynous hate online, which can escalate into hate crime offline. This needs to be intercepted at an early stage. The language used in this type of incitement does not always directly refer to the sex or gender of the targeted person(s), but the biased motivation can be inferred from the overall content or context of the incitement.</p> | <p>is reinforced by the online disinhibition effect, as the presumed anonymity on the internet and sense of impunity reduce people's inhibition to engage in such speech. <u>However, anonymity can also be essential to survivors of gender-based violence and to other communities at risk</u> Women are often the target of sexist and misogynous hate online, which can escalate into hate crime offline. <u>Children and young people can also be the target of cyber violence which often refers to personal characteristics such as disability, racial or ethnic origin, sexual orientation, gender identity, gender expression, sex characteristics or other grounds which, if left unaddressed, can cause social exclusion, anxiety, inducement to inflict self-harm and, in extreme situations, suicidal ideation, suicide attempts or suicide.</u> This needs to be <u>prevented or</u> intercepted at an early stage. The language used in this type of incitement does not always directly refer to the sex or gender of the targeted person(s), but the biased motivation can be inferred from the overall content or context of the incitement.</p> | <p>in such speech. Women are often the target of sexist and misogynous hate online, which can escalate into hate crime offline. This needs to be intercepted at an early stage. The language used in this type of incitement does not always directly refer to the sex or gender of the targeted person(s), but the biased motivation can be inferred from the overall content or context of the incitement.</p> | |
| Recital 23 | | | | |
| 32 | (23) The offence of cyber | (23) The offence of cyber | (23) The offence of cyber | |

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

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| | Charter. | Charter. <u>In order to ensure that online material qualifies as cyber incitement to violence or hatred, Member States should ensure that such material is assessed, on a case-by-case basis, based on the criteria laid down in the United Nation's 'Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence', taking into account, in particular, the social and political context of the message, the status of the speaker, the content and form of the speech, the intent and the likelihood and imminence of harm.</u> | Charter. | |
| Recital 23a | | | | |
| 32a | | <u>(23a) Member States should ensure that the fact that an offence is committed with the intention of bringing profit or gain or that an offence actually brought profit or gain, for example through blackmail in the case of cyber violence or by earning income through perpetrating female genital mutilation or forced sterilisation, is considered to be an aggravating circumstance because profit or gain proves that there was a systematic and methodical approach to the crime, thus highlighting its gravity.</u> | | |

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| Recital 23b | | | | | |
| 32b | | <p><u>(23b) So called "honour crimes" are committed to pursue an aim other than, or in addition to, the immediate effect of the crime. That aim could be the restoration of family "honour" or the desire to be seen as respecting tradition or complying with the perceived religious, cultural or customary requirements of a particular community. Such crimes put severe pressure on the victim, can lead to violations of the victim's human rights and tend to affect the person's whole life, thereby making the victim particularly vulnerable.</u></p> | PUBLIC | | |
| Recital 23c | | | | | |
| 32c | | <p><u>(23c) A gender-sensitive perspective implies taking into account the particularities pertaining to the lives of both women and men, while aiming to eliminate inequalities and promote gender equality, thereby addressing and taking into account the gender dimension. Consequently, Member States should include a gender-sensitive perspective in the implementation of this Directive and in the evaluation of its implementation. A gender-sensitive perspective also includes the</u></p> | | | |

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| | | <u>structural understanding of the roots of gender-based violence, including violence against women and domestic violence as a systemic phenomenon and as a result of pervasive inequality and discrimination against women, which provides a breeding ground for tolerance of violence against women.</u> |  | |
| Recital 24 | | | | |
| 33 | (24) Victims should be able to report crimes of violence against women or domestic violence easily without being subject to secondary or repeat victimisation. To this end, Member States should provide the possibility to submit complaints online or through other information and communication technologies for the reporting of such crimes. Victims of cyber violence should be able to upload materials relating to their report, such as screenshots of the alleged violent behaviour. | (24) Victims should be able to report crimes of violence against women or domestic violence <u>and provide evidence</u> easily without being subject to secondary or repeat victimisation. <u>With due regard to the specificities of the crimes covered by this Directive, and the clear risk that victims might withdraw their criminal complaint, Member States should ensure that relevant authorities take all necessary measures to ensure that evidence is collected in a comprehensive manner as early as possible. Member States are encouraged to share best practices on how to ensure the protection of the evidence in investigations into such crimes, including by enabling video recording of the first interview with the victim, as appropriate. Although perhaps not mentioned by the victim, competent</u> | (24) Victims The offence of cyber incitement to violence or hatred presupposes that the incitement is not expressed in a purely private context, but publicly through the use of information and communication technologies. Therefore, it should require dissemination to the public, which should be able to report crimes of understood as entailing the making accessible, through information and communications technologies, of a given item of material inciting to violence against women or domestic violence or hatred to a potentially unlimited number of persons, namely making the material easily accessible to users in general, without being subject to secondary or repeat victimisation. To this end, Member States should provide the possibility to submit complaints | |

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| | | <p><u>authorities should always consider that the crimes covered by this Directive are violence against women or domestic violence and should, therefore, consider assessing that aspect in the course of the investigation.</u> To this end, Member States should, <u>in addition to in-person reporting</u>, provide the possibility to submit complaints, <u>in a safe environment</u>, online or through other <u>accessible</u> information and communication technologies for the reporting of such crimes. <u>Online complaint systems should meet security standards and should not endanger the safety of the victim.</u> <u>Member States should facilitate reporting by victims in all their diversity, including by, inter alia, ensuring easy and accessible options for those who live in remote areas and providing support services to assist those who cannot read, persons living in institutions or persons with disabilities, including through the use of braille and sign language.</u> Victims of cyber violence <u>should be able to upload materials relating to their report, such as screenshots of the alleged violent behaviour.</u> <u>Victims should have access to legal aid and assistance, free of charge and in a language they can reasonably understand, when reporting criminal offences and during</u></p> | <p>online or through other <u>requiring further action by the person who provided the material, irrespective of whether those persons actually access the information in question.</u> Accordingly, where access to the material requires registration or admittance to a group of users, <u>that information and communication technologies for the reporting of such crimes. Victims of cyber should be considered to be disseminated to the public only where users seeking to access the material are automatically registered or admitted without a human decision or selection of whom to grant access. In assessing whether material qualifies as amounting to incitement to hatred or violence, the competent authorities should be able to upload materials relating to their report, such as screenshots of the alleged violent behaviour take into account the fundamental rights to freedom of expression as enshrined in Article 11 of the Charter.</u></p> | |

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| | | <u>judicial proceedings.</u> | | |
| Recital 25 | | | | |
| 34 | <p>(25) In the case of domestic violence and violence against women, especially when committed by close family members or intimate partners, victims may be under such duress by the offender that they fear to reach out to the competent authorities, even if their lives are in danger. Therefore, Member States should ensure their confidentiality rules do not constitute an obstacle for relevant professionals, such as healthcare professionals, to report to the competent authorities, where they have reasonable grounds to believe that the life of the victim is at an imminent risk of serious physical harm. Similarly, instances of domestic violence or violence against women affecting children are often only intercepted by third parties noticing irregular behaviour or physical harm to the child. Children need to be effectively protected from such forms of violence and adequate measures promptly taken. Therefore, relevant professionals coming in contact with child victims or potential child victims, including healthcare or education professionals, should equally not be constrained by confidentiality where they have</p> | <p>(25) In the case of domestic violence and violence against women, especially when committed by close family members or intimate partners, victims may be under such duress by the offender that they fear to reach out to the competent authorities, even if their lives are in danger. Therefore, Member States should ensure their confidentiality rules do not constitute an obstacle for relevant professionals, such as healthcare professionals, to report to the competent authorities, where they have reasonable grounds to believe that the life of the victim is at an imminent <u>serious</u> risk of serious physical harm. <u>Such third-party reporting is justified as a targeted measure for violence against women and domestic violence because such violence often occurs in close relationships or family circumstances and might not be regarded as a criminal act and therefore not reported by those who experience or directly witness it.</u> Similarly, instances of domestic violence or violence against women affecting children are often only intercepted by third parties noticing irregular behaviour or physical harm to the child. Children need to be</p> | <p>(25) In the case of domestic violence and violence against women, especially when committed by close family members or intimate partners, victims may be under such duress by the offender that they fear to reach out to the competent authorities, even if their lives are in danger. Therefore, Member States should ensure that their confidentiality rules do not constitute an obstacle for relevant professionals, such as healthcare professionals; to report to the competent authorities, where they have reasonable grounds to believe that the life of the victim is at there is an imminent risk of serious physical harm. Similarly, instances of domestic violence or violence against women affecting children are often only intercepted by third parties noticing irregular behaviour or physical harm to the child. Children need to be effectively protected from such forms of violence and adequate measures promptly taken. Therefore, relevant professionals coming in contact with child victims or potential child victims, including healthcare, social services or education professionals, should equally not be constrained by</p> | |

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| | reasonable grounds to believe that serious acts of violence under this Directive have been committed against the child or further serious acts are to be expected. Where professionals report such instances of violence, Member States should ensure that they are not held liable for breach of confidentiality. | effectively protected from such forms of violence <u>given the long-lasting detrimental consequences it has on them,</u> and adequate measures <u>need to be</u> promptly taken. Therefore, relevant professionals coming in contact with child victims or potential child victims, including healthcare or education professionals, should equally not be constrained by confidentiality <u>and should act</u> where they have reasonable grounds to believe that serious acts of violence under this Directive have been committed against the child or further serious acts are to be expected. Where professionals report such instances of violence, Member States should ensure that they are not held liable for breach of confidentiality. | confidentiality where they have reasonable grounds to believe that serious acts of violence under this Directive have been committed against physical harm has been inflicted on the child or further serious acts are to be expected. Where professionals report such instances of violence, Member States should ensure that they are not held liable for breach of confidentiality. However, lawyers' legal professional privilege should be protected, in accordance with Article 7 of the Charter of fundamental rights, as justified by the fundamental role assigned to lawyers in a democratic society. Where provided for under national law, the clergy-penitent privilege, or equivalent principles applicable in order to safeguard the freedom of religion, should also be excluded from this possibility. In addition, this possibility is without prejudice to national rules on confidentiality or sources applicable in the context of media. | |
| Recital 26 | | | | |
| 35 | (26) In order to tackle underreporting in the cases when the victim is a child, safe and child-friendly reporting procedures should be established. This can include | (26) In order to tackle underreporting in the cases when the victim is a child, safe and child-friendly reporting procedures should be established. This can include | (26) In order to tackle underreporting in the cases when the victim is a child, safe and child-friendly reporting procedures should be established. This can include | |


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| | questioning by competent authorities in simple and accessible language. | questioning by competent authorities in simple and accessible language. <u>To safeguard the best interests of the child, Member States should ensure that professionals specialised in caring for and supporting children are present in order to assist them with reporting procedures.</u> | questioning by competent authorities in simple and accessible language. | |
| Recital 26a | | | | |
| 35a | | | | <u>(26a) New recital 26 (bis): "It is important that Member States ensure that victims which are third-country nationals, irrespective of their residence status, are not discouraged from reporting and are treated in a non-discriminatory manner as regards their residence status in line with Article 1 of Directive 2012/29/EU. To protect all victims of violence against women and domestic violence from repeated violence, a victim-centred approach should prevail. In particular, it must be ensured that victims are not prevented from being heard pursuant to Article 10 of Directive 2012/29/EU and it is important that Member States ensure that proceedings under Directive 2008/115/EC do not prevent the full implementation of their obligations under Article 10 of Directive 2012/29/EU.</u> |

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| Recital 27 | | | | |
| 36 | <p>(27) Delays in processing complaints of violence against women and domestic violence can bear particular risks to victims thereof, given that they might still be in immediate danger given that offenders might often be close family members or spouses. Therefore, the competent authorities should have the sufficient expertise and effective investigative tools to investigate and prosecute such crimes.</p> | <p>(27) Delays in processing complaints of violence against women and domestic violence can bear particular risks to victims thereof, given that they might still be in immediate danger given that offenders might often be close family members or spouses. Therefore, the competent authorities <u>for investigation and prosecution</u> should have the process such <u>complaints without delay. The fact that the victim has complained or intends to leave the relationship can mean increased danger for the victim. The competent authorities should have sufficient specialised</u> expertise and effective investigative tools to investigate and prosecute such crimes <u>without undue delay because the continuum of violence means that even those offences which are perceived to be least damaging can be the first such offence in escalating seriousness.</u></p> | <p>(27) Delays in processing complaints of violence against women and domestic violence can bear particular risks to victims thereof, given that they might still be in immediate danger given and that offenders might often be close family members or spouses. Therefore, the competent authorities should have the sufficient <u>adequate</u> expertise and effective investigative tools to investigate and prosecute such crimes.</p> | |
| Recital 27a | | | | |
| 36a | | | | <p><u>(27a) New Recital 27a:</u> <u>"This is without prejudice to the discretion of the prosecuting authorities to discontinue criminal proceedings for other reasons, for example where they conclude that</u></p> |

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| | | | | <u>there is not sufficient evidence to continue criminal proceedings."</u> |
| Recital 28 | | | | |
| 37 | <p>(28) Victims of domestic violence and violence against women are typically in need of immediate protection or specific support, for example in the case of intimate partner violence, where the rate of recidivism tends to be high. Therefore, an individual assessment to identify the victim's protection needs should be conducted upon the very first contact of competent authorities with the victim or as soon as suspicion arises that the person is a victim of violence against women or domestic violence. This can be done before a victim has formally reported an offence or proactively if a third party reports the offence.</p> | <p>(28) Victims of domestic violence and violence against women are typically in need of immediate protection or <u>and</u> specific support, for example in the case of intimate partner violence <u>or sexual violence</u>, where the rate of recidivism tends to be high. Therefore, a <u>a gender-sensitive</u> individual assessment to identify the victim's protection <u>needs and medical and specialist support</u> needs should be conducted upon the very first contact of competent authorities with the victim or as soon as suspicion arises that the person is a victim of violence against women or domestic violence. This can be done before a victim has formally reported an offence or proactively if a third party reports the offence.</p> | <p>(28) Victims of domestic sexual violence and violence against women are typically domestic violence are the victims most in need of immediate protection or specific support, for example in the case of intimate partner violence, where the rate of recidivism tends to be high. Therefore, an individual assessment to identify the victim's protection needs should be conducted upon the very first contact of competent authorities with initiated at the earliest possible stage after the first contact of the victim or as soon as suspicion arises that the person is a victim of violence against women or domestic violence. This can be done before a victim has formally reported an offence or proactively if a third party reports the offence.</p> | <p>(28) <u>Victims of domestic violence, sexual violence</u> and violence against women are typically in need of immediate protection or <u>and</u> specific support, for example in the case of intimate partner violence, where the rate of recidivism tends to be high. Therefore, a <u>a specialised</u> individual assessment to identify the victim's protection <u>and specialist support</u> needs should be conducted upon the very <u>initiated without undue delay at the</u> first contact of competent authorities <u>the victim</u> with the victim <u>competent authorities</u>, or as soon as suspicion arises that the person is a victim of violence against women or domestic violence. This can be done before a victim has formally reported an offence or proactively if a third party reports the offence.</p> <p><u>(28b)</u> <u>Where, upon the first contact of the victim with the competent authorities, there are indications of an imminent risk for the physical integrity of the victim or the safety of the victim's child dependents, the competent authorities should immediately carry out a shorter</u></p> |

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| | | | PUBLIC | <p><u>version of the specialised individual assessment for the purpose of quickly gaining an understanding of the victim's protection needs. At a subsequent stage of the procedure and without undue delay, the competent authorities should carry out the full specialised individual assessment / [complete the specialised individual assessment].</u></p> <p>To be adapted to the drafting decided for Article 18 paragraph 1 (the final scope for the specialised assessment)</p> |
| Recital 29 | | | | |
| 38 | <p>(29) When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the victim's safety and providing tailored support, taking into account, among other matters, the individual circumstances of the victim. Such circumstances requiring special attention could include the victim's pregnancy or the victim's dependence on or relationship to the offender.</p> | <p>(29) When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the victim <u>and dependant's</u> safety and <u>the victim's rights and needs, and</u> providing tailored <u>protection and</u> support, taking into account, among other matters, the individual circumstances <u>and vulnerability</u> of the victim. Such circumstances requiring special attention could include the victim's pregnancy, <u>the victim's physical and mental health, disabilities, substance abuse issues, the presence of children, the presence of companion animals,</u> or the victim's dependence on or relationship to <u>the offender, including economic dependence or</u></p> | <p>(29) When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the victim's safety and providing tailored support, taking into account, among other matters, the individual circumstances of the victim. Such circumstances requiring special attention could include the victim's pregnancy or the victim's dependence on or relationship to the offender.</p> | |


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| | | <u><i>dependence for reasons relating to residence status, or the victim having a common child with</i></u> the offender. | | |
| Recital 30 | | | | |
| 39 | (30) In order to ensure comprehensive support and protection to victims, all competent authorities and relevant bodies, not limited to law enforcement and judicial authorities, should be involved in assessing the risks for victims and appropriate support measures on the basis of clear guidelines issued by the Member States. Such guidelines should include factors to be taken into consideration when assessing the risk emanating from the offender or suspect, including the consideration that suspects charged with minor offences are as likely to be dangerous as those charged with more severe offences, especially in cases of domestic violence and stalking. | (30) In order to ensure comprehensive, <u><i>appropriate and coordinated</i></u> support and protection to victims, <u><i>a standardised approach to risk assessment that promotes a shared understanding of the risk throughout proceedings, and a common language to communicate risk, should be adopted.</i></u> 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 <u><i>and protection</i></u> measures. <u><i>That should be done</i></u> on the basis of <u><i>gender-sensitive and culturally sensitive risk assessment protocols</i></u> and clear guidelines issued by the Member States, <u><i>developed in cooperation with women's specialist support services and the European Institute of Gender Equality.</i></u> Such guidelines should include factors to be taken into consideration when assessing the risk emanating from the <u><i>specificities of the forms of violence covered by this Directive, including coercive and controlling behaviour from the</i></u> offender or | (30) In order to ensure comprehensive support and protection to victims, all competent authorities and relevant bodies, not limited to law enforcement and judicial authorities, should be involved in assessing the risks for victims and appropriate support measures on the basis of clear guidelines issued by the Member States. Such guidelines should include factors to be taken into consideration. Such assessment, when assessing the risk emanating from the offender or suspect, should include including the consideration that suspects charged with minor offences are as likely to be dangerous as those charged with more severe offences, especially in cases of domestic violence and stalking. | |

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| | | suspect, including <u>and</u> the consideration that suspects charged with minor <u>or first</u> offences are as likely to be dangerous as those charged with more severe <u>or repeated</u> offences, especially in cases of domestic violence, and stalking. <u>Specialised training for frontline professionals on the use of risk assessment tools is also essential. Risk assessments should be revised at important junctures in the process, such as the commencement of a court case, the handing down of a judgment or discussions as to the revision of custody arrangements.</u> |  | |
| Recital 31 | | | | |
| 40 | (31) Due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation, and the fact that they suffer emotional harm that prejudices their development, the victim's children should receive the same protection measures as those accorded to the victim. Other persons dependant on the victim, such as adults with disabilities or older dependant adults for whom the victim provides care, may experience similar emotional harm and should thus be accorded the same protection measures. | (31) Due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation, and the fact that they suffer emotional harm that prejudices their development, the victim's children should receive the same protection measures as those accorded to the victim. Other persons dependant on the victim, such as adults with disabilities or older dependant adults for whom the victim provides care, may <u>can</u> experience similar emotional harm and should thus be accorded the same protection measures. <u>In the context of violence against women, ill treatment of</u> | (31) Due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation, and the fact that they suffer emotional harm that prejudices their development, the victim's dependants under the age of 18, and other dependants where provided by national law, should receive the same protection measures as those afforded to children should receive the same protection measures as those accorded to the victim. Other persons dependant on the victim, such as adults with disabilities or older dependant adults for whom the | |

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| | | <i><u>children by perpetrators can be used to exercise power over and commit acts of violence against mothers, a type of indirect violence against women known in some Member States as vicarious violence. Animals are also often used as leverage in the execution of power by the perpetrator. It is therefore vital that Member States ensure that the relevant authorities are adequately trained on the complex dynamics of abusive relationships so that they are able to accord such protection measures wherever and whenever they are appropriate.</u></i> | victim provides care, may experience similar emotional harm and should thus be accorded the same protection measures, unless there are indications that these dependants do not have specific needs. | |
| Recital 32 | | | | |
| 41 | (32) Victims of violence against women and domestic violence are often in need of specific support. To ensure they effectively receive offers of support, the competent authorities should refer victims to appropriate support services. This should in particular be the case where an individual assessment has found particular support needs of the victim. In that case, support services should be able to reach out to the victim even without the victim's consent. For the processing of related personal data by competent authorities, Member States should ensure that it is based on law, in | (32) Victims of violence against women and domestic violence are often in need of specific support <u>services by trained professionals and of medical care</u> . To ensure they effectively receive offers of support, the competent authorities should <u>immediately</u> refer victims to appropriate support services, <u>including medical services</u> . This should in particular be the case where an individual assessment has found particular support <u>and medical</u> needs of the victim. In that case, support services should be able to reach out to the victim even without the victim's consent, <u>but</u> | (32) Victims of violence against women and domestic violence are often in need of specific support. To ensure they effectively receive offers of support, the competent authorities should refer victims to appropriate support services. This should in particular be the case where an individual assessment has found particular support needs of the victim. When determining whether to refer child victims to In that case, support services, their best interests shall be a primary consideration, as laid down in Article 24 of the Charter should be able to reach out to the victim even | |

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| | <p>accordance with Article 6(1)(c) read in conjunction with Article (6)(2) and (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council¹. Such laws should include appropriate personal data safeguards that respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the individuals. Where competent authorities transfer victims' personal data to support services for victims' referral, they should ensure that the data transferred is limited to what is necessary to inform the services of the circumstances of the case, so that victims receive appropriate support and protection.</p> <p><small>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), (OJ L 119, 4.5.2016, p. 1–88).</small></p> | <p><u>with due regard for the victim's safety, taking into consideration the victim's needs and preventing any further or secondary victimisation. However, due caution should be exercised in that regard because a victim could be put in danger if support services reach out to the victim without the victim's consent, for instance if the victim lives with a controlling offender. That also risks further isolating victims from support due to fear. Therefore, support services should only reach out to victims without their consent where they deem it vital for the victims' safety and wellbeing.</u> For the processing of related personal data by competent authorities, Member States should ensure that it is based on law, in accordance with Article 6(1)(c) read in conjunction with Article (6)(2) and (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council⁴⁷ <u>and Directive (EU) 2016/680</u>. Such laws should include appropriate personal data safeguards that respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the individuals. Where competent authorities transfer victims' personal data to support <u>and medical</u> services for victims' referral, they should ensure that the</p> | <p>without the victim's consent. For the processing of related personal data by competent authorities, Member States should ensure that it is based on law, in accordance with Article 6(1)(c) read in conjunction with Article (6)(2) and (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council¹. Such laws should include appropriate personal data safeguards that respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the individuals. Where competent authorities transfer victims' personal data to support services for victims' referral, they should ensure that the data transferred is limited to what is necessary to inform the services of the circumstances of the case, so that victims receive appropriate support and protection. The support services should only store personal data for as long as necessary, and in any event for no longer than 5 years, or a shorter period of time if established in national law, after the last contact between the support service and the victim.</p> <p><small>1. [1] 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</small></p> | |

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| | | <p>data transferred is limited to what is necessary to inform the services of the circumstances of the case, so that victims receive appropriate <u>medical care</u>, support and protection. <u>It should be ensured that only a limited number of persons have access to the data and that access periods are clearly established. Victims should be provided with information about the steps in the proceedings and about how evidence can be secured for potential future criminal proceedings.</u></p> <p><u>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).</u></p> <p>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), (OJ L 119, 4.5.2016, p. 1–88).</p> | <p>(General Data Protection Regulation) (Text with EEA relevance), (OJ L 119, 4.5.2016, p. 1–88).</p> | |
| Recital 32a | | | | |

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| 41a | | <p><u>(32a) Ensuring the presence of specialised staff within Member States' law enforcement, prosecution and judicial authorities is of great importance. The establishment of specialist courts or chambers and the designation of specialised prosecutors on violence against women and domestic violence should be considered as an option for Member States to ensure a gender-sensitive approach to combating those offences. Member States should ensure that the competent authorities are provided with sufficient resources to investigate the offences covered by this Directive in order to avoid a situation whereby an inadequate investigation leads to the ineffective prosecution of the offence and in order to avoid increasing impunity.</u></p> |  | |
| Recital 33 | | | | |
| 42 | <p>(33) Member States should take the necessary measures to ensure the availability of emergency barring, restraining and protection orders to ensure effective protection of victims and their dependants.</p> | <p>(33) Member States should take the necessary measures to ensure the <u>swift</u> availability of emergency barring, restraining and protection orders <u>as well as the use of arrest and detention</u> to ensure effective protection of victims and their dependants.</p> | <p>(33) Member States should take the necessary measures to ensure the availability of emergency barring, restraining and protection orders to ensure effective protection of victims and their dependants under the age of 18, and other dependants where provided by national law.</p> | |

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| Recital 34 | | | | |
| 43 | (34) Member States should ensure that emergency barring orders may be issued in situations of immediate danger, such as where harm is imminent or has already materialised and is likely to be inflicted again. | (34) Member States should ensure that emergency barring orders may be issued in situations of immediate danger, such as where harm is imminent or has already materialised and is likely to be inflicted again <u>on victims or dependants</u> . | (34) Member States should ensure that emergency barring orders may be issued in situations of immediate danger, such as where harm is imminent or has already materialised and is likely to be inflicted again. | (34) <u>[Member States should ensure that emergency barring, restraining and protection orders may be issued in situations of immediate danger, such as where harm is imminent or has already materialised and is likely to be inflicted again. Emergency barring, restraining and protection orders are much less restrictive than other types of measures which separate the victim and the perpetrator, for example arrest and detention, and do not provide effective protection in cases of severe violence. Therefore, it is important that emergency barring, restraining and protection orders not be used as a substitute for arrest and detention where there is a risk of repeated and severe violence, including a lethal threat. They could be used, however, as a complementary measure to ensure that victims are protected once perpetrators are released.]</u> Proposal by the EP |
| Recital 35 | | | | |
| 44 | (35) Protection orders may include prohibiting the offender or suspect to access certain localities; to approach the victim or dependant closer than a | (35) <u>Restraining and</u> protection orders may <u>can</u> include prohibiting the offender or suspect to access <u>from accessing</u> certain | (35) Protection orders may include prohibiting the offender or suspect to access certain localities; to approach the victim or dependant under the | |

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| | prescribed distance or to contact them, including through the use of online interfaces and to possess firearms or deadly weapons, where necessary. | localities; <u>places or defined areas where the victim or dependant resides or visits from approaching</u> to approach the victim or dependant closer than a prescribed distance, <u>from contacting the victim or dependant</u> or to contact them , including through the use of online interfaces, <u>and from possessing</u> and to possess firearms or deadly weapons, where necessary. <u>Such orders should be issued whenever the situation of risk to the victim makes it advisable, regardless of whether the victim has reported a criminal offence.</u> | age of 18, and other dependants where provided by national law, closer than a prescribed distance or to contact them, including through the use of online interfaces. Such orders may also include prohibiting the possession of and to possess firearms or deadly weapons, where necessary. Emergency barring, restraining or protection orders should be issued either for a specified period, or until modified or discharged. | |
| Recital 36 | | | | |
| 45 | (36) In order to safeguard the effectiveness of emergency barring, restraining and protection orders, breaches of such orders should be subject to penalties. Those penalties can be of a criminal law or other legal nature and may include prison sentences, fines or any other legal penalty that is effective, proportionate and dissuasive. | (36) In order to safeguard the effectiveness of emergency barring, restraining and protection orders, breaches of such orders should be subject to penalties. Those penalties can be of a criminal law or other legal nature and may include prison sentences, fines or any other legal penalty that is effective, proportionate and dissuasive. <u>Member States should ensure that in situations in which barring, restraining and protection orders are issued, offenders are informed and encouraged to voluntarily enrol in specialised programmes addressing their violent behaviour. It is essential that victims are</u> | (36) In order to safeguard the effectiveness of emergency barring, restraining and protection orders, breaches of such orders should be subject to penalties. Those penalties can be of a criminal law or other legal nature and may include prison sentences, fines or any other legal penalty that is effective, proportionate and dissuasive. | |

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| | | <u>informed of any breach of barring, restraining or protection orders. As breaches of barring, prescription or protection orders can increase risks and require further protection to be put in place, a renewed assessment of the order should immediately be made after a documented breach.</u> | | |
| Recital 36a | | | | |
| 45a | | <u>(36a) Electronic monitoring should be used to ensure the enforcement of emergency barring, restraining and protection orders. Electronic monitoring makes it possible to ensure compliance with emergency barring, restraining and protection orders, to record evidence of breaches of such orders and to enhance the supervision of offenders. Victims should always be informed about the capabilities and limitations of electronic monitoring.</u> | | |
| Recital 37 | | | | |
| 46 | (37) Presenting evidence of past sexual behaviour to challenge the credibility and lack of consent of victims in sexual violence cases, especially rape cases, may reinforce the perpetuation of damaging stereotypes of victims and lead to repeat or secondary victimisation. Therefore, without prejudice to the | (37) Presenting evidence of past sexual behaviour, <u>the sexual preferences of the victim and the attire or outfit of the victim</u> to challenge the credibility and lack of consent of victims in sexual violence cases, especially rape cases, may reinforce the perpetuation of damaging stereotypes of victims and | (37) Presenting evidence of past sexual behaviour to challenge the credibility and lack of consent of victims in sexual violence cases, especially rape cases, may reinforce the perpetuation of damaging stereotypes of victims and lead to repeat or secondary victimisation. Therefore, without prejudice to the | |

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| | rights of defence, questions, enquiries and evidence concerning past sexual conduct of the victim should not be permitted in criminal investigations and court proceedings. | lead to repeat or secondary victimisation. Therefore, without prejudice to the rights of defence, questions, enquiries and evidence concerning past sexual conduct of the victim should not be permitted in criminal investigations and court proceedings. <u>It should only be possible to use in court proceedings notes taken by counsellors or therapists with the agreement of the person who spoke to the counsellor or therapist.</u> | rights of defence, questions, enquiries and Member States should ensure that evidence concerning the past sexual conduct of the victim should not be permitted in criminal investigations and court proceedings only when it is relevant and necessary. | |
| Recital 37a | | | | |
| 46a | | <u>(37a) Women's specialist services play a crucial role in providing support for victims of violence against women and domestic violence. They provide services that use gender-responsive methodologies to support women and their children who experience violence against women and domestic violence. Such services include women's support centres, women's shelters, helplines, rape crisis, sexual violence referral centres, and primary prevention services. They are often provided by non-governmental women's-led organisations.</u> | | |
| Recital 38 | | | | |
| 47 | | | | |

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| | <p>(38) Given the complexities and gravity of offences of violence against women and domestic violence and specific support needs of victims, Member States should ensure additional support and prevention of such offences is provided by designated bodies. Given their expertise in matters of discrimination on grounds of sex, national equality bodies, set up in accordance with Directives 2004/113/EC¹, 2006/54/EC² and 2010/41/EU³ of the European Parliament and of the Council, are well placed to fulfil these tasks. Such bodies should in addition have legal standing to act on behalf or in support of victims of all forms of violence against women or domestic violence in judicial proceedings, including for the application for compensation and removal of online illegal content, with the victims' approval. This should include the possibility of acting on behalf or in support of several victims together. To enable these bodies to effectively carry out their tasks, Member States should ensure that they are provided with sufficient human and financial resources.</p> <p>1. 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). 2. Directive 2006/54/EC of the European</p> | <p>(38) Given the complexities and gravity of offences of violence against women and domestic violence and specific support needs of victims, Member States should ensure additional support and prevention of such offences is provided by <u>specialist services and designated national bodies, equality bodies and other relevant actors</u>. Given their expertise in matters of discrimination on grounds of <u>race, ethnicity and</u> sex, national equality bodies, set up in accordance with Directives <u>2000/43/EC</u>, 2004/113/EC⁺⁸, 2006/54/EC⁺²⁹ and 2010/41/EU⁺¹⁰ of the European Parliament and of the Council, are<u>could be</u> well placed to fulfil these tasks <u>provided that they have the adequate specialised expertise in the area of violence against women and domestic violence. In accordance with the individual legal traditions and cultures of the Member States, -such bodies and other specialised relevant actors should in addition be able to support data collection and should</u> have legal standing to act on behalf or in support of victims of all forms of violence against women or domestic violence in judicial proceedings, including for the application for compensation and removal of online illegal content, with the victims' approval. This should include the</p> | <p>(38) Given the complexities and gravity of offences of violence against women and domestic violence and specific support needs of victims, Member States should ensure additional support and prevention of such offences is provided by designated bodies. Given their expertise in matters of discrimination on grounds of sex, national equality bodies, set up in accordance with Directives 2004/113/EC¹, 2006/54/EC² and 2010/41/EU³ of the European Parliament and of the Council, are well placed to fulfil these tasks. Such bodies should in addition have legal standing to act on behalf or in support of victims of all forms of violence against women or domestic violence in judicial proceedings, including for the application for compensation and removal of online illegal content, with the victims' approval. This should include the possibility of acting on behalf or in support of several victims together. To enable these bodies to effectively carry out their tasks, Member States should ensure that they are provided with sufficient human and financial resources.</p> <p>1. 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). 2. Directive 2006/54/EC of the European</p> | |

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| | <p>Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), (OJ L204, 26.7.2006, p. 23).</p> <p>3. 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).</p> | <p>possibility of acting on behalf or in support of several victims together. To enable these bodies to effectively carry out their tasks, Member States should ensure that they are provided with sufficient human and financial resources <u>and that they are properly trained to keep themselves up to date with the development of new technologies used in connection with the offences covered by this Directive.</u></p> <p><u>⁸ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).</u></p> <p><u>⁹ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ L 204, 26.7.2006, p. 23).</u></p> <p><u>¹⁰ Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ</u></p> | <p>Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), (OJ L204, 26.7.2006, p. 23).</p> <p>3. [3] Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of 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).</p> | |

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| | | <p><u>L 180, 15.7.2010, p. 1).</u></p> <p><i>1. 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).</i></p> <p><i>2. Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), (OJ L 204, 26.7.2006, p. 23).</i></p> <p><i>3. 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).</i></p> | | |
| Recital 39 | | | | |
| 48 | <p>(39) Certain offences covered by this Directive involve the increased risk of repeated, prolonged or even continuous victimisation. That risk occurs especially in relation to offences involving the making accessible to a multitude of end-users, through information and communication technologies, of material, resulting from certain offences of cyber violence, considering the ease and speed with which such material can be distributed on a large scale and the difficulties that often exist when it comes to removing such material.</p> | <p>(39) Certain offences covered by this Directive involve the increased risk of repeated, prolonged or even continuous victimisation. That risk occurs especially in relation to offences involving the making accessible to a multitude of other end-users, through information and communication technologies, of material, resulting from certain offences of cyber violence, considering the ease and speed with which such material can be distributed on a large scale and the difficulties that often exist when it comes to removing such material.</p> | <p>(39) Certain offences covered by this Directive involve the increased risk of repeated, prolonged or even continuous victimisation. That risk occurs especially in relation to offences involving the making accessible to a multitude of end-users material accessible, through information and communication technologies, of material, resulting from certain offences of cyber violence, considering the ease and speed with which such material can be distributed on a large scale and the difficulties that often exist when it comes to removing such material.</p> | |

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| | That risk typically remains even after a conviction. Therefore, in order to effectively safeguard the rights of the victims of those offences, Member States should be required to take suitable measures aimed at the removal of the material in question. Considering that removal at the source may not always be feasible, for instance because of legal or practical difficulties relating to the execution or enforcement of an order to remove, Member States should also be allowed to provide for measures to disable access to such material. | That risk typically remains even after a conviction. Therefore, in order to effectively safeguard the rights of the victims of those offences, Member States should be required to take suitable measures aimed at the removal of the material in question. Considering that removal at the source may not always be feasible, for instance because of legal or practical difficulties relating to the execution or enforcement of an order to remove, Member States should also be allowed to provide for measures to disable access to such material. | That risk typically remains even after a conviction. Therefore, in order to effectively safeguard the rights of the victims of those offences, Member States should be required to take suitable measures aimed at the removal of the material in question. Considering that removal at the source may not always be feasible, for instance because of legal or practical difficulties relating to the execution or enforcement of an order to remove, Member States should also be allowed to provide for measures to disable access to such material. | |
| Recital 40 | | | | |
| 49 | (40) Those measures should include, in particular, empowering national judicial authorities to issue orders to providers of intermediary services to remove, or also to disable access to, one or more specific items of the material in question. Those orders should be issued upon a sufficiently reasoned and substantiated request of the victim. Considering the speed with which such material can spread online and the time it can take to complete criminal proceedings against the persons suspected of having committed the relevant offences, it is necessary for the effective protection of the victims' rights to provide for | (40) Those measures should include, in particular, empowering national judicial authorities to issue orders to providers of intermediary services to remove, or also to disable access to, one or more specific items of the material in question. Those orders should be issued upon a sufficiently reasoned and substantiated request of the victim. Considering the speed with which such material can spread online and the time it can take to complete criminal proceedings against the persons suspected of having committed the relevant offences, it is necessary for the effective protection of the victims' rights to provide for | (40) Those measures should include, in particular, empowering national judicial authorities to issue orders to providers of intermediary services hosting service providers to remove, or also to disable access to, one or more specific items of the material in question. Those orders should be issued upon a sufficiently reasoned and substantiated request of the victim. Considering the speed with which such material can spread online and the time it can take to complete criminal proceedings against the persons suspected of having committed the The national authorities may also address the orders to disable access to other | |

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| | the possibility of issuing, subject to certain conditions, such orders by means of interim measures, even prior to the termination of such criminal proceedings. | the possibility of issuing, subject to certain conditions, such orders by means of interim measures, even prior to the termination of such criminal proceedings. | relevant offences, it is necessary for the effective protection of the victims' rights to provide for the possibility of issuing, subject to certain conditions, such orders by means of interim measures, even prior to the termination of such criminal proceedings intermediary service providers. | |
| Recital 41 | | | | |
| 50 | (41) Any such measures to remove or disable access, including in particular such orders, are liable to affect the right and interests of other parties than the victims, such as the persons providing the material, the intermediary service providers whose services may be used and the end-users of those services, as well the general interest. Therefore, it should be ensured that those orders and other measures can only be taken in a transparent manner and that adequate safeguards are provided for, so as to ensure that they remain limited to what is necessary and proportionate, legal certainty is ensured, all affected parties can exercise their right to effective judicial redress in accordance with national law, and a fair balance is struck between all rights and interests involved, including the fundamental rights of all parties concerned in compliance | (41) Any such measures to remove or disable access, including in particular such orders, are liable to affect the right and interests of other parties than the victims, such as the persons providing the material, the intermediary service providers whose services may be used and the end-users of those services, as well the general interest. Therefore, it should be ensured that those orders and other measures can only be taken in a transparent manner and that adequate safeguards are provided for, so as to ensure that they remain limited to what is necessary and proportionate, legal certainty is ensured, all affected parties can exercise their right to effective judicial redress in accordance with national law, and a fair balance is struck between all rights and interests involved, including the fundamental rights of all parties concerned in compliance | (41) Any such measures to remove or disable access, including in particular such orders, are liable to affect the right and interests of other parties than the victims, such as the persons providing the material, the intermediary service hosting services providers whose services may be used and the end-users of those services, as well the general interest. Therefore, it should be ensured that those orders and other measures can only be taken in a transparent manner and that adequate safeguards are provided for, so as to ensure that they remain limited to what is necessary and proportionate, legal certainty is ensured, hosting services providers, other relevant intermediary service providers, and content providers all affected parties can exercise their right to effective judicial redress in accordance with national law, and a | |

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| | with the Charter. A careful weighting of all rights and interests at stake on a case-by-case basis is particularly important in proceedings for interim measures. Those orders should, as a general rule, be addressed to the specific provider of intermediary services that is best placed to act, in particular so as to limit any possible negative effects for freedom of expression and information. | with the Charter. A careful weighting of all rights and interests at stake on a case-by-case basis is particularly important in proceedings for interim measures. Those orders should, as a general rule, be addressed to the specific provider of intermediary services that is best placed to act, in particular so as to limit any possible negative effects for freedom of expression and information. | fair balance is struck between all rights and interests involved, including the fundamental rights of all parties concerned in compliance with the Charter. A careful weighting of all rights and interests at stake on a case-by-case basis is particularly important in proceedings for interim measures. Those orders should, as a general rule, be addressed to the specific provider of intermediary services that is best placed to act, in particular so as to limit any possible negative effects for freedom of expression and information. . | |
| Recital 42 | | | | |
| 51 | (42) The provisions of this Directive on orders and other measures for the removal and disabling access to relevant material should leave the relevant rules contained in Regulation XX/YYYY [proposed DSA Regulation] unaffected. In particular, those orders should comply with the prohibition of imposing general obligations of monitoring or active fact-finding and with the specific requirements of that Regulation regarding orders to remove illegal content online. | (42) The provisions of this Directive on orders and other measures for the removal and disabling access to relevant material should leave the relevant rules contained in Regulation XX/YYYY [proposed DSA Regulation] <u>(EU) 2022/2065</u> unaffected. In particular, those orders should comply with the prohibition of imposing general obligations of monitoring or active fact-finding and with the specific requirements of that Regulation regarding orders to remove illegal content online. | (42) The provisions of this Directive on orders and other measures for the removal and disabling access to relevant material should leave the relevant rules, contained in Regulation XX/YYYY [proposed DSA Regulation] (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), unaffected. In particular, those orders should comply with the prohibition of imposing general obligations of monitoring or active fact-finding and with the specific requirements of that Regulation | |

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| | | | regarding orders to remove illegal content online. | |
| Recital 43 | | | | |
| 52 | (43) Considering the potential importance of material that may be the object of the orders or other measures taken under this Directive to remove or disable access thereto for investigating or prosecuting the relevant offences under criminal law, the necessary measures should be taken to allow the competent authorities to obtain or secure such material, where necessary. Those measures could consist, for example, of requiring relevant intermediary service providers to transmit the material to those authorities or to preserve the material for a limited period that does not go beyond what is necessary. Any such measures should ensure the security of the material, remain limited to what is reasonable and comply with the applicable rules on the protection of personal data. | (43) Considering the potential importance of material that may be the object of the orders or other measures taken under this Directive to remove or disable access thereto for investigating or prosecuting the relevant offences under criminal law, the necessary measures should be taken to allow the competent authorities to obtain or secure such material <u>for the purpose of providing evidence</u> , where necessary. Those measures could consist, for example, of requiring relevant intermediary service providers to transmit the material to those authorities or to preserve the material for a limited period that does not go beyond what is necessary <u>in the framework of the investigation and to support it</u> . Any such measures should ensure the security of the material, remain limited to what is reasonable, <u>necessary and proportionate</u> , and comply with the applicable rules on the protection of personal data. | (43) Considering the potential importance of material that may be the object of the orders or other measures taken under this Directive to remove or disable access thereto for investigating or prosecuting the relevant offences under criminal law, the necessary measures should be taken to allow the competent authorities to obtain or secure such material, where necessary. Those measures could consist, for example, of requiring relevant hosting services providers or other relevant intermediary service providers to transmit the material to those authorities or to preserve the material for a limited period that does not go beyond what is necessary. Any such measures should ensure the security of the material, remain limited to what is reasonable and comply with the applicable rules on the protection of personal data. | |
| Recital 44 | | | | |
| 53 | (44) In order to avoid secondary | (44) In order to avoid secondary | (44) In order to avoid secondary | (44) <u>Victims should have the right</u> |

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| | <p>victimisation, victims should be able to obtain compensation in the course of criminal proceedings. Compensation from the offender should be full and should not be restricted by a fixed upper limit. It should cover all harm and trauma experienced by victims and costs incurred to manage the damages, including among other things therapy costs, impact on the victim's employment situation, loss of earnings, psychological damages, and moral prejudice due to the violation of dignity. The amount of compensation should reflect that victims of domestic violence may have to uproot their lives in order to seek safety, entailing a possible change of employment or finding new schools for children or even creating a new identity.</p> | <p>victimisation, victims should be able to obtain compensation in the course of criminal proceedings. Compensation from the offender should be full and should not be restricted by a fixed upper limit. It should cover all harm and trauma experienced by victims and costs incurred to manage the damages, including, among other things, <u>costs for healthcare services, including sexual and reproductive and psychological health services, rehabilitation</u>, therapy costs, impact on the victim's employment situation, loss of earnings, psychological damages, and moral prejudice due to the violation of dignity. The amount of compensation should reflect that victims of <u>violence against women and</u> domestic violence may have to uproot their lives in order to seek safety, entailing a possible change of <u>residence or</u> employment or finding new schools for children or even creating a new identity. <u>Compensation should be made available to victims as soon as possible.</u></p> | <p>victimisation, victims should be able to obtain compensation in the course of criminal proceedings. Compensation from the offender should be full and should not be restricted by a fixed upper limit. It should cover all harm and trauma experienced by victims and costs incurred to manage the damages, including among other things therapy costs, impact on the victim's employment situation, loss of earnings, psychological damages, and moral prejudice due to the violation of dignity. The amount of compensation should reflect that victims of domestic violence may have to uproot their lives in order to seek safety, entailing a possible change of employment or finding new schools for children or even creating a new identity.</p> | <p><u>to claim full compensation for damages in accordance with national law. While this Directive does not require Member States to change their national law on compensation, the right to compensation is, nevertheless, inviolable.</u> In order to avoid secondary victimisation, <u>it is important that</u> victims should be able, <u>as a general rule, to seek and</u> to obtain compensation in the course of criminal proceedings. <u>However, where that would have a significant detrimental effect on the criminal proceedings, for example by significantly delaying them or by negatively affecting the victim, it should be possible to deal with the issue of compensation outside of the criminal proceedings.</u> Compensation from the offender should be full and should not be restricted by a fixed upper limit. It should cover all harm and trauma experienced by victims and costs incurred to manage the damages, including, among other things, <u>costs for healthcare services, including [sexual and reproductive and] psychological health services, rehabilitation</u>, therapy costs, impact on the victim's employment situation, loss of earnings, psychological damages, and moral prejudice due to the violation of dignity. The amount of</p> |

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| | | | PUBLIC | <p>compensation should reflect that victims of <u>violence against women and</u> domestic violence may have to uproot their lives in order to seek safety, entailing a possible change of <u>residence or</u> employment or finding new schools for children or even creating a new identity.</p> <p><u>Compensation should be made available to victims as soon as possible.</u></p> <p>Text Origin: Commission Proposal</p> |
| Recital 45 | | | | |
| 54 | <p>(45) Assistance and support to victims of violence against women and domestic violence should be provided before, during and for an appropriate period after the criminal proceedings have ended, for example where medical treatment is still needed to address the severe physical or psychological consequences of the violence, or if the victim's safety is at risk in particular due to the statements made by the victim in those proceedings.</p> | <p>(45) Assistance and support to victims of violence against women and domestic violence should be provided <u>without delay</u> before, during and for an appropriate period after the criminal proceedings have ended, for example where medical treatment is still needed to address the severe physical or psychological consequences of the violence, or if the victim's safety is at risk in particular due to the statements made by the victim in those proceedings. <u>Assistance and support should be available to victims regardless of whether criminal proceedings have been initiated.</u></p> | <p>(45) Assistance and support to victims of violence against women and domestic violence should be provided before, during and for an appropriate period after the criminal proceedings have ended, for example where medical treatment is still needed to address the severe physical or psychological consequences of the violence, or if the victim's safety is at risk in particular due to the statements made by the victim in those proceedings.</p> | |
| Recital 46 | | | | |

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| 55 | (46) Specialised support services should provide support to victims of all forms of violence against women and domestic violence, including sexual violence, female genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence. | (46) Specialised support services should provide support, <u>advice and information on any relevant legal and practical matters and on referrals to medical forensic examinations and comprehensive healthcare services</u> to victims of all forms of violence against women and domestic violence, including sexual violence, <u>sexual exploitation through the prostitution of others, female and intersex</u> genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence. | (46) Specialised support services should provide support to victims of all forms of violence against women and domestic violence, including sexual violence, female genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence. Victims should be offered specialist support services irrespective of whether they have filed a formal complaint. | |
| Recital 47 | | | | |
| 56 | (47) Specialist support should offer victims support tailored to their specific needs, and irrespective of any official complaint. Such services could be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support. Specialist support may be provided by national authorities, victims' support organisations, or other non-governmental organisations. They should be granted sufficient human and financial resources and, where the services are provided by non-governmental organisations, | (47) Specialist support should offer victims support, <u>including medical care</u> , tailored to their specific needs, and irrespective of any official complaint. Such services could <u>should</u> be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support, <u>in particular with women's specialist support services. Referral and cooperation systems between general victim support services and women's specialised support should be put in place</u> . Specialist support may be provided by national, | (47) Specialist support services should offer victims support tailored to their specific needs, by a person of the same sex when requested or appropriate and such a person is available. Building on the requirements set out in Directive 2012/29/EU, the legal framework needs to be supplemented in order to ensure that specialist support services are provided with all the necessary tools to provide a targeted and integrated support for victims of violence against woman and domestic violence, in view of their specific needs and irrespective of any official | |

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| | Member States should ensure that they receive appropriate funds. | <u>regional or local</u> authorities, victims' support organisations, or other non-governmental organisations. They should be granted sufficient human and financial resources and, where the services are provided by non-governmental organisations, Member States should ensure that they receive appropriate funds. <u>When planning the organisation of specialist support services, Member States should take into account the structures of and synergies between existing specialised support services provided by non-governmental organisations and the types of specialised support services offered by non-governmental organisations in order to ensure clear coordination between actors and, as a consequence, to facilitate women's access to those services.</u> | complaint. Such services could be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support. Specialist support may be provided by national public authorities, victims' support organisations, or other non-governmental organisations, taking into account the Member States' geography and demographic composition. They should be granted sufficient human and financial resources and, where the services are provided by non-governmental organisations, Member States should ensure that they receive appropriate funds. | |
| Recital 48 | | | | |
| 57 | (48) Victims of domestic violence and violence against women typically have multiple protection and support needs. In order to address these effectively, Member States should provide such services at the same premises, or have such services coordinated through a central contact point. To ensure also victims in remote areas or unable to physically reach such centres are | (48) Victims of domestic violence and violence against women typically have multiple protection, <u>medical</u> and support needs. <u>That type of support is best ensured by women's organisations, considering the disproportionate impact that violence against women has on them. National authorities should support and recognise women's specialist services. Women's</u> | (48) Victims of domestic violence and violence against women typically have multiple protection and support needs. In order to address these effectively, Member States should provide such services at the same premises, or have such services coordinated through a contact point or through online access to such services. The latter would central contact point. To | |

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| | <p>reached, Member States should provide for online access to such services. This should entail setting up a single and updated website where all relevant information on and access to available support and protection services is provided (one-stop online access). The website should follow accessibility requirements for persons with disabilities.</p> | <p><u>specialist services should systematically be included in multiagency coordination processes for risk assessment and management.</u> In order to <u>effectively</u> address these effectively <u>the multiple protection, medical and support needs of victims of domestic violence and violence against women</u>, Member States should provide such services at the same premises, or, <u>alternatively</u>, have such services coordinated through a central contact point. <u>Member States should ensure that such services are equally distributed geographically.</u> To ensure also that <u>all</u> victims, <u>including those</u> in remote areas or unable to physically reach such centres, are reached, Member States should provide for online <u>remote</u> access to such services <u>by setting up an app, a website and a helpline that is available 24/7.</u> This should entail, <u>inter alia</u>, setting up a single and updated website where all relevant information on and access to available <u>in-person and online</u> support and protection services is provided (one-stop online access). The website should follow accessibility requirements for persons with disabilities <u>such as those set out in Annex I to Directive (EU) 2019/882. All services, both online and in-person, should be</u></p> | <p>ensure that also victims in remote areas or unable to physically reach such centres are reached, Member States. This should provide for online access to such services. This should at least entail setting up a single and updated website where all relevant information on and direction to access to available support and protection services is provided (one-stop online access). The Such a website should follow accessibility requirements for persons with disabilities.</p> | |

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| | | <u>fully accessible and non-discriminatory.</u> | | |
| Recital 48a | | | | |
| 57a | | <u>(48a) Member States should, in consultation and cooperation with, inter alia, women's specialist support services, victim protection centres, healthcare professionals and other relevant actors, based on evidence, their expertise and best practices, and taking into consideration the process for carrying out and content of specialised individual assessments to identify victims' protection needs and individual assessments of victims' support needs under this Directive, issue and review and, where necessary, update, on a regular basis, in light of their practical application, guidelines and protocols for general victim support services. Such guidelines and protocols should include information on how to treat victims in a trauma-, gender-, and child-sensitive manner, in a way that avoids gender stereotypes and in a way that prevents secondary or repeat victimisation.</u> | | |
| Recital 49 | | | | |
| 58 | (49) Specialist support services, | (49) Specialist support services, | (49) Specialist support services, | |

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| | including shelters and rape crisis centres, should be considered essential during crises and states of emergency, including during health crises. These services should continue to be offered in these situations, where instances of domestic violence and violence against women tend to surge. | including shelters and rape crisis centres, <u>women's advice centres, sexual violence referral centres, specialised LGBTIQ centres, helplines, and programmes addressing the rehabilitation of perpetrators of violence and the clinical management of rape</u> should be considered essential during crises and states of emergency, including during health crises. These services should continue to be offered in these situations, where instances of domestic violence and violence against women tend to surge. | including shelters and rape crisis centres, should be considered essential during crises and states of emergency, including during health crises. These services The aim should be to continue to offer these services in be offered in these situations, where instances of domestic violence and violence against women tend to surge. | |
| Recital 50 | | | | |
| 59 | (50) The traumatic nature of sexual violence, including rape, requires a particularly sensitive response by trained and specialised staff. Victims of this type of violence need immediate medical care and trauma support combined with immediate forensic examinations to collect the evidence needed for prosecution. Rape crisis centres or sexual violence referral centres should be available in sufficient numbers and adequately spread over the territory of each Member State. Similarly, victims of female genital mutilation, who are often girls, typically are in need of targeted support. Therefore, Member States should ensure they provide dedicated support tailored to | (50) The traumatic nature of sexual violence, including rape, requires a particularly sensitive <u>gender-sensitive</u> response by trained and specialised staff. Victims of this type of violence need immediate, <u>comprehensive and long-term medical care, including sexual and reproductive healthcare and the clinical management of rape, including emergency contraception, post-exposure prophylaxis, sexually transmitted infection treatments and access to safe and legal abortion and trauma support as well as the option of long-term support, including counselling and</u> trauma support combined with immediate forensic examinations to | (50) The traumatic nature of sexual violence, including rape, requires a particularly sensitive response by trained and specialised staff. Victims of this type of violence need immediate medical care and trauma support combined with immediate forensic examinations to collect the for the safe keeping of evidence needed for future prosecution. Rape crisis centres or sexual violence referral centres should be available in sufficient numbers and adequately spread over the territory of each Member State, taking into account the Member States geography and demographic composition. Such centres can form part of the existing healthcare system in the | |


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| | these victims. | collect the evidence needed for prosecution . Rape crisis centres or sexual violence referral centres should <u>offer immediate forensic examinations to collect the evidence needed for prosecution and</u> be available <u>on a 24-hour basis</u> in sufficient numbers and adequately spread over the territory of each Member State. Similarly, victims of female <u>and intersex</u> genital mutilation <u>and other harmful practices</u> , who are often girls, typically are in need of targeted <u>tailored</u> support. Therefore, Member States should ensure they provide dedicated support tailored <u>customised</u> to these victims <u>through a multi-disciplinary and victim-centred approach and by providing targeted training to all relevant professionals who might come in contact with a victim or a person at risk. Such specialist support should be provided with the highest standards of privacy, intimacy and confidentiality.</u> | Member State. Similarly, victims of female genital mutilation, who are often girls, typically are in need of targeted support. Therefore, Member States should ensure they provide dedicated support tailored to these victims. | |
| Recital 50a | | | | |
| 59a | | <u>(50a) Victims of female genital mutilation, who are often girls, and victims of forced sterilisation typically are in need of targeted support. Therefore, Member States should ensure that they provide support tailored to those victims</u> | | |


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| | | <u>and that those specialist support services are provided with the highest standards of privacy, intimacy and confidentiality.</u> | | |
| Recital 50b | | | | |
| 59b | | <u>(50b) Because cyber violence is significantly underreported, providers of specialist support services for victims of cyber violence should be appropriately equipped and such services should be easily accessible. Such services should include psychological support, legal counselling and assistance.</u> | | |
| Recital 50c | | | | |
| 59c | | <u>(50c) Violence at work and harassment in the world of work is unacceptable and incompatible with decent work. It affects peoples' psychological, physical and sexual health, dignity, and family and social environment, and the quality of public and private services. In particular, it can prevent people, particularly women, from accessing, and remaining and advancing in, the labour market and is therefore a threat to equal opportunities. It also negatively affects the organisation of work, workplace relations, worker</u> | | |

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| | | <u>engagement, enterprise reputation and productivity.</u> | | |
| Recital 51 | | | | |
| 60 | <p>(51) Harassment at work is considered as discrimination on grounds of sex by Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. Given that sexual harassment at work has significant negative consequences both for the victims and the employers, advice on adequately addressing such instances at the workplace, on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of early conciliation, if the victim so wishes, should be provided by external counselling services to both victims and employers.</p> | <p>(51) Harassment at work is considered as discrimination on grounds of sex by Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. Given that sexual harassment at work<u>in the world of work is a form a discrimination that</u> has significant negative consequences both for the victims and the employers, advice on adequately <u>preventing and</u> addressing such instances at the workplace<u>in the world of work</u>, on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of early conciliation, if the victim so wishes, should be provided by external counselling<u>specialised and trained</u> services to both victims and employers. <u>Sexual harassment in the world of work and violence at work should be tackled by means of social dialogue or by means of legal acts or by means of both, taking into account all workplace locations as laid down by the International Labour Organization's Convention concerning the elimination of violence and harassment in the world of work.</u></p> | <p>(51) Sexual harassment at work is considered as a form of discrimination on grounds of sex by Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. Given that Sexual harassment at work has significant negative consequences both for the victims and the employers, advice on adequately addressing such instances at the workplace, on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of early conciliation, if the victim so wishes, should be provided by external counselling services to both victims and employers. Internal or external counselling services should be provided to both victims and employers, where such conduct is specifically criminalised under national law. These should include information on ways to adequately address such instances , and on remedies available to remove the offender from the workplace .</p> | |

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| Recital 51a | | | | |
| 60a | | <p><u>(51a) The social partners can play a key role in addressing, through relevant measures, sexual harassment in the world of work and domestic violence. With the increasing availability of home-based telework, the site of domestic violence can in fact be the workplace of the victim. Employers and trade unions can also contribute to the identification of instances of domestic violence, to supporting victims and to addressing the impact of domestic violence on professional life. There are already many examples of good practices and agreements on workplace policies that give support to victims of domestic violence, enabling them to continue working safely.</u></p> | | |
| Recital 52 | | | | |
| 61 | <p>(52) Member States should ensure that national helplines are operated under the EU-harmonised number [116016] and this number is widely advertised as a public number, free of charge and available round-the-clock. The support provided should include crisis counselling and should be able to refer to face-to-face</p> | <p>(52) Member States should ensure that national helplines <u>for victims seeking support are accessible and</u> are operated under the EU-harmonised number [116016] <u>or another existing number,</u> and this number is widely advertised as a public number, free of charge and available round-the-clock. The</p> | <p>(52) Member States should are encouraged to ensure that national helplines are operated reachable under the EU-harmonised number [116016] and this number is widely advertised as a public number in addition to any existing national numbers, free of charge and available round-the-clock. The</p> | |



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| | services, such as shelters, counselling centres or the police. | support provided should include crisis counselling <u>to be carried out by specialised support services</u> , and should be able to refer to face-to-face services, such as shelters, counselling centres or the police <u>women's specialist support and other social, health and justice services. Such helplines should be operated separately from other helplines for victims of crime and staff manning such helplines should provide all national emergency numbers. Victims of violence against women and domestic violence, if calling a general support helpline, should be redirected to the specialist helpline operated under the EU-harmonised number or another existing number for targeted counselling. Member States should establish a national helpline in the event that no such helpline exists.</u> | public should be adequately informed of the existence of and use of such number. The support provided should include crisis counselling and should be able to refer to face-to-face services, such as shelters, counselling centres or the police. | |
| Recital 53 | | | | |
| 62 | (53) Shelters play a vital role in protecting victims from acts of violence. Beyond providing a safe place to stay, shelters should provide the necessary support concerning interlocking problems related to victims' health, financial situation and the well-being of their children, ultimately preparing victims for an autonomous life. | (53) Shelters play a vital role in protecting victims from acts of violence. Beyond providing a safe place to stay, shelters should provide <u>basic legal guidance and</u> the necessary support concerning interlocking problems related to victims' health, <u>including mental health</u> , financial situation and the well-being of their children, | (53) Shelters play a vital role in protecting victims from acts of violence. Beyond providing a safe place to stay, shelters should provide the necessary support concerning interlocking problems related to victims' health, financial situation and the well-being of their children, ultimately preparing victims for an autonomous life. | |

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| | | <p>ultimately preparing victims for an autonomous life. <u>Member States should ensure that there is a sufficient number of dedicated domestic violence shelters available. Member States shall ensure that those shelters are adequately distributed geographically. Those shelters should be solely available for victims of acts of violence and their location should remain confidential in order to ensure women's safety. A variety of different models of shelter should be made available, including women-only shelters, thereby ensuring maximum flexibility for victims. Shelters should always be available free of charge for the victim and they should ensure the active and continuous physical presence of trained and specialised personnel to engage with and support victims. Shelters and other appropriate interim accommodation should be made available to accommodate the specific needs of victims with disabilities.</u></p> |  | |
| Recital 53a | | | | |
| 62a | | <p><u>(53a) Domestic violence often affects the victim's employment and productivity and health and safety at work due to stress and fear. Perpetrators often prevent their partners or ex-partners from</u></p> | | |

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| | | <p><u>accessing their workplace. In addition, victims will frequently need additional time away from work to attend medical appointments or legal proceedings or to make social arrangements such as searching for new accommodation. Member States should therefore implement measures to ensure that employers who have been notified of a victim's circumstances are prevented from discriminating or in any way disadvantaging the victim in the immediate aftermath of the violence and due to the impact of factors that relate to the violence. Rather, in order to support victims through difficult transitions and help them to remain in the workforce, thereby safeguarding their economic resources and financial independence, victims should have the right to paid leave and flexible working conditions for an appropriate duration.</u></p> |  | |
| Recital 54 | | | | |
| 63 | <p>(54) To effectively address negative consequences for child victims, support measures to children should include age-appropriate psychological counselling, together with paediatric care where necessary, and be provided as soon as competent authorities have</p> | <p>(54) To effectively address negative consequences for child victims, support measures to children should include age-appropriate psychological counselling <u>by trained professionals</u>, together with paediatric care where necessary, and be provided as soon as competent</p> | <p>(54) To effectively address negative consequences for child victims children, support measures to children should include age-appropriate specialised psychological counselling adapted to the age, the developmental needs and the individual situation</p> | |


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| | <p>reasonable grounds to believe that children might have been victims, including child witnesses of violence. In the provision of support to child victims, the rights of the child, as laid down in Article 24 of the Charter, should be a primary consideration.</p> | <p>authorities have reasonable grounds to believe that children might have been victims, including child witnesses of violence. <u>Such support measures should not require the prior consent of the holder of parental responsibility, where that person is the offender or suspect, and should be in accordance with the principles laid down in the UN Convention on the Rights of the Child, in particular Articles 9 and 12 thereof. Such measures should be made available on a long-term basis, in accordance with the victim's needs.</u> In the provision of support to child victims, the rights of the child, as laid down in Article 24 of the Charter, should be a primary consideration. <u>Cooperation between competent authorities and venues the child visits frequently, such as school, should be ensured, both to support the child and provide due support for other children and parents. Cases of parental alienation syndrome and similar concepts and terms that blame mothers for their children's 'alienation' from their father are often linked to cases of violence against women and domestic violence, risk jeopardising a child's safety and cause secondary victimisation, additional psychological stress and trauma to victims. Referring to such concepts</u></p> | <p>of the child, together with paediatric care where necessary, and be provided as soon as competent authorities have reasonable grounds to believe that children might have been victims, including child witnesses of violence. In the provision of support to child victims children, the rights of the child, as laid down in Article 24 of the Charter, should be a primary consideration.</p> | |

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| | | <u><i>calls into question victims' parental skills, disregards the children's testimony and the risks of violence to which the children are exposed, and jeopardises the rights and safety of mothers and children.</i></u> | | |
| Recital 55 | | | | |
| 64 | <p>(55) In order to ensure the safety of children during possible visits with an offender or suspect who is a holder of parental responsibility with rights of access, Member States should ensure that supervised neutral places, including child protection or welfare offices, are made available so that such visits can take place there in the best interests of the child. If needed, the visits should take place in the presence of child protection or welfare officials. Where it is necessary to provide for interim accommodation, children should as a priority be accommodated together with the holder of parental responsibility who is not the offender or suspect, such as the child's mother. The best interest of the child should be always taken into account.</p> | <p>(55) In order to ensure the safety of children during possible visits with an offender or suspect who is a holder of parental responsibility with rights of access, Member States should ensure that supervised neutral places, including child protection or welfare offices, are made available so that such visits can take place there in the best interests of the child. <u><i>Supervised neutral places for visits with an offender should ensure the safety of both the child and, where relevant, the non-abusive holder of parental responsibility and should allow for the avoidance of contact between the offender or suspect and the non-violent parent or their relatives when accompanying the child to the meeting.</i></u> 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</p> | <p>(55) In order to ensure the safety of children during possible visits with an offender or suspect who is a holder of parental responsibility with rights of access, as determined under the applicable national civil law rules. Member States should ensure that supervised neutral places, including child protection or welfare offices, are made available so that such visits can take place there in the best interests of the child. If needed, the visits should take place in the presence of child protection or welfare officials. Where it is necessary to provide for interim accommodation, children should as a priority be accommodated together with the holder of parental responsibility who is not the offender or suspect, such as the child's mother. The best interest of the child should be always taken into account.</p> | |

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| | | is not the offender or suspect, such as the child's mother. The best interest <u>interests</u> of the child should be always taken into account <u>and prevail over a request from the violent parent for shared custody or rights of access. Appropriate referrals for offenders should be provided in order to address violence towards their family members.</u> |  | |
| Recital 55a | | | | |
| 64a | | <u>(55a) Member States should take measures to prevent bias in the determination of "the best interests of the child". Such bias could include the belief that it is in a child's best interests to maintain contact with both parents or with relatives at all costs, regardless of the violence the child has witnessed, which has detrimental and dangerous effects for both the child and the other parent. The right of a child to maintain contact with both parents should be restricted if necessary.</u> | | |
| Recital 56 | | | | |
| 65 | (56) Victims with specific needs and groups at risk of violence against women or domestic violence, such as women with disabilities, | (56)  Victims with specific needs and groups at risk of violence against women or domestic violence <u>experiencing intersecting</u> | (56) Victims with specific needs and groups at risk of violence against women or domestic violence experiencing | |

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| | <p>women with dependant residence status or permit, undocumented migrant women, women applicants for international protection, women fleeing armed conflict, women affected by homelessness, with a minority racial or ethnic background, living in rural areas, women sex workers, detainees, or older women, should receive specific protection and support.</p> | <p><u>discriminations</u>, – such as women with disabilities, women <u>living in institutional care facilities</u>, women with dependant residence status or permit, undocumented migrant women, women applicants for international protection, women fleeing armed conflict, women affected by homelessness, <u>women in low-wage jobs, unemployed women, women</u> with a minority racial or ethnic background, <u>victims of so-called "honour crimes"</u>, women living in rural areas <u>or less prosperous regions</u>, women sex workers <u>in prostitution, sexual or gender-identity minorities, women suffering from addiction</u>, detainees, <u>older women or LBTIQ</u> or older women, should receive specific protection, <u>medical care</u> and support. <u>Victims of violence covered by this Directive who apply for international protection should be considered as applicants with special reception needs as defined in Directive 2013/33/EU of the European Parliament and of the Council^{1a}.</u></p> <p>^{1a} <u>Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).</u></p> | <p>discrimination based on a combination of sex and other grounds are at a heightened risk of violence, – such as women with disabilities, women with dependant residence status or permit, undocumented migrant women, women applicants for international protection, women fleeing armed conflict, women affected by homelessness, with a minority racial or ethnic background, living in rural areas, women sex workers in prostitution, detainees, lesbian, gay, bisexual, trans or intersex persons, or older women, or women with use of alcohol and drugs or drugs use disorders. They should consequently receive specific protection and support.</p> | |

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| Recital 57 | | | | |
| 66 | (57) Women with disability disproportionately experience violence against women and domestic violence and due to their disability often have difficulties in accessing protection and support measures. Therefore, Member States should ensure they can benefit fully from the rights set out in this Directive, on an equal basis with others, while paying due attention to the particular vulnerability of such victims and their likely difficulties to reach out for help. | (57) Women with disability <u>disabilities</u> disproportionately experience violence against women and domestic violence and due to their disability often have difficulties in accessing protection and support measures. <u>The process for reporting violence is often inaccessible because of inadequate policies and standards, negative attitudes, physical barriers, scarce information and communication, a lack of service provision, inadequate funding and a failure to involve victims with disabilities in decisions that directly affect their lives.</u> Therefore, Member States should <u>adapt their support services accordingly to</u> ensure they can benefit fully from the rights set out in this Directive, on an equal basis with others, while paying due attention to the particular vulnerability of such victims and their likely difficulties to reach out for help. | (57) Women with disability disproportionately experience violence against women and domestic violence and due to their disability often have difficulties in accessing protection and support measures. Therefore, Member States should ensure they can benefit fully from the rights set out in this Directive, on an equal basis with others, while paying due attention to the particular vulnerability of such victims and their likely difficulties to reach out for help. | |
| Recital 57a | | | | |
| 66a | | <u>(57a) Actions to prevent violence against women and domestic violence should be based on a</u> | | |

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| | | <p><u>three-pronged approach composed of primary, secondary and tertiary preventive measures. Adequate coordination of those three approaches should be ensured. Primary preventive measures should aim to prevent violence from occurring and should include awareness-raising campaigns to increase understanding among the general public of the different manifestations of all forms of violence and their consequences. 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. Those measures should include the promotion of bystander intervention, early intervention centres and intervention programmes.</u></p> |  | |
| Recital 58 | | | | |
| 67 | <p>(58) Member States should ensure that preventive measures, such as awareness-raising campaigns, are taken to counter violence against women and domestic violence. Prevention should also take place in formal education, in particular, through strengthening sexuality</p> | <p>(58) Member States should ensure that <u>evidence-based</u> preventive measures, such as <u>long-term</u> awareness-raising campaigns, are taken to counter violence against women and domestic violence <u>through changes in the social and cultural behaviour of women and</u></p> | <p>(58) Member States should ensure that take appropriate preventive measures, such as. Such measures may include awareness-raising campaigns, are taken to counter violence against women and domestic violence.– Prevention should may also take place in</p> | |

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| | education and socio-emotional competencies, empathy and developing healthy and respectful relationships. | <p><u>men. – Such campaigns should include the full provision of information about the different manifestations of violence and about the impact of such violence on children and should promote a human rights-centred approach.</u></p> <p>Prevention should also take place in formal <u>and informal</u> education, in particular, through strengthening <u>comprehensive and age-appropriate</u> sexuality <u>and relationship</u> education and socio-emotional competencies, empathy and developing healthy <u>consensual</u> and respectful relationships. <u>Particular attention should be paid to targeting such campaigns to locations where men frequent. Such campaigns should involve relevant local stakeholders. Preventive measures should be designed in cooperation with relevant affected communities to ensure full coverage of their needs and to ensure that there is sensitive, appropriate and non-stigmatising communication.</u></p> | formal education, in particular, through strengthening sexuality education and socio-emotional competencies, empathy and developing healthy and respectful relationships. Taking into account language barriers and different levels of literacy and abilities, Member States should address targeted actions to groups at heightened risk, which include children, taking into account their age and maturity, persons with disabilities, persons with alcohol and drug use disorders, and lesbian, gay, bisexual, trans or intersex persons. | |
| Recital 58a | | | | |
| 67a | | <p><u>(58a) Gender equality, the empowerment of women, and investing in a gender-equal society where women are financially and socially autonomous are the best prevention strategies against the various forms of violence against</u></p> | | |

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| | | <u>women and domestic violence. Member States should ensure that women have the means and possibilities necessary to leave an abusive relationship by providing access to social support, where required.</u> | | |
| Recital 59 | | | | |
| 68 | (59) Member States should take measures to prevent the cultivation of harmful gender stereotypes to eradicate the idea of the inferiority of women or stereotyped roles of women and men. This could also include measures aimed at ensuring that culture, custom, religion, tradition or honour is not perceived as a justification for, or a more lenient treatment of, offences of violence against women or domestic violence. Considering that from a very young age onwards, children are exposed to gender roles that shape their self-perception and influence their academic and professional choices as well as expectations of their roles as women and men throughout their life, it is crucial to address gender stereotypes as of early-childhood education and care. | (59) Member States should take measures to prevent the cultivation of harmful gender stereotypes to eradicate the idea of the inferiority of women or stereotyped roles of women and men. This could also include measures aimed at ensuring that culture, custom, religion, tradition or honour is not perceived as a justification for, or a more lenient treatment of, offences of violence against women or domestic violence, <u>but rather as an aggravating circumstance. As so-called "honour crimes" are highly underreported in the Union, it is important that relevant authorities receive adequate training to be able to identify those crimes and to handle them in a correct manner.</u> Considering that from a very young age onwards, children are exposed to gender roles that shape their self-perception and influence their academic and professional choices as well as expectations of their roles as women and men throughout their | (59) Member States should take measures to prevent the cultivation of harmful gender stereotypes to eradicate the idea of the inferiority of women or stereotyped roles of women and men. This could also include measures aimed at ensuring that culture, custom, religion, tradition or honour is not perceived as a justification for, or a more lenient treatment of, offences of violence against women or domestic violence. Preventive measures should encourage men and boys to act as positive role models to support equality between men and women, but should also aim to overcome stereotypes whereby men are inhibited to reach out for help in situations of violence directed against them. Considering that from a very young age onwards, children are exposed to gender roles that shape their self-perception and influence their academic and professional choices as well as expectations of their roles as women | |

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| | | life, it is crucial to address gender stereotypes as of early-childhood education and care. <u>Overexposure to pornography, where it contributes to gender stereotypes and is often young people's only reference point for sexual relations, especially in the absence of access to comprehensive sexuality and relationship education, leads to a distorted and violent picture of sexuality. Member States should therefore take into account the impact of pornography on young people and the risk that they might reproduce violent behaviour.</u> | and men throughout their life, it is crucial to address gender stereotypes as of early-childhood education and care. | |
| Recital 60 | | | | |
| 69 | (60) In order to ensure victims of violence against women and domestic violence are identified and receive appropriate support, Member States should ensure that professionals likely to come into contact with victims receive training and targeted information. Trainings should cover the risk and prevention of intimidation, repeat and secondary victimisation and the availability of protection and support measures for victims. To prevent and appropriately address instances of sexual harassment at work, persons with supervisory functions should also receive training. These trainings should also cover assessments | (60) In order to ensure victims of violence against women and domestic violence are identified, <u>are able to lodge complaints</u> and receive appropriate support, Member States should ensure that professionals likely to come into contact with victims receive <u>adequate and tailored</u> training and targeted information <u>in order to advance their access to justice. Such training, including the supporting material, should be free and should take place during working hours.</u> Training. Trainings should cover the risk and prevention of intimidation, repeat and secondary victimisation and the availability of | (60) In order to ensure victims of violence against women and domestic violence are identified and receive appropriate support and protection , Member States should ensure that professionals officials likely to come into contact with victims receive training and targeted information. Regarding court staff, such training should be required only for those likely to come into contact with victims, and to a level appropriate to their contact with victims. Trainings should cover the risk and prevention of intimidation, repeat and secondary victimisation and the availability of protection and support measures for victims. To | |

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| | <p>regarding sexual harassment at work and associated psychosocial safety and health risks as referred to under Directive 89/391/EEC of the European Parliament and of the Council¹. Training activities should also cover the risk of third party violence. Third party violence refers to violence which staff may suffer at the workplace, not at the hands of a co-worker, and includes cases, such as nurses sexually harassed by a patient.</p> <p>¹. Council Directive 89/391/EEC of the European Parliament and of the Council of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).</p> | <p>protection, <u>medical</u> and support measures for victims. To prevent and appropriately address instances of sexual harassment at work, persons with supervisory functions <u>Such training should, in particular, be available for professionals who work with women in institutions, such as residential care homes, asylum centres and prisons, and professionals who work or volunteer at shelters. Specific attention</u> should also receive <u>be paid to the specialised</u> training. These trainings should also cover assessments regarding sexual harassment at work and associated psychosocial safety and health risks as referred to under Directive 89/391/EEC of the European Parliament and of the Council¹ - of competent authorities entering in contact with victims, including, in particular, training on how to avoid victim-blaming attitudes and behaviours, timely victim referral to specialised services, including women's specialised services, and data treatment, with the aim of facilitating the reporting of violence against women and domestic violence. Such training activities should also cover <u>gender equality and discrimination, including intersectional discrimination, the prevention of secondary victimisation, communication skills,</u></p> | <p>prevent and appropriately address instances of sexual harassment at work, persons with supervisory functions should also receive training. These trainings should also cover assessments regarding sexual harassment at work and associated psychosocial safety and health risks as referred to, where such conduct is specifically criminalised under Directive 89/391/EEC of the European Parliament and of the Council¹ national law. Training activities They should also cover receive information on the risk of third party violence. Third party violence refers to violence which staff may suffer at the workplace, not at the hands of a co-worker, and includes cases, such as nurses sexually harassed by a patient.</p> <p>¹. Council Directive 89/391/EEC of the European Parliament and of the Council of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).</p> | |

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| | | <p><u>and the prevention and identification of sexual harassment of the most marginalised groups. Such training should be provided by qualified trainers adhering to stringent quality standards in terms of training duration, frequency, methods and outcomes in accordance with the objectives of this Directive</u></p> <p>the risk of third party violence. Third party violence refers to violence which staff may suffer at the workplace, not at the hands of a co-worker, and includes cases, such as nurses sexually harassed by a patient.</p> <p>1. Council Directive 89/391/EEC of the European Parliament and of the Council of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).</p> | | |
| Recital 60a | | | | |
| 69a | | <p><u>(60a) To prevent and appropriately address instances of sexual harassment in the world of work, and to identify and address instances of domestic violence and its consequences, persons with supervisory functions and labour inspectors, should receive training. Such training should cover assessments regarding sexual harassment at the workplace and associated psychosocial safety and</u></p> | | |

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| | | <p><u>health risks as referred to in, and meeting the conditions under, Directive 89/391/EEC of the European Parliament and of the Council^{1a}. Such training should also cover the risk of third-party violence and the fact that support should be in place for victims of such violence as part of occupational health and safety. Third-party violence refers to the violence which staff might suffer at the workplace from someone other than a co-worker. Member States should ensure that employers put in place, in consultation with workers representatives in accordance with Directive 89/391/EEC, inclusive, integrated and specialised strategies to mitigate and prevent sexual harassment in the world of work.</u></p> <p><u>^{1a} Council Directive 89/391/EEC of the European Parliament and of the Council of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).</u></p> | <div>PUBLIC</div> | |
| Recital 61 | | | | |
| 70 | (61) In order to counteract underreporting, Member States should also liaise with law enforcement authorities in the development of trainings in | (61) In order to counteract underreporting <u>and prevent secondary victimisation</u> , Member States should also liaise with law enforcement authorities, <u>judicial</u> | (61) In order to counteract underreporting, Member States should also liaise with law enforcement authorities in the development of trainings in | |

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| | 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. | <u>authorities, civil society, community-based organisations, the European Institute for Gender Equality and other relevant specialised actors</u> in the development of trainings in particular regarding harmful gender stereotypes <u>and misconceptions about sexual and domestic violence</u> , but also in the prevention of offences, given their typical close contact with groups at risk of violence, <u>victims and offenders. Training of law enforcement authorities on how to receive a victim of gender-based violence, domestic violence or cyber violence is essential to properly assist the victim in filing a complaint and to properly assess her situation</u> and victims. | 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. | |
| Recital 61a | | | | |
| 70a | | <u>(61a) Member States should recognise women's civil society organisations, including organisations working with women at a heightened risk of experiencing gender-based violence, as partners in policy development and implementation and should, where relevant, include them in the work of government bodies and committees working to combat violence against women and domestic violence. In addition,</u> | | |


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| | | <u><i>other relevant stakeholders should be consulted on relevant issues, such as the social partners in relation to sexual harassment in the world of work.</i></u> | | |
| Recital 62 | | | | |
| 71 | (62) Intervention programmes should be set up to prevent and minimise the risk of (repeated) offences of violence against women or domestic violence. The programmes should specifically aim at teaching offenders or those at risk of offending how to adopt non-violent behaviour in interpersonal relationships and how to counter violent behavioural patterns. Programmes should encourage offenders to take responsibility for their actions and examine their attitudes and beliefs towards women. | (62) Intervention programmes should be set up to prevent and minimise the risk of (repeated) offences of violence against women or domestic violence. <u><i>They should be carried out by trained and skilled professionals and in close cooperation with specialist support services for victims.</i></u> The programmes should specifically aim at teaching offenders or those at risk of offending how to adopt non-violent behaviour in interpersonal relationships and how to counter violent behavioural patterns. <u><i>Where the victim consents to interact with the offender or where the victim is in close physical proximity to the offender with their consent, particular attention should be paid to the victim's safety during such intervention programmes.</i></u> Programmes should encourage offenders to take responsibility for their actions and examine their attitudes and beliefs towards women. <u><i>Programmes should seek to help offenders understand and recognise that they are responsible, change</i></u> | (62) Intervention programmes should be set up to prevent and minimise the risk of (repeated) offences of violence against women or domestic violence. The programmes should specifically aim at teaching offenders or those at risk of offending how to adopt non-violent behaviour in interpersonal relationships and how to counter violent behavioural patterns. Programmes should encourage offenders to take responsibility for their actions and examine their attitudes and beliefs towards women. | |


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| | | <u>their harmful attitudes and behaviours and adopt non-violent behaviour in interpersonal relationships.</u> | | |
| Recital 62a | | | | |
| 71a | | <u>(62a) Member States should ensure that intervention programmes comply with minimum standards and are in accordance with best practices. Intervention programmes should be provided by trained staff, have a gender-based approach, be victim-orientated, include a full risk assessment of the perpetrator, be part of multiagency networks, strive to establish strong collaboration with specialist support services, including women's specialist support services, provide guidelines for evaluating the outcome. Member States should cooperate with the European Institute for Gender Equality on the establishment of common standards and guidelines</u> | | |
| Recital 62bis | | | | |
| 71b | | | (62bis) With regard to offences amounting to rape, offenders should be encouraged to participate in intervention programmes to mitigate the risk of recidivism. | |


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| Recital 62b | | | | |
| 71c | | <p><u>(62b) All measures provided for in this Directive need to be accompanied by sufficient, predictable and sustainable funding. That is especially important in order to ensure that national authorities and specialised support service providers, including non-governmental women's specialist services, have sufficient funding and human, technical and technological resources for the effective and comprehensive implementation of this Directive. Member States should include women's specialist support services as an integral part of the implementation of the national support system for victims of gender-based violence.</u></p> | | |
| Recital 62ter | | | | |
| 71d | | | <p>(62ter) Member States should have discretion to decide which authorities are designated or established as official bodies responsible for coordinating, implementing, monitoring and evaluating policies and measures to prevent and combat all forms of violence covered under this Directive, in accordance with the</p> | |

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| | | | principle of procedural autonomy of the Member States, provided that such authorities have the necessary competences to carry out the tasks provided for in this Directive. Policy coordination should be carried out at the level of the Member State and/or at the regional and local level in Member States, in accordance with national law or practice. | |
| Recital 63 | | | | |
| 72 | (63) In order to ensure that victims of the offences of cyber violence contained in this Directive can effectively realise their rights to have illegal material relating to such offences removed, Member States should encourage the cooperation between providers of intermediary services. To ensure that such material is detected early on and tackled effectively and that victims of those offences are adequately assisted and supported, Member States should also facilitate the establishment or use of existing self-regulatory measures of a voluntary nature, such as codes of conduct, including on the detection of systematic risks in relation to such cyber violence and the training of the providers' employees concerned by preventing such violence and assisting victims. | (63) In order to ensure that victims of the offences of cyber violence contained in this Directive can effectively realise their rights to have illegal material relating to such offences removed, Member States should encourage the cooperation between providers of intermediary services, <u>authorities and civil society organisations, for example by establishing trusted flaggers pursuant to Regulation (EU) 2022/2065</u> . To ensure that such material is detected early on and tackled effectively and that victims of those offences are adequately assisted and supported, Member States should also facilitate the establishment or use of existing self-regulatory measures of a voluntary nature, such as codes of conduct, including on the detection of systematic risks in relation to such | (63) In order to ensure that victims of the offences of cyber violence contained in this Directive can effectively realise their rights to have illegal material relating to such offences removed, Member States should encourage the self-regulatory cooperation between providers of intermediary services hosting service providers . To ensure that such material is detected early on and tackled effectively and that victims of those offences are adequately assisted and supported, Member States should also facilitate the establishment of or raise awareness or use of existing self-regulatory measures of a voluntary nature, such as codes of conduct, including on . This facilitation should include self-regulatory measures for the detection of systematic risks, in | |

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| | | cyber violence and the training of the providers' employees concerned by preventing such violence and assisting victims. | particular to reinforce mechanisms designed to tackle in relation to such cyber violence and to improve the training of the providers' employees concerned by preventing such engaged in the prevention of violence and the assistance and support to assisting victims. Such self-regulatory measures could complement action at Union level, in particular under the Digital Services Act. | |
| Recital 63a | | | | |
| 72a | | <u>(63a) Member States should show their commitment to preventing and combating violence against women and domestic violence by developing national action plans in that regard.</u> | | |
| Recital 63b | | | | |
| 72b | | <u>(63b) With a view to developing a consolidated Union strategy to address violence against women and domestic violence aimed at further strengthening the commitment of, and efforts made, by the Union and the Member States to prevent and combat it, Member States should facilitate the establishment of and the tasks of a coordinator on gender-based violence (the 'Union coordinator')</u> | | |

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| | | <p><u><i>The tasks of the Union coordinator should include, for example, improving coordination and coherence, avoiding duplication of efforts between Union institutions and agencies and between Member States and international actors, contributing to the development of existing or new Union policies and strategies relevant to the fight against violence against women and domestic violence and reporting to the Union institutions.</i></u></p> |  | |
| Recital 64 | | | | |
| 73 | <p>(64) Policies to adequately tackle violence against women and domestic violence can only be formulated on the basis of comprehensive and comparable disaggregated data. In order to effectively monitor developments in the Member States and fill the gaps of comparable data, Member States should regularly conduct surveys using the harmonised methodology of the Commission (Eurostat) to gather data and transmit these data to the Commission (Eurostat).</p> | <p>(64) Policies to adequately tackle violence against women and domestic violence can only be formulated on the basis of comprehensive and comparable disaggregated data. In order to effectively monitor developments in the Member States and fill the gaps of comparable data, Member States should regularly conduct surveys using the harmonised methodology of the Commission (Eurostat) to gather data and transmit these data to the Commission (Eurostat). <u><i>In addition, qualitative data should be used because they can provide unique insight into the current realities in tackling violence against women and domestic violence and into the progress made in implementing this Directive. Data</i></u></p> | <p>(64) Policies to adequately tackle violence against women and domestic violence can only be formulated on the basis of comprehensive and comparable disaggregated data. In order to effectively monitor developments in the Member States and fill the gaps of comparable data, Member States should regularly conduct surveys using the harmonised methodology of the Commission (Eurostat) to gather data and transmit these data to the Commission (Eurostat).</p> | |

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| | | <p><u>should be collected at the same point in the process to ensure comparable and relatable results. Non-governmental organisations working on preventing and tackling violence against women or domestic violence, including women's organisations, women's specialist support services and other specialist support services, should be involved in the development of data collection methodologies.</u></p> |  | |
| Recital 65 | | | | |
| 74 | <p>(65) Member States should ensure that the data collected are limited to what is strictly necessary in relation to supporting the monitoring of the prevalence and trends of violence against women and domestic violence and design new policy strategies in this field. When sharing the data collected, no personal data should be included.</p> | <p>(65) Member States should ensure that the data collected are limited to what is strictly necessary in relation to supporting the monitoring of the prevalence and trends of violence against women and domestic violence and design new policy strategies in this field. When sharing the <u>Member States should provide relevant data and information to relevant institutions such as European Institute of Gender Equality and Eurofound in order to allow for the comparability, assessment and analysis of those data at Union level.</u> Data collected <u>should include the context in which the offence took place, such as the fact that it was committed at home, at the workplace or online, as well as information about whether a victim is at a heightened risk of</u></p> | <p>(65) Member States should ensure that the data collected are limited to what is strictly necessary in relation to supporting the monitoring of the prevalence and trends of violence against women and domestic violence and design new policy strategies in this field. When sharing the data collected, no personal data should be included.</p> | |

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| | | <p><u>experiencing gender-based violence, as this will inform future targeted policy actions. Those data should also include whether violence was committed against victims affected by intersectional discrimination. In order to protect anonymity and confidentiality, to respect the key principles of data protection and to respect fundamental rights</u>, no personal data should be included <u>when the data collected are shared</u>.</p> |  | |
| Recital 65a | | | | |
| 74a | | <p><u>(65a) Data for statistical purposes should be collected on an ongoing basis to monitor trends and to identify good practices and areas for improvement. Eurostat and the European Institute for Gender Equality should prepare reports regularly on the statistics linked to the implementation of this Directive and transmit them to the Union coordinator, to the European Parliament and to the Council. The Commission should ensure that sufficient funding is allocated to carry out such reporting.</u></p> | | |
| Recital 66 | | | | |
| 75 | (66) Any processing of personal data carried out pursuant to this | (66) Any processing of personal data carried out pursuant to this | (66) Any processing of personal data carried out pursuant to this | |

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| | <p>Directive, including the exchange or transmission of personal data by the competent authorities, should be carried out in accordance with Regulation (EU) 2016/679, Directives 2016/680/EU¹ and 2002/58/EC² of the European Parliament and of the Council. Any processing of personal data by Union institutions, bodies, offices or agencies should be carried out in accordance with Regulations (EU) 2018/1725³, 2018/1727⁴ and 2016/794⁵ of the European Parliament and of the Council, or any other applicable Union rules on data protection.</p> <p>1. 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).</p> <p>2. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) OJ L 201, 31.7.2002, p. 37.</p> <p>3. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free</p> | <p>Directive, including the exchange or transmission of personal data by the competent authorities, should be carried out in accordance with Regulation (EU) 2016/679, Directives 2016/680/EU¹ and 2002/58/EC² of the European Parliament and of the Council. Any processing of personal data by Union institutions, bodies, offices or agencies should be carried out in accordance with Regulations (EU) 2018/1725³, 2018/1727⁴ and 2016/794⁵ of the European Parliament and of the Council, or any other applicable Union rules on data protection.</p> <p>1. 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).</p> <p>2. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) OJ L 201, 31.7.2002, p. 37.</p> <p>3. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free</p> | <p>Directive, including the exchange or transmission of personal data by the competent authorities, shouldis to be carried out in accordance with Regulation (EU) 2016/679, Directives 2016/680/EU¹ and 2002/58/EC² of the European Parliament and of the Council. Any processing of personal data by Union institutions, bodies, offices or agencies shouldis to be carried out in accordance with Regulations (EU) 2018/1725³, 2018/1727⁴ and 2016/794⁵ of the European Parliament and of the Council, or any other applicable Union rules on data protection.</p> <p>1. 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).</p> <p>2. [2] Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) OJ L 201, 31.7.2002, p. 37.</p> <p>3. [3] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free</p> | |

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| | <p>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).</p> <p>4. Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA, (OJ L 295, 21.11.2018, p. 138).</p> <p>5. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, (OJ L 135, 24.5.2016, p. 53).</p> | <p>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).</p> <p>4. Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA, (OJ L 295, 21.11.2018, p. 138).</p> <p>5. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, (OJ L 135, 24.5.2016, p. 53).</p> | <p>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).</p> <p>4. [4] Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA, (OJ L 295, 21.11.2018, p. 138).</p> <p>5. [5] Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, (OJ L 135, 24.5.2016, p. 53).</p> | |
| Recital 67 | | | | |
| 76 | <p>(67) Directive 2011/93/EU provides for criminal offences concerning the sexual abuse of children. In order to ensure coherence with this Directive as regards the criminal offence of rape, the same degree of protection for children who have reached the age of sexual consent should be ensured and a specific offence should be defined as regards children below the age of sexual consent. Therefore, Directive 2011/93/EU should be amended accordingly.</p> | <p>(67) Directive 2011/93/EU provides for criminal offences concerning the sexual abuse of children. In order to ensure coherence with this Directive as regards the criminal offence of rape, the same degree of protection for children who have reached the age of sexual consent should be ensured and a specific offence should be defined as regards children below the age of sexual consent. Therefore, Directive 2011/93/EU should be amended accordingly.</p> | <p>(67) Directive 2011/93/EU provides for criminal offences concerning the sexual abuse of children. In order to ensure coherence with this Directive as regards the criminal offence of rape, the same degree of protection for children who have reached the age of sexual consent should be ensured and a specific offence should be defined as regards children below the age of sexual consent. Therefore, Directive 2011/93/EU should be amended accordingly.</p> | |
| Recital 67bis | | | | |

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| 76a | | | (67bis) This Directive establishes minimum rules. Member States are therefore free to adopt or maintain more stringent criminal law rules concerning the definition of criminal offences and sanctions in the area of violence against women. As regards the provisions of this Directive on the rights of victims, Member States may introduce or maintain provisions with higher standards, including such which provide a higher level of protection and support for victims. | |
| Recital 68 | | | | |
| 77 | (68) Since the objective of this Directive, namely to prevent and combat violence against women and domestic violence across the Union on the basis of common minimum rules, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the envisaged measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve | (68) Since the objective of this Directive, namely to prevent and combat violence against women and domestic violence across the Union on the basis of common minimum rules, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the envisaged measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve | (68) Since the objective of this Directive, namely to prevent and combat violence against women and domestic violence across the Union on the basis of common minimum rules, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the envisaged measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve | |

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| | that objective. | that objective. | that objective. | |
| Recital 69 | | | | |
| 78 | <p>(69) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.] OR</p> <p>[In accordance with Article 3 of Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of...,] its wish to take part in the adoption and application of this Directive.]</p> | <p>(69) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.] OR</p> <p>[In accordance with Article 3 of Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of...,] its wish to take part in the adoption and application of this Directive.]</p> | <p>(69) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.] OR</p> <p>f</p> <p>In accordance with Article 3 of Protocol No 21 on the position of United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified f, by letter of...,} of 22 June 2022 its wish to take part in the adoption and application of this Directive.}</p> | |
| Recital 70 | | | | |
| 79 | <p>(70) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark annexed to the</p> | <p>(70) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark annexed to the</p> | <p>(70) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark annexed to the</p> | |

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| | Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. | Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. | Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. | |
| Recital 71 | | | | |
| 80 | (71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [XX XX 2022], | (71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [XX XX 2022] <u>its comments on 4 April 2022,</u> | (71) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [XX XX 2022] 5 April 2022, | |
| Formula | | | | |
| 81 | HAVE ADOPTED THIS DIRECTIVE: | HAVE ADOPTED THIS DIRECTIVE: | HAVE ADOPTED THIS DIRECTIVE: | |
| CHAPTER 1 | | | | |
| 82 | CHAPTER 1 GENERAL PROVISIONS | CHAPTER 1 GENERAL PROVISIONS | CHAPTER 1 GENERAL PROVISIONS | |
| Article 1 | | | | |
| 83 | Article 1 Subject matter | Article 1 Subject matter | Article 1 Subject matter | |
| Article 1, first paragraph | | | | |
| 84 | | | | |

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| | This Directive lays down rules to prevent and combat violence against women and domestic violence. It establishes minimum rules concerning: | This Directive lays down rules to prevent and combat violence against women and domestic violence. It establishes minimum rules concerning: | 1. This Directive lays down rules to prevent and combat violence against women and domestic violence. It establishes minimum rules concerning: | |
| Article 1, first paragraph, point (a) | | | | |
| 85 | (a) the definition of criminal offences and penalties in the areas of sexual exploitation of women and children and computer crime; | (a) the definition of criminal offences and penalties in the areas of sexual exploitation of women and children and computer crime; | (a) the definition of criminal offences and penalties in the areas of sexual exploitation of women and children and computer crime; | |
| Article 1, first paragraph, point (b) | | | | |
| 86 | (b) the rights of victims of all forms of violence against women or domestic violence before, during or after criminal proceedings; | (b) the rights of victims of all forms of violence against women or domestic violence before, during or after criminal proceedings; | (b) the rights of victims of all forms of violence against women or domestic violence before, during and for an appropriate time or after criminal proceedings; | |
| Article 1, first paragraph, point (c) | | | | |
| 87 | (c) victims' protection and victims' support. | (c) <u>the rights of</u> victims' <u>to</u> protection and victims' support. | (c) victims' protection and victims' support. | |
| Article 1, first paragraph, point (ca) | | | | |
| 87a | | <u>(ca) prevention and early intervention.</u> | | |
| Article 1, 2. | | | | |
| 87b | | | | |

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| | | | 2. The provisions of Chapters 3 to 7 shall apply to all victims of offences of violence against women and domestic violence, as defined under this Directive, regardless of their gender. These victims are all the victims of acts criminalised under Chapter 2, as well as victims of any other acts of violence against women or domestic violence, as criminalised under other Union acts or under national law. | |
| Article 2 | | | | |
| 88 | Article 2 Victims at an increased risk of violence and specific risks | Article 2 Victims at an increased risk of violence and specific risks | Article 2 Victims at an increased risk of violence and specific risks | |
| Article 2(1) | | | | |
| 89 | 1. When implementing the measures under this Directive, Member States shall take into consideration the increased risk of violence faced by victims experiencing discrimination based on a combination of sex and other grounds so as to cater to their enhanced protection and support needs, as set out in Article 18(4), Article 27(5) and Article 37(7). | 1. When implementing the measures under this Directive, Member States shall take into consideration the increased risk of violence faced by victims experiencing <u>intersectional</u> discrimination based on a combination of sex <u>or gender</u> and other grounds so as to cater to their enhanced protection and support needs, as set out in Article 18(4), Article 27(5), <u>Article 35(1)</u> and Article 37(7). | 1. When implementing the measures under this Directive, Member States shall take into consideration the increased risk of violence faced by victims experiencing discrimination based on a combination of sex and other grounds so as to cater to their enhanced protection and support needs, as set out in Article 18(4), Article 27(5) and Article 37(7). | |
| Article 2(2) | | | | |

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| 90 | 2. Member States shall ensure that, in the application of this Directive, particular attention is paid to the risk of intimidation, retaliation, secondary and repeat victimisation and to the need to protect the dignity and physical integrity of victims. | 2. Member States shall ensure that, in the application of this Directive, particular attention is paid to the risk of intimidation, retaliation, secondary and repeat victimisation and to the need to protect the dignity and <u>rights of victims, including their physical and psychological integrity, privacy and safety of victims.</u> | 2. Member States shall ensure that, in the application of this Directive, particular attention is paid to the risk of intimidation, retaliation, secondary and repeat victimisation and to the need to protect the dignity and physical integrity of victims. | |
| Article 3 | | | | |
| 91 | Article 3 Scope | Article 3 Scope | Article 3 Scope | |
| Article 3, first paragraph | | | | |
| 92 | This Directive shall apply to the following criminal offences: | This Directive shall apply to the following criminal offences: | This Directive shall apply to the following criminal offences: | |
| Article 3, first paragraph, point (a) | | | | |
| 93 | (a) criminal offences referred to in Chapter 2; | (a) criminal offences referred to in Chapter 2; | (a) criminal offences referred to in Chapter 2; | |
| Article 3, first paragraph, point (b) | | | | |
| 94 | (b) acts of violence against women or domestic violence as criminalised under other instruments of Union law; | (b) acts of violence against women or domestic violence as criminalised under other instruments of Union law; | (b) acts of violence against women or domestic violence as criminalised under other instruments of Union law; | |

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| Article 3, first paragraph, point (c) | | | | |
| 95 | (c) any other acts of violence against women or domestic violence as criminalised under national law. | (c) any other acts of violence against women or domestic violence as criminalised under national law. | (c) any other acts of violence against women or domestic violence as criminalised under national law. | |
| Article 4 | | | | |
| 96 | Article 4 Definitions | Article 4 Definitions | Article 4 Definitions | |
| Article 4, first paragraph | | | | |
| 97 | For the purposes of this Directive, the following definitions shall apply: | For the purposes of this Directive, the following definitions shall apply: | For the purposes of this Directive, the following definitions shall apply: | |
| Article 4, first paragraph, point (a) | | | | |
| 98 | (a) “violence against women” means gender-based violence, that is directed against a woman or a girl because she is a woman or a girl or that affects women or girls disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life; | (a) "violence against women" means <u>all acts of</u> gender-based violence, that is <u>that are</u> directed against a woman or a girl because she is a woman or a girl or that affects <u>affect</u> women or girls <u>in all their diversity</u> disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life; | (a) "violence against women" means gender-based violence, that is all acts of gender-based violence directed against a woman or a girl because she is a woman or a girl or that affects women or girls disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological 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; | |

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| Article 4, first paragraph, point (b) | | | | |
| 99 | (b) “domestic violence” means all acts of violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, that occur within the family or domestic unit, irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a residence with the victim; | (b) "domestic violence" means all acts, <u>or threats of acts, of physical, sexual, psychological or economic</u> of violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, that occur within the family or domestic unit, irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a residence <u>household</u> with the victim; | (b) "domestic violence" means all acts of violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, 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; | |
| Article 4, first paragraph, point (c) | | | | |
| 100 | (c) “victim” means any person, regardless of sex or gender, unless specified otherwise, who has suffered harm, which was directly caused by acts of violence covered under this Directive, including child witnesses of such violence; | (c) “victim” means any person, regardless of sex or gender, unless specified otherwise, who has suffered harm, which was directly caused by acts of violence covered under this Directive, including child witnesses of such violence; | (c) "victim" means any person, regardless of sex or their gender, unless specified otherwise, who has suffered harm, which was directly caused by acts of violence covered under this Directive against women or domestic violence , including child witnesses of such children who have suffered harm because they have witnessed domestic violence; | |
| Article 4, first paragraph, point (d) | | | | |
| 101 | (d) “cyber violence” means any act of violence covered by this Directive that is committed, assisted or aggravated in part or fully by the use of information and communication | (d) “cyber violence” means any act of violence covered by this Directive that is committed, assisted or aggravated in part or fully by the use of information and communication | (d) "cyber violence" means any act of violence covered by this Directive that is committed, assisted or aggravated in part or fully by the use of information and communication | |

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| | technologies; | technologies; | technologies in Articles 7 to 10 ; | |
| Article 4, first paragraph, point (e) | | | | |
| 102 | (e) “information and communication technologies” means all technological tools and resources used to digitally store, create, share or exchange information, including smart phones, computers, social networking and other media applications and services; | (e) “information and communication technologies” means all technological tools and resources used to digitally store, create, share or exchange information, including smart phones, computers, social networking and other media applications and services; | (e) “information and communication technologies” means all technological tools and resources used to digitally store, create, share or exchange information, including smart phones, computers, social networking and other media applications and services; | |
| Article 4, first paragraph, point (f) | | | | |
| 103 | <p>(f) “providers of intermediary services” means providers of the services as defined in Article 2 point (f) of Regulation (EU) YYYY/XXX of the European Parliament and of the Council¹ [Regulation on a Single Market for Digital Services];</p> <p>¹. Regulation (EU) YYYY/XXX of the European Parliament and of the Council on a Single Market for Digital Services (OJ L ...).</p> | <p>(f) “providers <u>provider</u> of intermediary services” means providers of the <u>a provider of an intermediary</u> services as defined in Article 23, point (f), of Regulation (EU) YYYY/XXX <u>2022/2065</u> of the European Parliament and of the Council^{1 <u>17</u>};</p> <p>¹⁷ Regulation <u>(EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022</u> on a Single Market for Digital Services; <u>and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p.1).</u></p> <p>¹. Regulation (EU) YYYY/XXX of the European Parliament and of the Council on a Single Market for Digital Services (OJ L ...).</p> | <p>(f) “providers of intermediary services <u>hosting service providers</u> ” means providers of the services as defined in Article 23 point (f) <u>(g) (iii)</u> of Regulation (EU) YYYY/XXX <u>2022/2065</u> of the European Parliament and of the Council^{1} <u>[Regulation of 19 October 2022 on a Single Market For Digital Services] and amending Directive 2000/31/EC (Digital Services Act);</u></p> <p>¹. Regulation (EU) YYYY/XXX of the European Parliament and of the Council on a Single Market for Digital Services (OJ L ...).</p> | |

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| Article 4, first paragraph, point (fa) | | | | |
| 103a | | | (fa) "providers of intermediary services" means providers of the services as defined in Article 3, point (g) of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act); | |
| Article 4, first paragraph, point (g) | | | | |
| 104 | (g) "sexual harassment at work" means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, where it occurs in the course of, linked with, or arising in matters of employment, occupation and self-employment, with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment; | (g) "sexual harassment at <u>in the world of</u> work" means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, where it occurs in the course of, linked with, or arising in matters of employment, occupation, <u>self-employment, informal and undocumented work, job seeking or training, including in public and private work spaces, places where the worker is paid, takes a rest, break or a meal, or uses sanitary, washing or changing facilities, during work-related trips, travel, training, events or social activities, through work-related communications, including those enabled by information and communication technologies, in</u> | (g) "sexual harassment at work" means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, where it occurs in the course of, linked with, or arising in matters of employment, occupation and self-employment, with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment; | |

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| | | <u>employer-provided accommodation, or when commuting to and from work and self-employment</u> , with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, <u>including where a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for job-related decisions</u> ; | | |
| Article 4, first paragraph, point (h) | | | | |
| 105 | (h) "child" means any person below the age of 18 years; | (h) "child" means any person below the age of 18 years; | (h) "child" means any person below the age of 18 years; | |
| Article 4, first paragraph, point (i) | | | | |
| 106 | (i) "age of sexual consent" means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child; | (i) "age of sexual consent" means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child; | (i) "age of sexual consent" means the age below which, in accordance with national law, it is prohibited to engage in sexual activities with a child; | |
| Article 4, first paragraph, point (j) | | | | |
| 107 | (j) "dependant" means a child of the victim or any person, other than the offender or suspect, living in the same household as the victim, for whom the victim is providing care and support. | (j) "dependant" means a child of the victim or any person, other than the offender or suspect, living in the same household as the victim, for whom the victim is providing care and support. | (j) "dependant" means a child of the victim or any person, other than the offender or suspect, living in the same household as the victim, for whom the victim is providing care and support-; | |

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| Article 4, first paragraph, point (k) | | | | |
| 107a | | | (k) "competent authorities" means any public authorities designated under national law as competent to carry out the duties provided for in the relevant provisions of this Directive. | |
| CHAPTER 2 | | | | |
| 108 | CHAPTER 2 OFFENCES CONCERNING SEXUAL EXPLOITATION OF WOMEN AND CHILDREN AND COMPUTER CRIME | CHAPTER 2 OFFENCES CONCERNING SEXUAL EXPLOITATION OF WOMEN AND CHILDREN AND COMPUTER CRIME | CHAPTER 2 OFFENCES CONCERNING SEXUAL EXPLOITATION OF WOMEN AND CHILDREN AND COMPUTER CRIME | |
| Article 5 | | | | |
| 109 | Article 5 Rape | Article 5 Rape | Article 5 Rape | |
| Article 5(1) | | | | |
| 110 | 1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | 1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | 1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | |
| Article 5(1), point (a) | | | | |
| 111 | (a) engaging with a woman in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or | (a) engaging with a woman in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or | (a) engaging with a woman in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or | |

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| | object; | object; | object; | |
| Article 5(1), point (b) | | | | |
| 112 | (b) causing a woman to engage with another person in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object. | (b) causing a woman to engage with another person in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object. | (b) causing a woman to engage with another person in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object. | |
| Article 5(2) | | | | |
| 113 | 2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form a free will due to her physical or mental condition, thereby exploiting her incapacity to form a free will, such as in a state of unconsciousness, intoxication, sleep, illness, bodily injury or disability. | 2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form a free will due to her physical or mental condition, thereby exploiting her incapacity to form a free will, such as in a state of <u>fear, intimidation</u> , unconsciousness, intoxication, sleep, illness, bodily injury or disability <u>or in an otherwise particularly vulnerable situation</u> . | 2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form a free will due to her physical or mental condition, thereby exploiting her incapacity to form a free will, such as in a state of unconsciousness, intoxication, sleep, illness, bodily injury or disability. | |
| Article 5(3) | | | | |
| 114 | 3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the woman's silence, verbal or physical non-resistance or past sexual conduct. | 3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the woman's silence, verbal or physical non-resistance or past sexual conduct <u>or existing or</u> | 3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the woman's silence, verbal or physical non-resistance or past sexual conduct. | |

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| | | <u>past relationship with the offender including marital or any other partnership status. Consent shall be given voluntarily as the result of free will and it shall be assessed in the context of the surrounding circumstances;</u> | | |
| Article 5a | | | | |
| 114a | | <p><u>Article 5a</u> <u>Sexual assault</u></p> <p><u>1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:</u></p> <p><u>(a) engaging with a woman in any non-consensual act of a sexual nature, other than acts as referred to in Article 5(1), point (a);</u></p> <p><u>(b) causing a woman to engage with another person in any non-consensual act of a sexual nature, other than acts as referred to in Article 5(1), point (b);</u></p> <p><u>2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given voluntarily or where the woman is unable to form free will due to her physical or mental condition, and her incapacity to form free will is exploited, such as being in a state of fear, intimidation, unconsciousness, intoxication, sleep, illness, bodily</u></p> | | |

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| | | <p><u><i>injury or disability or being in an otherwise particularly vulnerable situation;</i></u></p> <p><u><i>3. Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted by the woman's silence, verbal or physical non-resistance or past sexual conduct or existing or past relationship with the offender, including marital or any other partnership status. Consent shall be given voluntarily as the result of free will and it shall be assessed in the context of the surrounding circumstances.</i></u></p> | PUBLIC | |
| Article 6 | | | | |
| 115 | Article 6 Female genital mutilation | Article 6 Female genital mutilation | Article 6 Female genital mutilation | |
| Article 6, first paragraph | | | | |
| 116 | Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | |
| Article 6, first paragraph, point (a) | | | | |
| 117 | (a) excising, infibulating or performing any other mutilation to the whole or any part of the labia majora, labia minora or clitoris; | (a) excising, infibulating or performing any other mutilation to the whole or any part of the labia majora, labia minora or clitoris; | (a) excising, infibulating or performing any other mutilation to the whole or any part of the labia majora, labia minora labia majora, labia minora or clitoris; | |

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| | | | | |
| Article 6, first paragraph, point (b) | | | | |
| 118 | (b) coercing or procuring a woman or a girl to undergo any of the acts referred to in point (a). | (b) coercing or procuring a woman or a girl to undergo any of the acts referred to in point (a). | (b) coercing or procuring a woman or a girl to undergo any of the acts referred to in point (a). | |
| Article 6a | | | | |
| 118a | | <p><u>Article 6a</u></p> <p><u>Intersex genital mutilation</u></p> <p><u>1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:</u></p> <p><u>(a) performing any medically unnecessary surgical or medical procedure or hormonal treatment on the sex characteristics of a healthy woman or child born with variations of sex characteristics, without obtaining prior and informed consent and without the woman or child understanding the procedure or treatment, with the purpose or effect of altering those sex characteristics to align them with sex characteristics considered typically female or male;</u></p> <p><u>(b) coercing a healthy woman or child to undergo a procedure or treatment as referred to in point (a).</u></p> <p><u>2. Member States shall ensure that the prior and informed consent of a woman or child to undergo a procedure or treatment as referred</u></p> | | |

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| | | <u>to in paragraph 1 cannot be substituted by the consent of the woman or child's legal guardian.</u> | | |
| Article 6b | | | | |
| 118b | | <p><u>Article 6b</u></p> <p><u>Forced sterilisation</u></p> <p><u>1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence:</u></p> <p><u>(a) performing surgery which has the purpose or effect of terminating a woman or child's ability to naturally reproduce without obtaining prior and informed consent and without the woman or child understanding the procedure, including as a prerequisite for other medical procedures;</u></p> <p><u>(b) coercing or procuring a woman or a child to undergo the surgery referred to in point (a).</u></p> <p><u>2. Member States shall ensure that the prior and informed consent of a woman or child to undergo the procedure referred to in paragraph 1, point (a), cannot be substituted by the consent of the woman or child's legal guardian.</u></p> | | |
| Article 6c | | | | |
| 118c | | <u>Article 6c</u> | | |

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| | | <u>Forced marriage</u> <u>Member States shall ensure that the following intentional conduct is punishable as a criminal offence:</u> <u>(a) forcing a woman or a child to enter into a marriage;</u> <u>(b) luring a woman or child to the territory of a country other than the one in which the woman or child resides in order to force that person to enter into a marriage.</u> | | |
| Article 6d | | | | |
| 118d | | <u>Article 6d</u> <u>Sexual harassment in the world of work</u> <u>Member States shall ensure that intentionally committing sexual harassment in the world of work is punishable as a criminal offence.</u> | | |
| Article 7 | | | | |
| 119 | Article 7 Non-consensual sharing of intimate or manipulated material | Article 7 Non-consensual sharing of intimate or manipulated material | Article 7 Non-consensual sharing of intimate or manipulated material | |
| Article 7, first paragraph | | | | |
| 120 | Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | 1. Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | |
| Article 7, first paragraph, point (a) | | | | |

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| 121 | (a) making intimate images, or videos or other material depicting sexual activities, of another person without that person's consent accessible to a multitude of end-users by means of information and communication technologies; | (a) making intimate images, or videos or other material depicting sexual activities , of another person without that person's consent accessible to a multitude of <u>other</u> end-users by means of information and communication technologies; | (a) making intimate accessible to the public, by means of information and communication technologies images, or videos or other similar material depicting sexual sexually explicit activities, of another person without that or the intimate parts of a person's without the consent accessible to a multitude of end-users by means of information and communication technologies of the persons involved where such conduct is likely to cause serious harm to those persons; | |
| Article 7, first paragraph, point (b) | | | | |
| 122 | (b) producing or manipulating and subsequently making accessible to a multitude of end-users, by means of information and communication technologies, images, videos or other material, making it appear as though another person is engaged in sexual activities, without that person's consent; | (b) producing or manipulating and subsequently making accessible to a multitude of <u>other</u> end-users, by means of information and communication technologies, images, videos <u>intimate material</u> or other material, making to make it appear as though another person is engaged in sexual activities, without that person's consent; | (b) producing, manipulating or altering or manipulating and subsequently making accessible to a multitude of end-users the public , by means of information and communication technologies, images, videos or other similar material, making it appear as though another person is engaged in sexual sexually explicit activities, without their consent, where such conduct is likely to cause serious harm to the without that person's consent; | |
| Article 7, first paragraph, point (c) | | | | |
| 123 | | | | |

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| | (c) threatening to engage in the conduct referred to in points (a) and (b) in order to coerce another person to do, acquiesce or refrain from a certain act. | (c) threatening to engage in the conduct referred to in points (a) and (b) in order to coerce another person to do, acquiesce or refrain from a certain act. <u>or (b);</u> | (c) threatening to engage in the conduct referred to in points (a) and (b) in order to coerce another person to do, acquiesce or refrain from a certain act. | |
| Article 7, first paragraph a | | | | |
| 123a | | <u>For the purposes of this Article, the term 'intimate material' shall be understood as including images, photographs and video recordings of a private or personal nature and of a sexual or nude nature.</u> | | |
| Article 7, 2. | | | | |
| 123b | | | 2. Paragraph 1 (a) and (b) shall apply without prejudice to the application of exceptions provided for under national or Union law, which guarantee the freedom of expression and information and the freedom of the arts and sciences. | |
| Article 8 | | | | |
| 124 | Article 8 Cyber stalking | Article 8 Cyber stalking | Article 8 Cyber stalking | |
| Article 8, first paragraph | | | | |
| 125 | Member States shall ensure that the | Member States shall ensure that the | Member States shall ensure that the | |

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| | following intentional conduct is punishable as a criminal offence: | following intentional conduct is punishable as a criminal offence: | following intentional conduct is punishable as a criminal offence: | |
| Article 8, first paragraph, point (a) | | | | |
| 126 | (a) persistently engaging in threatening or intimidating conduct directed at another person, by means of information and communication technologies, which causes that the person fears for own safety or that the person fears for safety of dependants; | (a) persistently engaging in threatening or intimidating conduct directed at another person, by means of information and communication technologies, which causes that the person fears for own safety or that the person fears for safety of dependants; | (a) persistently engaging in threatening or intimidating conduct directed at another person, by means of information and communication technologies, which causes that the person fears for own safety or that the person fears for safety of dependants; The content of letter a) has been moved, with some changes, to Article 9 a). | |
| Article 8, first paragraph, point (b) | | | | |
| 127 | (b) placing another person under continuous surveillance, without that person's consent or legal authorisation to do so, by means of information and communication technologies, to track or monitor that person's movements and activities; | (b) placing another person under continuous surveillance, without that person's consent or legal authorisation to do so, by means of information and communication technologies, to track or monitor that person's movements and activities; | repeatedly or continuously placing another person under continuous surveillance, without that person's consent or a legal authorisation to do so, by means of information and communication technologies, to track or monitor that person's movements and activities; where such conduct is likely to cause serious harm to the person, is punishable as a criminal offence | |
| Article 8, first paragraph, point (c) | | | | |
| 128 | (c) making material containing the | (c) making material containing <u>or</u> | (e) making material containing the | |

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| | personal data of another person, without that person's consent, accessible to a multitude of end-users, by means of information and communication technologies, for the purpose of inciting those end-users to cause physical or significant psychological harm to the person. | <u>revealing</u> the personal data of another person, without that person's consent, accessible to a multitude of other end-users, by means of information and communication technologies, for the purpose of inciting those end-users <u>others</u> to cause physical, <u>psychological or economic or significant psychological</u> harm to the <u>that</u> person. | personal data of another person, without that person's consent, accessible to a multitude of end-users, by means of information and communication technologies, for the purpose of inciting those end-users to cause physical or significant psychological harm to the person. The content of letter c) has been moved, with some changes, to Article 9 c). | |
| Article 9 | | | | |
| 129 | Article 9 Cyber harassment | Article 9 Cyber harassment | Article 9 Cyber harassment | |
| Article 9, first paragraph | | | | |
| 130 | Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | Member States shall ensure that the following intentional conduct is punishable as a criminal offence: | |
| Article 9, first paragraph, point (a) | | | | |
| 131 | (a) initiating an attack with third parties directed at another person, by making threatening or insulting material accessible to a multitude of end-users, by means of information and communication technologies, with the effect of causing significant psychological harm to the attacked person; | (a) initiating an attack with third parties directed at another person, by making threatening or insulting <u>abusive</u> material accessible to a multitude of other end-users, by means of information and communication technologies, with the effect of causing significant psychological <u>psychological or</u> | (a) initiating an attack with third parties repeatedly or continuously engaging in threatening conduct directed at another person, by making threatening or insulting material accessible to a multitude of end-users at least when this conduct involves threats to commit criminal offences , by means of | |

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| | | <u>economic</u> harm to the attacked person; | information and communication technologies, with the effect of causing significant psychological harm to the attacked person where such conduct is likely to cause the person to seriously fear for their own safety or the safety of dependants; This text replaces what was contained in letter a) of the Commission proposal. | |
| Article 9, first paragraph, point (b) | | | | |
| 132 | (b) participating with third parties in attacks referred to in point (a). | (b) participating with third parties in attacks <u>as</u> referred to in point (a). | (b) participating with third parties in attacks referred to in point (a) engaging, together with other persons, by means of information and communication technologies, in publicly accessible threatening or insulting conduct, directed at another person, where such conduct is likely to cause serious psychological harm to the attacked person; This text replaces what was contained in letter b) of the Commission proposal. | |
| Article 9, first paragraph, point (ba) | | | | |
| 132a | | <u>(ba) the unsolicited sending, by means of information and communication technologies, of an image, video or other material depicting genitals to a person with</u> | | |

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| | | <u>the effect of causing psychological harm to that person.</u> | | |
| Article 9, first paragraph, point (c) | | | | |
| 132b | | | (c) making accessible to the public by means of information and communication technologies material containing the personal data of another person, without that person's consent, for the purpose of inciting others to cause physical or serious psychological harm to the person. | |
| Article 10 | | | | |
| 133 | Article 10 Cyber incitement to violence or hatred | Article 10 Cyber incitement to violence or hatred | Article 10 Cyber incitement to violence or hatred | |
| Article 10, first paragraph | | | | |
| 134 | Member States shall ensure that the intentional conduct of inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex or gender, by disseminating to the public material containing such incitement by means of information and communication technologies is punishable as a criminal offence. | Member States shall ensure that the intentional conduct of inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex or <u>sexual orientation, gender expression, gender identity or, sex characteristics</u> , by disseminating to the public material containing such incitement by means of information and communication technologies, is punishable as a criminal offence. | 1. Member States shall ensure that the intentional conduct of inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex or gender, by disseminating to the public dissemination of material containing such incitement by means of information and communication technologies is punishable as a criminal offence. | |

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| Article 10, second paragraph | | | | |
| 134a | | | 2. For the purpose of paragraph 1, Member States may choose to punish only conduct which is either carried out in a manner likely to disturb public order or which is threatening, abusive or insulting. | |
| Article 11 | | | | |
| 135 | Article 11 Incitement, aiding and abetting, and attempt | Article 11 Incitement, aiding and abetting, and attempt | Article 11 Incitement, aiding and abetting, and attempt | |
| Article 11(1) | | | | |
| 136 | 1. Member States shall ensure that inciting and aiding and abetting the commission of any of the criminal offences referred to in Articles 5 to 9 are punishable as criminal offences. | 1. Member States shall ensure that inciting and aiding and abetting the commission of any of the criminal offences referred to in Articles 5 to 9 are punishable as criminal offences. | 1. Member States shall ensure that inciting and aiding and abetting the commission of any of the criminal offences referred to in Articles 5 to 9 6 to 9(b) are punishable as criminal offences. | |
| Article 11(1bis) | | | | |
| 136a | | | 1bis. Member States shall ensure that aiding and abetting the commission of any of the criminal offences referred to in Articles 6(a) and 7 to 9 are punishable as criminal offences. | |

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| Article 11(2) | | | | |
| 137 | 2. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles 5 and 6 is punishable as a criminal offence. | 2. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles 5, <u>5a, 6, 6a, 6b and 6c are</u> and 6 is punishable as a criminal offence. | 2. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles 5 and Article 6 is punishable as a criminal offence. | |
| Article 12 | | | | |
| 138 | Article 12 Penalties | Article 12 Penalties | Article 12 Penalties | |
| Article 12(1) | | | | |
| 139 | 1. Member States shall ensure that the criminal offences referred to in Articles 5 to 11 are punishable by effective, proportionate and dissuasive criminal penalties. | 1. Member States shall ensure that the criminal offences referred to in Articles 5 to 11 are punishable by effective, proportionate and dissuasive criminal penalties. | 1. Member States shall ensure that the criminal offences referred to in Articles 5 6 to 11 are punishable by effective, proportionate and dissuasive criminal penalties. | |
| Article 12(2) | | | | |
| 140 | 2. Member States shall ensure that the criminal offence referred to in Article 5 is punishable by a maximum penalty of at least 8 years of imprisonment and at least 10 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13. | 2. Member States shall ensure that the criminal offence referred to in Article 5 is punishable by a maximum penalty of at least 8 years of imprisonment and at least 10 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13. | 2. Member States shall ensure that the criminal offence referred to in Article 5 is punishable by a maximum penalty of at least 8 years of imprisonment and at least 10 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13. | |

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| | | | | |
| Article 12(2a) | | | | |
| 140a | | <u>2a. Member States shall ensure that the criminal offence referred to in Article 5a is punishable by a maximum penalty of at least three years of imprisonment and at least five years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13;</u> | | |
| Article 12(2b) | | | | |
| 140b | | <u>2b. Member States shall ensure that the criminal offences referred to in Article 6d is punishable by a maximum penalty of at least one year of imprisonment.</u> | | |
| Article 12(2c) | | | | |
| 140c | | | | |
| Article 12(2d) | | | | |
| 140d | | | | |
| Article 12(3) | | | | |
| 141 | 3. Member States shall ensure that an offender of the criminal offence referred to in Article 5, who has previously been convicted of | 3. Member States shall ensure that an offender of the criminal offence referred to in Article 5, who has previously been convicted of | 3. Member States shall ensure that an offender of the criminal offence referred to in Article 5, who has previously been convicted of | |

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| | offences of the same nature, mandatorily participates in an intervention programme referred to in Article 38. | offences of the same nature, mandatorily participates in an intervention programme referred to in Article 38: <u>without delay after conviction;</u> | offences of the same nature, mandatorily participates in an intervention programme referred to in Article 38. | |
| Article 12(4) | | | | |
| 142 | 4. Member States shall ensure that the criminal offence referred to in Article 6 is punishable by a maximum penalty of at least 5 years of imprisonment and at least 7 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13. | 4. Member States shall ensure that the criminal offence <u>offences</u> referred to in Article 6, <u>6a, 6b and 6c are</u> is punishable by a maximum penalty of at least 5 years of imprisonment and at least 7 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13. | 4. Member States shall ensure that the criminal offence referred to in Article 6 is punishable by a maximum penalty of at least 5 years of imprisonment and at least 7 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13. in the most serious cases of Article 6 as defined in their national law. | |
| Article 12(5) | | | | |
| 143 | 5. Member States shall ensure that the criminal offences referred to in Articles 8 and 10 are punishable by a maximum penalty of at least 2 years of imprisonment. | 5. Member States shall ensure that the criminal offences referred to in Articles 8 and 10 are punishable by a maximum penalty of at least 2 years of imprisonment. | 5. Member States shall ensure that the criminal offences referred to in Articles 8 and 7 to 10 are punishable by a maximum penalty of at least 2 years 1 year of imprisonment. | |
| Article 12(6) | | | | |
| 144 | 6. Member States shall ensure that the criminal offences referred to in Articles 7 and 9 are punishable by a maximum penalty of at least 1 year of imprisonment. | 6. Member States shall ensure that the criminal offences referred to in Articles 7 and 9 are punishable by a maximum penalty of at least 1 year of imprisonment. | 6. Member States shall ensure that the criminal offences referred to in Articles 7 and 9 are punishable by a maximum penalty of at least 1 year of imprisonment. | |

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| Article 13 | | | | |
| 145 | Article 13 Aggravating circumstances | Article 13 Aggravating circumstances | Article 13 Aggravating circumstances | |
| Article 13, first paragraph | | | | |
| 146 | In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles 5 to 10, Member States shall ensure that they may be regarded as aggravating circumstances in relation to those offences: | In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles 5 to 10, Member States shall ensure that they may be regarded as aggravating circumstances in relation to those offences: | In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles 5 6 to 10, Member States shall take the necessary measures to ensure that, in relation to the relevant offences referred to in Articles 6 to 10, one or several of the following circumstances may, in accordance with the relevant provisions of national law, be regarded as aggravating circumstances they may be regarded as aggravating circumstances in relation to those offences: | |
| Article 13, first paragraph, point (a) | | | | |
| 147 | (a) the offence, or another criminal offence of violence against women or domestic violence, was committed repeatedly; | (a) the offence, or another criminal offence of violence against women or domestic violence, was committed repeatedly; | (a) the offence, or another criminal offence of violence against women or domestic violence, was committed repeatedly; | |
| Article 13, first paragraph, point (b) | | | | |

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| 148 | (b) the offence was committed against a person made vulnerable by particular circumstances, such as a situation of dependence or a state of physical, mental, intellectual or sensory disability, or living in institutions; | (b) the offence was committed against a person made vulnerable by particular circumstances, such as <u>residence status, pregnancy, a situation of dependence or a state of physical, mental, intellectual or sensory disability or distress, being a victim of trafficking, or living in institutions, including retirement homes, children's homes, reception centres, detention facilities or accommodation centres for asylum seekers</u> ; | (b) the offence was committed against a person made vulnerable by particular circumstances, such as a situation of dependence or a state of physical, mental, intellectual or sensory disability, or living in institutions ; | |
| Article 13, first paragraph, point (c) | | | | |
| 149 | (c) the offence was committed against a child; | (c) the offence was committed against a child; | (c) the offence was committed against a child; | |
| Article 13, first paragraph, point (d) | | | | |
| 150 | (d) the offence was committed in the presence of a child; | (d) the offence was committed in the presence of a child; | (d) the offence was committed in the presence of a child; | |
| Article 13, first paragraph, point (e) | | | | |
| 151 | (e) the offence was committed by two or more persons acting together; | (e) the offence was committed by two or more persons acting together; | (e) the offence was committed by two or more persons acting together; | |
| Article 13, first paragraph, point (f) | | | | |
| 152 | (f) the offence was preceded or accompanied by extreme levels of | (f) the offence was preceded or accompanied by extreme levels of | (f) the offence was preceded or accompanied by extreme levels of | |

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| | violence; | violence <u>or particularly inhuman, degrading or humiliating acts</u> ; | violence; | |
| Article 13, first paragraph, point (g) | | | | |
| 153 | (g) the offence was committed with the use or threat of using a weapon; | (g) the offence was committed with the use or threat of using a weapon; | (g) the offence was committed with the use or threat of using a weapon; | |
| Article 13, first paragraph, point (h) | | | | |
| 154 | (h) the offence was committed with the use of force or threats to use force, or coercion; | (h) the offence was committed with the use of force or threats to use force, or coercion; | (h) the offence was committed with the use of force or threats to use force, or coercion; | |
| Article 13, first paragraph, point (i) | | | | |
| 155 | (i) the offence resulted in the death or suicide of the victim or severe physical or psychological harm for the victim; | (i) the offence resulted in the death or suicide of the victim or severe physical or psychological harm for the victim <u>or dependants</u> ; | (i) the offence resulted in conduct caused the death or suicide of the victim or severe physical or psychological harm for the victim; | |
| Article 13, first paragraph, point (j) | | | | |
| 156 | (j) the offender has previously been convicted of offences of the same nature; | (j) the offender has previously been convicted of offences of the same <u>similar</u> nature; | (j) the offender has previously been convicted of offences of the same nature; | |
| Article 13, first paragraph, point (k) | | | | |
| 157 | (k) the offence was committed against a former or current spouse or partner; | (k) the offence was committed against a former or current spouse or partner; | (k) the offence was committed against a former or current spouse or partner; | |

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| Article 13, first paragraph, point (l) | | | | |
| 158 | (l) the offence was committed by a member of the family or person cohabiting with the victim; | (l) the offence was committed by a member of the family or person cohabiting with the victim; | (l) the offence was committed by a member of the family or person cohabiting with the victim; | |
| Article 13, first paragraph, point (m) | | | | |
| 159 | (m) the offence was committed by abusing a recognised position of trust, authority or influence; | (m) the offence was committed by abusing a recognised position of trust, authority or influence; | (m) the offence was committed by abusing a recognised position of trust, authority or influence; | |
| Article 13, first paragraph, point (n) | | | | |
| 160 | (n) the offence was filmed, photographed or recorded in another form and made accessible by the offender; | (n) the offence was filmed, photographed or recorded in another form and made accessible by the offender; | (n) the offence was filmed, photographed or recorded in another form and made accessible by the offender; | |
| Article 13, first paragraph, point (o) | | | | |
| 161 | (o) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances. | (o) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances. | (o) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances. | |
| Article 13, first paragraph, point (oa) | | | | |
| 161a | | <u>(oa) the offence was committed against a public representative, a journalist or a human rights defender;</u> | | |
| Article 13, first paragraph, point (ob) | | | | |

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| 161b | | <u>(ob) the offence brought profit or gain or had the intention of bringing profit or gain;</u> | | |
| Article 13, first paragraph, point (oc) | | | | |
| 161c | | <u>(oc) the intention of the crime was to preserve or restore the so-called "honour" of a person, a family, a community or another similar group;</u> | | |
| Article 13, first paragraph, point (od) | | | | |
| 161d | | <u>(od) the intention of the crime was to punish victims for their sexual orientation, gender expression, gender identity, sex characteristics, skin colour, religion, social origin or political beliefs.</u> | | |
| Article 14 | | | | |
| 162 | Article 14 Jurisdiction | Article 14 Jurisdiction | Article 14 Jurisdiction | |
| Article 14(1) | | | | |
| 163 | 1. Member States shall take the necessary measures to establish their jurisdiction over the criminal offences referred to in Articles 5 to 11 where: | 1. Member States shall take the necessary measures to establish their jurisdiction over the criminal offences referred to in Articles 5 to 11 where: | 1. Member States shall take the necessary measures to establish their jurisdiction over the criminal offences referred to in Articles 5 6 to 11 where: | |

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| Article 14(1), point (a) | | | | |
| 164 | (a) the offence is committed in whole or in part within their territory; | (a) the offence is committed in whole or in part within their territory; | (a) the offence is committed in whole or in part within their territory; | |
| Article 14(1), point (b) | | | | |
| 165 | (b) the offence is committed by one of their nationals. | (b) the offence is committed by one of their nationals. | (b) the offence is committed by one of their nationals. | |
| Article 14(2) | | | | |
| 166 | 2. A Member State shall inform the Commission where it decides to extend its jurisdiction to criminal offences referred to in Articles 5 to 11 which have been committed outside its territory in any of the following situations: | 2. A Member State <u>States</u> shall inform the Commission where it decides to extend its <u>take the necessary measures to establish their</u> jurisdiction to over criminal offences referred to in Articles 5 to <u>and 6</u> which have been committed outside its territory in any of the following situations: | 2. A Member State shall inform the Commission where it decides to extend its jurisdiction to criminal offences referred to in Articles 5 <u>6</u> to 11 which have been committed outside its territory in any of the following situations: | |
| Article 14(2a) | | | | |
| 166a | | <u>2a. Member States shall inform the Commission where they decide to establish their jurisdiction over criminal offences as referred to in Article 5a and Articles 6a to 11 which have been committed outside its territory and which have been committed either:</u> | | |

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| | | <u>(a) against their nationals or habitual residents in their territory;</u> <u>or</u> <u>(b) by offenders who are habitual residents in their territory.</u> | | |
| Article 14(2), point (a) | | | | |
| 167 | (a) the offence is committed against one of its nationals or habitual residents in its territory; | (a) the offence is committed against one of its nationals or habitual residents in its territory; | (a) the offence is committed against one of its nationals or habitual residents in its territory; | |
| Article 14(2), point (b) | | | | |
| 168 | (b) the offender is a habitual resident in its territory. | (b) the offender is a habitual resident in its territory. | (b) the offender is a habitual resident in its territory. | |
| Article 14(3) | | | | |
| 169 | 3. Member States shall ensure that their jurisdiction established over the criminal offences referred to in Articles 7 to 10 includes situations where the offence is committed by means of information and communication technology accessed from their territory, whether or not the provider of intermediary services is based on their territory. | 3. Member States shall ensure that their jurisdiction established over the criminal offences referred to in Articles 7 to 10 includes situations where the offence is committed by means of information and communication technology accessed from their territory, whether or not the provider of intermediary services is based on their territory. | 3. Member States shall ensure that their jurisdiction established over the criminal offences referred to in Articles 7 to 10 11 includes situations where the offence is committed by means of information and communication technology accessed from their territory, whether or not the provider of intermediary services is based on their territory. | |
| Article 14(4) | | | | |
| 170 | 4. In cases referred to in paragraph | 4. In cases referred to in paragraph | 4. In cases referred to in paragraph | |

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| | 1, point (b), each Member State shall ensure that its jurisdiction is not subject to the condition that the acts are punishable as criminal offences in the country where they were performed. | 1, point (b), each Member State shall ensure that its jurisdiction is not subject to the condition that the acts are punishable as criminal offences in the country where they were performed. | 1, point (b), each Member State shall ensure that its jurisdiction established over the criminal offences referred to in Article 6 is not subject to the condition that the acts are punishable as criminal offences in the country where they were performed. | |
| Article 14(5) | | | | |
| 171 | 5. In cases referred to in paragraph 1, point (b), Member States shall ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a report made by the victim in the place where the criminal offence was committed, or a denunciation from the State of the place where the criminal offence was committed. | 5. In cases referred to in paragraph 1, point (b), Member States shall ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a report made by the victim in the place where the criminal offence was committed, or a denunciation from the State of the place where the criminal offence was committed. | 5. In cases referred to in paragraph 1, point (b), Member States shall ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a report made by the victim in the place where the criminal offence was committed, or a denunciation from the State of the place where the criminal offence was committed. | |
| Article 15 | | | | |
| 172 | Article 15 Limitation periods | Article 15 Limitation periods | Article 15 Limitation periods | |
| Article 15(1) | | | | |
| 173 | 1. Member States shall take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision concerning criminal | 1. Member States shall take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision concerning criminal | 1. Member States shall take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision concerning of | |

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| | offences referred to in Articles 5 to 11 for a sufficient period of time after the commission of those criminal offences. | offences referred to in Articles 5 to 11 for a sufficient period of time after the commission of those criminal offences. | criminal offences referred to in Articles 5 6 to 11 for a sufficient period of time after the commission of those criminal offences, in order for those criminal offences to be tackled effectively. The limitation period shall be commensurate with the gravity of the offence concerned. | |
| Article 15(2) | | | | |
| 174 | 2. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 5 of at least 20 years from the time when the offence was committed. | 2. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 5 <u>Articles 5 and 6</u> of at least 20 years from the time when the offence was committed-; | 2. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 5 of at least 20 years from the time when the offence was committed. | |
| Article 15(3) | | | | |
| 175 | 3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 6 of at least 10 years from the time when the offence was committed. | 3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article <u>Articles 5a, 6a, 6b and 6c</u> of at least 10 years from the time when the offence was committed-; | 3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 6 of at least 10 years from the time when the offence was committed. | |
| Article 15(4) | | | | |
| 176 | 4. Member States shall take the necessary measures to provide for a limitation period for criminal | 4. Member States shall take the necessary measures to provide for a limitation period for criminal | 4. Member States shall take the necessary measures to provide for a limitation period for criminal | |

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| | offences referred to in Articles 7 and 9 of at least 5 years after the criminal offence has ceased or the victim has become aware of it. | offences referred to in Articles 6d , 7 and 9 of at least 5 years after the criminal offence has ceased or the victim has become aware of it. | offences referred to in Articles 7 and 9 of at least 5 years after the criminal offence has ceased or the victim has become aware of it. | |
| Article 15(5) | | | | |
| 177 | 5. Member States shall take the necessary measures to provide for a limitation period for the criminal offences referred to in Articles 8 and 10, of at least 7 years after the criminal offence has ceased or the victim has become aware of it. | 5. Member States shall take the necessary measures to provide for a limitation period for the criminal offences referred to in Articles 8 and 10, of at least 7 years after the criminal offence has ceased or the victim has become aware of it. | 5. Member States shall take the necessary measures to provide for a limitation period for the criminal offences referred to in Articles 8 and 10, of at least 7 years after the criminal offence has ceased or the victim has become aware of it. | |
| Article 15(6) | | | | |
| 178 | 6. If the victim is a child, the limitation period shall commence at the earliest once the victim has reached 18 years of age. | 6. If the victim is a child, the limitation period shall commence at the earliest once the victim has reached 18 years of age. | 6. If the victim is a child, the limitation period for offences referred to in Article 6 shall commence at the earliest once the victim has reached 18 years of age. | |
| CHAPTER 3 | | | | |
| 179 | CHAPTER 3 PROTECTION OF VICTIMS AND ACCESS TO JUSTICE | CHAPTER 3 PROTECTION OF VICTIMS AND ACCESS TO JUSTICE | CHAPTER 3 PROTECTION OF VICTIMS AND ACCESS TO JUSTICE | |
| Article 16 | | | | |
| 180 | Article 16 Reporting of violence against women or domestic violence | Article 16 Reporting of violence against women or domestic violence | Article 16 Reporting of violence against women or domestic violence | Article 16 Reporting of violence against women or domestic violence |

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| | | | | Text Origin: Commission Proposal |
| Article 16(1) | | | | |
| 181 | <p>1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, Member States shall ensure that victims can report criminal offences of violence against women or domestic violence to the competent authorities in an easy and accessible manner. This shall include the possibility of reporting criminal offences online or through other information and communication technologies, including the possibility to submit evidence, in particular concerning reporting of criminal offences of cyber violence.</p> | <p>1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, Member States shall ensure that victims can report criminal offences of violence against women or domestic violence to the competent authorities in an easy, <u>safe</u> and accessible manner, <u>with due regard for their privacy</u>. This shall include the possibility of reporting criminal offences online or through other <u>accessible and secure</u> information and communication technologies, including the possibility to submit evidence, in particular concerning reporting of criminal offences of cyber violence.</p> | <p>1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, Member States shall ensure that victims can report criminal offences acts of violence against women or domestic violence to the competent authorities in an easy and accessible manner. This shall through accessible, easy-to-use and readily available channels. This may include the possibility of reporting criminal offences such acts online or through other information and communication technologies, including the possibility to submit evidence, in particular concerning reporting of criminal offences acts of cyber violence.</p> | <p>1. In addition to the rights of victims when making a complaint under Article 5 of Directive 2012/29/EU, Member States shall ensure that victims can report criminal offences <u>acts</u> of violence against women or domestic violence to the competent authorities in an easy and accessible manner <u>through accessible, easy-to-use, safe and readily available channels</u>. This <u>includes the possibility of reporting such acts online or through other accessible and secure information and communication technologies, without prejudice to national procedural rules regarding formalisation of such online reporting. The possibility to report online or through other accessible and secure information and communication technologies shall include</u> shall include the possibility of reporting criminal offences online or through other information and communication technologies, including the possibility to submit evidence <u>through such means</u>, in particular concerning reporting of criminal offences <u>where the</u></p> |

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| | | | | <p><u>reporting concerns acts</u> of cyber violence <u>without prejudice to national procedural rules regarding the formalization of the submission of such evidence.</u></p> <p>Text Origin: Council Mandate</p> |
| Article 16(1a) | | | | |
| 181a | | <p><u>1a. Member States shall ensure that victims have access to legal aid and assistance, free of charge and in a language they can understand, when reporting criminal offences and during judicial proceedings;</u></p> | | <p><u>1a. [Member States shall ensure that victims have access to legal aid and assistance, in a language they can understand, where they have the status of the parties to criminal proceedings and according to the conditions or procedural rules determined by national law. Member States may extend legal aid to victims reporting criminal offences, when provided by national law;]</u></p> <p>Text proposed by the Presidency, pending EP feedback. Add recital</p> <p>Text Origin: EP Mandate</p> |
| Article 16(1b) | | | | |
| 181b | | <p><u>1b. Member States shall ensure that the competent authorities take all the necessary measures to ensure that all evidence is secured from the earliest possible moment, including by appropriate technical</u></p> | | <p><u>1b. Text proposed by the EP : Member States shall ensure that the competent authorities take all the necessary measures to ensure that all evidence is secured from the earliest possible moment, including</u></p> |

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| | | <u>means.</u> | | <u>by appropriate technical means.</u> to be moved to line 189b (Article 17 new paragraph 3 bis) Text Origin: EP Mandate |
| Article 16(1c) | | | | |
| 181c | | <u>1c. Member States shall ensure that victims are referred to a specialised contact person within the competent authority irrespective of whether a criminal complaint is filed.</u> | | deleted The Presidency proposes to move EP text for 1c) to recital 27 with the following wording: "Victim should be referred to a trained investigator, as provided for in this Directive, where possible, irrespective of whether a criminal complaint is filed!" Text Origin: EP Mandate |
| Article 16(2) | | | | |
| 182 | 2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that offences of violence against women or domestic violence have occurred, or that further acts of violence are to be expected, to report this to the competent authorities. | 2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that offences of violence against women or domestic violence have occurred, or that further acts of violence are to be expected, to report this to the competent authorities <u>without fearing negative consequences.</u> | 2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that offences acts of violence against women or domestic violence have occurred, or that further acts of violence are to be expected, to report this to the competent authorities. Where a person other than the victim is making the report, Member States shall ensure that the competent authorities take adequate | 2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that offences <u>acts</u> of violence against women or domestic violence have occurred, or that further acts of violence are to be expected, to report this to the competent authorities. <u>Where a person other than the victim is making the report, Member States shall ensure that the competent authorities take adequate measures</u> |

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| | | | measures for the victim's safety when necessary. | <u>for the victim's safety when necessary.</u> Text Origin: Council Mandate |
| Article 16(3) | | | | |
| 183 | 3. Member States shall ensure that the confidentiality rules imposed by national law on relevant professionals, such as healthcare professionals, do not constitute an obstacle to their reporting to the competent authorities if they have reasonable grounds to believe that there is an imminent risk that serious physical harm will be inflicted on a person due to their being subject to any of the offences covered under this Directive. If the victim is a child, the relevant professionals shall be able to report to the competent authorities if they have reasonable grounds to believe that a serious act of violence covered under this Directive has been committed or further serious acts of violence are to be expected. | 3. Member States shall ensure that the confidentiality rules imposed by national law on relevant professionals, such as healthcare <u>and education</u> professionals, do not constitute an obstacle to their reporting to the competent authorities if they have reasonable grounds to believe that there is an imminent <u>a serious</u> risk that serious physical <u>or psychological</u> harm will be inflicted on a person due to their being subject to any of the offences covered under this Directive. If the victim is a child, the relevant professionals shall be able to report to the competent authorities if they have reasonable grounds to believe that a serious <u>an</u> act of violence covered under this Directive has been committed or further serious acts of violence are to be expected. | 3. Member States shall ensure that the confidentiality rules imposed by national law on relevant professionals, such as healthcare professionals, do not constitute an obstacle to their reporting subject to confidentiality obligations are able to report to the competent authorities if they have reasonable grounds to believe that there is an imminent risk that serious physical harm will be inflicted on a person due to their being subject to any of the offences covered under this Directive. If the victim is a child, the relevant professionals shall be able to report to the competent authorities if they have reasonable grounds to believe that a serious act of violence covered under this Directive has been committed or further serious acts of women or domestic violence are to be expected. | 3. Member States shall ensure that the confidentiality rules imposed by national law on relevant professionals, such as healthcare professionals, do not constitute an obstacle to their reporting subject to confidentiality obligations are able to report to the competent authorities if they have reasonable grounds to believe that there is an imminent risk that serious physical harm will be inflicted on a person due to their being subject to any of the offences covered under this Directive. If the victim is a child, the relevant professionals shall be able to report to the competent authorities if they have reasonable grounds to believe that a serious act of violence covered under this Directive has been committed or further serious acts of against women or domestic violence are to be expected. Text Origin: Council Mandate |
| Article 16(3a) | | | | |
| 183a | | | | |

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| | | | <p>3bis Member States shall ensure that, where the victim is a child, without prejudice to rules on legal professional privilege or, where provided for under national law, clergy-penitent privilege or equivalent principles, professionals subject to confidentiality obligations under national law are able to report to the competent authorities if they have reasonable grounds to believe that serious physical harm has been inflicted on the child as a result of violence against women or domestic violence.</p> | <p><u>3bis Member States shall ensure that, where the victim is a child, without prejudice to rules on legal professional privilege or, where provided for under national law, professionals subject to confidentiality obligations under national law are able to report to the competent authorities if they have reasonable grounds to believe that serious physical harm has been inflicted on the child as a result of violence against women or domestic violence.</u></p> <p>Text Origin: Council Mandate</p> |
| Article 16(4) | | | | |
| 184 | <p>4. Where children report criminal offences of violence against women or domestic violence, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and language, in accordance with their age and maturity. If the offence involves the holder of parental responsibility, Member States should ensure reporting is not conditional upon this person's consent.</p> | <p>4. Where children report criminal offences of violence against women or domestic violence, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and language, in accordance with their age and maturity. If the offence involves the holder of parental responsibility, <u>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.</u> Member States should<u>shall</u> ensure <u>that</u> reporting is not conditional upon this person's</p> | <p>4. Where children report criminal offences <u>acts</u> of violence against women or domestic violence to the competent authorities, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and language, in accordance with their age and maturity. If the offence<u>act</u> involves the holder of parental responsibility, Member States should <u>shall</u> ensure reporting is not conditional upon this person's consent.</p> | <p>4. Where children report criminal offences <u>acts</u> of violence against women or domestic violence <u>to the competent authorities,</u> Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and language, in accordance with their age and maturity. If the offence involves the holder of parental responsibility, <u>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.</u> Member States should<u>shall</u> ensure <u>that</u> reporting is not</p> |

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| | | consent <u>parental consent and that there is no obligation on the competent authorities to immediately inform a holder of parental responsibility of the reporting.</u> | PUBLIC | conditional upon this person's consent <u>consent of the holder of parental responsibility and that the competent authorities do not immediately inform the holder of parental responsibility of the reporting, if the latter is involved in the act of violence.</u> Text Origin: Council Mandate |
| Article 16(5) | | | | |
| 185 | 5. Member States shall ensure that the competent authorities coming in contact with a victim reporting offences of violence against women or domestic violence are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment referred to in Article 18. | 5. Member States shall ensure that the competent authorities <u>and other services</u> coming in contact with a victim reporting offences of violence against women or domestic violence are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment referred to in Article 18. | 5. Member States shall ensure that the competent authorities coming in contact with a victim reporting offences of violence against women or domestic violence are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment referred to in Article 18. | 5. Member States shall ensure that the <u>5</u> Competent authorities coming in contact with a victim reporting offences of violence against women or domestic violence are prohibited from transferring personal data pertaining to the residence status <u>shall carry out the individual assessments under Articles 18 and 19 of this Directive regardless</u> of the victim's residence status. <u>Any procedure under Directive 2008/115/CE shall not constitute a reason to delay such assessments to competent migration authorities, at least until completion of the first individual assessment referred to in Article 18.</u> Add recital proposed by EP: Member States should ensure that victims which are third-country nationals with no legal right to stay are not discouraged from reporting and are |

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| | | | | <p>treated in a non-discriminatory manner as regards their residence status in line with Article 1 of Directive 2012/29/EU. To protect all victims of violence against women and domestic violence from repeated violence, a victim-centred approach should prevail. Member States should delay action under Directive 2008/115/EC until judicial proceedings have been completed to fully implement Article 10 of Directive 2012/29/EU.</p> <p>Alternative drafting suggestion by CNS (recital): It is important that Member States ensure that victims which are third-country nationals, irrespective of their residence status, are not discouraged from reporting and are treated in a non-discriminatory manner as regards their residence status in line with Article 1 of Directive 2012/29/EU. To protect all victims of violence against women and domestic violence from repeated violence, a victim-centred approach should prevail. In particular, it must be ensured that victims are not prevented from being heard pursuant to Article 10 of Directive 2012/29/EU and it is important that Member States ensure that proceedings under Directive 2008/115/EC do not prevent the full implementation of their obligations under Article 10 of Directive 2012/29/EU.</p> |
| Article 17 | | | | |

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| 186 | Article 17 Investigation and prosecution | Article 17 Investigation and prosecution | Article 17 Investigation and prosecution | Article 17 Investigation and prosecution Text Origin: Commission Proposal |
| Article 17(1) | | | | |
| 187 | 1. Member States shall ensure that persons, units or services investigating and prosecuting violence against women or domestic violence have sufficient expertise and effective investigative tools to effectively investigate and prosecute such crimes, especially to gather, analyse and secure electronic evidence in cases of cyber violence. | 1. Member States shall ensure that persons, units or services investigating and prosecuting violence against women or domestic violence have sufficient, <u>and specialised</u> expertise and effective investigative tools to effectively investigate and prosecute such crimes, especially to gather, analyse and secure electronic evidence in cases of cyber violence. | 1. Member States shall ensure that persons, units or services investigating and prosecuting violence against women or domestic violence have sufficient adequate expertise and effective investigative tools to effectively investigate and prosecute such crimes acts , especially to gather, analyse and secure electronic evidence in cases of cyber violence. | 1. Member States shall ensure that persons, units or services investigating and prosecuting violence against women or domestic violence have <u>adequate and specialised</u> sufficient expertise and effective investigative tools to effectively investigate and prosecute such crimes acts , especially to gather, analyse and secure electronic evidence in cases of cyber violence. Text Origin: Council Mandate |
| Article 17(2) | | | | |
| 188 | 2. Member States shall ensure that reported offences of violence against women or domestic violence are processed and transferred without delay to the competent authorities for prosecution and investigation. | 2. Member States shall ensure that reported offences of violence against women or domestic violence are processed and transferred without delay to the competent authorities for prosecution and <u>the purpose of adopting protection measures and for the purposes of</u> investigation and <u>prosecution</u> . | 2. Member States shall ensure that reported offences acts of violence against women or domestic violence are processed and transferred without delay to the competent authorities for prosecution and investigation investigation and prosecution . | 2. Member States shall ensure that reported offences <u>acts</u> of violence against women or domestic violence are processed and transferred without delay to the competent authorities for prosecution and investigation <u>investigation and prosecution</u> . Text Origin: Council Mandate |
| Article 17(3) | | | | |


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| 189 | 3. The competent authorities shall promptly and effectively record and investigate allegations of violence against women or domestic violence and ensure that an official complaint is filed in all cases. | 3. The competent authorities shall promptly and effectively record and investigate allegations of violence against women or domestic violence and ensure that an official complaint is filed <u>administrative record is kept in all cases and that evidence is preserved, whether or not the investigation proceeds.</u> | 3. Where there is reasonable grounds to suspect that a criminal offence may have been committed , the competent authorities shall, without undue delay , promptly and effectively investigate, upon a complaint or ex officio, acts record and investigate allegations of violence against women or domestic violence. They shall and ensure that an official complaint record is filed in all cases. | 3. <u>Where</u> the competent authorities <u>have reasonable ground to believe that a criminal offence may have been committed, they</u> shall, <u>without undue delay</u> , promptly and effectively record and investigate allegations <u>investigate, upon a complaint or ex officio, acts</u> of violence against women or domestic violence. <u>They shall</u> and ensure that an official complaint <u>record</u> is filed in all cases <u>and that a relevant evidence record is preserved, whether or not the investigation proceeds.</u> |
| Article 17(4) | | | | |
| 190 | 4. The competent authorities shall promptly refer victims to relevant health care professionals or support services referred to in Articles 27, 28 and 29 to assist in securing evidence, in particular in cases of sexual violence, where the victim wishes to bring charges and make use of such services. | 4. The competent authorities shall promptly refer victims to relevant health care professionals or <u>specialist</u> support services referred to in Articles 27, 28, <u>29 and 29a</u> and 29 to assist in securing evidence, in particular in cases of sexual violence, where the victim wishes to bring charges and make use of such services. <u>The competent authorities shall ensure that victims are informed of the importance of collecting evidence at the earliest possible time;</u> | 4. In order to assist in the voluntary securing of evidence, in particular in cases of sexual violence , the competent authorities shall, without undue delay , direct promptly refer victims to relevant health care professionals or to the support services referred to in Articles 27, 28 and 29, specialised in assisting to assist in securing evidence, in particular in cases of sexual violence, where the victim wishes to bring charges and make use of such services of evidence. | 4. <u>In order to assist in the voluntary securing of evidence, in particular in cases of sexual violence</u> , the competent authorities shall, <u>inform victims of the importance of collecting such evidence without undue delay, and direct them</u> promptly refer victims to relevant health care professionals or <u>to the</u> support services referred to in Articles 27, 28 and 29 to assist in securing evidence, in particular in cases of sexual violence, where the victim wishes to bring charges and make use of such services. <u>specialised in assisting in securing of evidence.</u> |

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| Article 17(5) | | | | |
| 191 | 5. Investigations into or prosecution of offences referred to in Article 5 shall not be dependent on reporting or accusation by a victim or by their representative, and criminal proceedings shall continue even if the report or accusation has been withdrawn. | 5. Investigations into or prosecution of offences referred to in Article 5 <u>Articles 5, 6, and 6c</u> shall not be dependent on reporting or accusation by a victim or by their representative, and criminal proceedings shall continue even if the report or accusation has been withdrawn. | 5. Member States shall ensure that investigations into or prosecution of offences referred to in Article 5 acts of rape shall not be dependent on reporting or accusation by a victim or by their representative, and that criminal proceedings shall may continue even if the report or accusation has been withdrawn. | 5. <u>Member States shall ensure that</u> investigations into or prosecution of <u>acts of rape and female genital mutilation are not</u> offences referred to in Article 5 shall not be dependent on reporting or accusation by a victim or by their representative, and <u>that</u> criminal proceedings <u>are not discontinued solely because</u> shall continue even if the report or accusation has been withdrawn. Recital proposed by Council: "This is without prejudice to the discretion of the prosecuting authorities to discontinue criminal proceedings for other reasons, for example where they conclude that there is not sufficient evidence to continue criminal proceedings." |
| Article 18 | | | | |
| 192 | Article 18 Individual assessment to identify victims' protection needs | Article 18 Individual assessment to identify victims' protection needs | Article 18 Individual assessment to identify victims' protection needs | Article 18 Individual assessment to identify victims' protection needs Text Origin: Commission Proposal |
| Article 18(1) | | | | |
| 193 | 1. In the framework of the | 1. In the framework of the | 1. In addition to the | 1. <u>In addition to the</u> |

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| | individual assessment which is to be carried out under Article 22 of Directive 2012/29/EU, Member States shall ensure that, as regards victims covered by this Directive, the additional elements as set out in paragraphs 2 to 7 of this Article are assessed. | individual assessment which is to be carried out under Article 22 of Directive 2012/29/EU, Member States shall ensure that, as regards victims covered by this Directive, the additional elements as set out in paragraphs 2 to 7 of this Article are assessed <u>(the 'specialised individual assessment')</u> . | requirements the framework of the individual assessment which is to be carried out under Article 22 of Directive 2012/29/EU, Member States shall ensure that, as regards at least in respect of victims covered by this Directive, the additional elements of sexual violence and domestic violence, the requirements as set out in paragraphs 2 to 7 of this Article are assessed fulfilled. | <u>requirements</u> In the framework of the individual assessment which is to be carried out under Article 22 of Directive 2012/29/EU, Member States shall ensure that, as regards <u>at least in respect of</u> victims covered by this Directive, the additional elements as of sexual violence and domestic violence, the requirements set out in paragraphs 2 to 7 of this Article are assessed <u>this Article are fulfilled (the "specialised individual assessment")</u> . |
| Article 18(2) | | | | |
| 194 | 2. This individual assessment shall be initiated upon the first contact of the victim with the competent authorities. The competent judicial authorities shall verify at the latest at the initiation of criminal proceedings whether an assessment has been conducted. If this has not been the case, they shall remedy the situation by undertaking an assessment as soon as possible. | 2. This <u>The specialised</u> individual assessment shall be initiated <u>without delay</u> upon the first contact of the victim with the competent authorities <u>and shall be carried out by professionals with expertise in this area</u> . The competent judicial authorities shall verify <u>in a timely manner and</u> at the latest at the initiation of criminal proceedings whether <u>such</u> an assessment has been conducted. If this has not been the case, they shall remedy the situation by undertaking an assessment as soon as possible <u>specialised individual assessment</u> . | 2. This individual assessment shall be initiated at the earliest possible stage after upon the first contact of the victim with the competent authorities. The competent judicial authorities shall verify at the latest at the initiation of criminal proceedings whether an assessment has been conducted. If this has not been the case, they shall remedy the situation by undertaking an assessment as soon as possible. | 2. This <u>specialized</u> individual assessment shall be initiated upon the first contact of the victim with the competent authorities. The competent judicial authorities, and shall verify at the latest at the initiation of criminal proceedings whether an assessment has been conducted. If this has not been the case, they shall remedy the situation by undertaking an assessment as soon as possible. <u>be concluded without undue delay.</u> Recital proposed by EP (28) and 28b: (28) Victims of domestic violence, sexual violence and violence against women are typically in need of immediate protection and specific |

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| | | | PUBLIC | <p>support, for example in the case of intimate partner violence where the rate of recidivism tends to be high. Therefore a specialised individual assessment to identify the victim's protection and specialist support needs should be initiated without undue delay at the first contact of the victim with the competent authorities, or as soon as suspicion arises that the person is a victim of violence against women or domestic violence. This can be done before a victim has formally reported an offence or proactively if a third party reports the offence.</p> <p>28b) Where, upon the first contact of the victim with the competent authorities, there are indications of an imminent risk for the physical integrity of the victim or the safety of the victim's child dependents, the competent authorities should immediately carry out a shorter version of the specialised individual assessment for the purpose of quickly gaining an understanding of the victim's protection needs. At a subsequent stage of the procedure and without undue delay, the competent authorities should carry out the full specialised individual assessment / [complete the specialised individual assessment]."</p> |
| Article 18(3) | | | | |
| 195 | 3. The individual assessment shall focus on the risk emanating from the | 3. The <u>specialised</u> individual assessment shall focus on the risk | 3. The individual assessment shall focus on the risk emanating from the | 3. <u>3. The specialised</u> The individual assessment shall focus on the risk |

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| | offender or suspect, including the risk of repeated violence, the risk of bodily harm, the use of weapons, the offender or suspect living with the victim, an offender or suspect's drug or alcohol misuse, child abuse, mental health issues or behaviour of stalking. | emanating from the offender or suspect, including the risk of repeated violence, the <u>degree of control exercised by the offender or suspect over the victim and its potential effect on the preservation of evidence, the</u> risk of bodily <u>or psychological harm, the possible harm, the</u> use of <u>and access to</u> weapons, the offender or suspect living with the victim, an offender or suspect's drug or alcohol misuse, child abuse, mental health issues, <u>including the risk of suicide,</u> or behaviour of stalking. | offender or suspect, including which may include the risk of repeated violence, the risk of bodily harm, the use of weapons, the offender or suspect living with the victim, an offender or suspect's drug or alcohol misuse, child abuse, mental health issues or behaviour of stalking. | emanating from the offender or suspect, including which may include the risk of repeated violence, the <u>degree of control exercised by the offender or suspect over the victim and its potential effect on the preservation of evidence, the</u> risk of bodily <u>or psychological harm, the possible harm, the</u> use of <u>and access to</u> weapons, the offender or suspect living with the victim, an offender or suspect's drug or alcohol misuse, child abuse, mental health issues or behaviour of stalking. |
| Article 18(4) | | | | |
| 196 | 4. The assessment shall take into account the victim's individual circumstances, including whether they experience discrimination based on a combination of sex and other grounds and therefore face a heightened risk of violence, as well as the victim's own account and assessment of the situation. It shall be conducted in the best interest of the victim, paying special attention to the need to avoid secondary or repeated victimisation. | 4. The <u>specialised individual</u> assessment shall take into account the victim's individual circumstances, including whether they experience discrimination based on a combination of sex, <u>gender</u> and other grounds <u>as referred to in Article 35(1)</u> and therefore face a heightened risk of violence, <u>Circumstances requiring special attention shall include the fact that the victim is pregnant, the victim's dependence on or relationship to the offender, the risk of the victim returning to the offender or suspect, recent separation from an offender or suspect, the possible risk that children and companion animals are used to exercise control over the</u> | 4. The individual assessment shall take into account the victim's individual circumstances, including which may include whether they experience discrimination based on a combination of sex and other grounds and therefore face a heightened risk of violence, as well as the victim's own account and assessment of the situation. It shall be conducted in the best interest of the victim, paying special attention to the need to avoid secondary or repeated victimisation. | 4. <u>4. The specialised individual</u> The assessment shall take into account the victim's individual circumstances, including which may include whether they experience discrimination based on a combination of sex, <u>[gender]</u> and other grounds <u>of discrimination, such as those referred to in Article 21 of the Charter</u> and therefore face a heightened risk of violence, as well as the victim's own account and assessment of the situation. It shall be conducted in the best interest of the victim, paying special attention to the need to avoid secondary or repeated victimisation:- Replace the second part of recital 29 with the following text: |

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| | | <u>victim and the risks for victims with disabilities. Special attention shall also be given to,</u> as well as the victim's own account and assessment of the situation. It shall be conducted in the best interest of the victim, paying special attention to the need to avoid secondary or repeated victimisation. |  | "Circumstances requiring special attention should include the fact that the victim is pregnant, the victim's dependence on or relationship to the offender, the risk of the victim returning to the offender or suspect, recent separation from an offender or suspect, the possible risk that children and companion animals are used to exercise control over the victim and the risks for victims with disabilities. " |
| Article 18(5) | | | | |
| 197 | 5. Member States shall ensure that adequate protection measures are taken on the basis of the individual assessment, such as: | 5. Member States shall ensure that adequate protection measures are taken on the basis of the <u>specialised</u> individual assessment, such as: | 5. Member States shall ensure that adequate protection measures are taken on the basis of the competent authorities take adequate protection measures, taking into account the individual assessment, such as . Those measures may include: | 5. Member States shall ensure that <u>the competent authorities take adequate protection measures, in case measures are not already in place, with due regard to the specialised</u> are taken on the basis of the individual assessment, such as . <u>Those measures may include:</u> |
| Article 18(5), point (a) | | | | |
| 198 | (a) measures referred to in Articles 23 and 24 of Directive 2012/29/EU; | (a) measures referred to in Articles 23 and 24 of Directive 2012/29/EU; | (a) measures referred to in under Articles 23 and 24 of Directive 2012/29/EU; | |
| Article 18(5), point (b) | | | | |
| 199 | (b) the granting of emergency barring and restraining or protection orders pursuant to Article 21 of this Directive; | (b) the granting of emergency barring and restraining or protection orders <u>and the use of arrest and detention</u> pursuant to Article 21 of | (b) the granting of emergency barring and restraining or protection orders pursuant to Article 21 of this Directive; | |

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| | | this Directive; | | |
| Article 18(5), point (c) | | | | |
| 200 | (c) further measures to manage the offender or suspect's behaviour, in particular under Article 38 of this Directive. | (c) further measures to manage the offender or suspect's behaviour, in particular under Article 38 of this Directive. | (c) further measures to manage the offender or suspect's behaviour, in particular under Article 38 of this Directive. | |
| Article 18(6) | | | | |
| 201 | 6. The individual assessment shall be undertaken in collaboration with all relevant competent authorities depending on the stage of the proceedings, and relevant support services, such as victim protection centres and women's shelters, social services and healthcare professionals. | 6. The <u>specialised</u> individual assessment shall be undertaken in collaboration with all relevant competent authorities depending on the stage of the proceedings, and relevant support services, such as victim protection centres and , women's <u>and children's specialised services</u> , shelters, social services, <u>child protection or welfare services</u> , and healthcare professionals, <u>specialist support services for LGBTIQ victims and other relevant stakeholders</u> . | 6. When appropriate , the individual assessment shall be undertaken in collaboration with all relevant competent authorities depending on the stage of the proceedings, and relevant support services, such as victim protection centres and women's shelters, social services and healthcare professionals. | 6. <u>When appropriate, the specialised</u> The individual assessment shall be undertaken in collaboration with all <u>other</u> relevant competent authorities depending on the stage of the proceedings, and relevant support services, such as victim protection centres and , women's <u>and children's specialised services</u> , shelters, social services, <u>child protection or welfare services</u> , and healthcare professionals, <u>specialist support services and other relevant stakeholders</u> . |
| Article 18(7) | | | | |
| 202 | 7. Competent authorities shall update the individual assessment at regular intervals to ensure the protection measures relate to the victim's current situation. This shall include an assessment of whether protection measures, in particular | 7. Competent authorities shall update the <u>specialised</u> individual assessment at regular intervals, <u>including during important junctures in the case and where custody or rights of access are altered</u> , to ensure the protection | 7. Competent authorities shall update review the individual assessment at regular intervals to ensure the protection measures relate that it addresses to the victim's current situation. This shall include an assessment of whether | 7. Competent authorities shall update the <u>review the specialised</u> individual assessment at regular intervals to ensure the <u>and, where relevant, take new or update ongoing</u> protection measures relate to <u>to ensure that they address</u> the |

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| | under Article 21, need to be adapted or taken. | measures relate to the victim's current situation. This <u>The specialised individual assessment</u> shall include an assessment <u>evaluation</u> of whether protection measures, in particular under Article 21, need to be adapted or taken. | and, where relevant, take new or update ongoing protection measures, in particular under Article 21, need to be adapted or taken in accordance with paragraph 5. | victim's current situation. This shall include an assessment of whether protection measures, in particular <u>under Article 21, accordance with paragraph 5</u> need to be adapted or taken. Presidency proposes to revise recital 30 in fine as follows: "The specialised individual assessment should be reviewed by competent authorities at regular intervals to ensure that no new or modified protection or support needs of the victim remain unaddressed. In particular, such review should take place at important junctures in the process, such as the commencement of a Court case, the handing down of a judgment or discussions as to the revision of custody arrangements or rights of access. " |
| Article 18(8) | | | | |
| 203 | 8. Victims' dependants shall be presumed to have specific protection needs without undergoing the assessment referred to in paragraphs 1 to 6. | 8. Victims' dependants shall be presumed to have specific protection needs without undergoing the assessment referred to in paragraphs 1 to 6 <u>a specialised individual assessment</u> . | 8. Victims' dependants under the age of 18, and other dependants where provided by national law, shall be presumed to have specific protection needs without undergoing the assessment referred to in paragraphs 1 to 6, unless there are indications that these dependants do not have specific protection needs. | 8. Victims' dependants <u>under the age of 18, and other dependants where provided by national law,</u> shall be presumed to have specific protection needs without undergoing the <u>a specialised individual assessment, unless there are indications that these dependants do not have specific protection needs referred to in paragraphs 1 to 6.</u> |

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| Article 19 | | | | |
| 204 | Article 19 Individual assessment of victims' support needs | Article 19 Individual assessment of victims' support needs | Article 19 Individual assessment of victims' support needs | Article 19 Individual assessment of victims' support needs Text Origin: Commission Proposal |
| Article 19(1) | | | | |
| 205 | 1. Member States shall ensure that, taking into account the individual assessment referred to in Article 18, the competent authorities assess the victim's and their dependant's individual needs for support as provided for under Chapter 4. | 1. Member States shall ensure that, taking into account the <u>specialised</u> individual assessment referred to in Article 18 , the competent authorities <u>regularly</u> assess the victim's and their dependant's individual needs for support as provided for under Chapter 4 <u>(the 'individual assessment of victims' support needs')</u> . | 1. Member States shall ensure that, taking into account the individual assessment referred to in Article 18, the competent authorities, when necessary , assess the victim's and their dependant's, under the age of 18, and other dependants where individual needs for support as provided by national law , individual needs for support for under Chapter 4. | 1. Member States shall ensure that, taking into account the <u>specialised</u> individual assessment referred to in Article 18, the competent authorities assess the victim's and their dependant's, <u>[under the age of 18, and other dependants where individual needs for support as provided by national law]</u> , <u>individual needs for support</u> for under Chapter 4. |
| Article 19(1a) | | | | |
| 205a | | <u>1a. The individual assessment of victims' support needs and the provision of support services shall not depend on a victim reporting the criminal offence.</u> | | Already included in Article 27 |
| Article 19(2) | | | | |
| 206 | 2. Article 18(4) and (7) shall apply to the individual assessment of | 2. Article 18(4), <u>(6)</u> and (7) shall apply <u>mutatis mutandis</u> to the | 2. Article 18(4) and (7) shall apply applies to the individual assessment | 2. Article 18(4), <u>(6) and (7) applies mutatis mutandis</u> and (7) shall |

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| | support needs under paragraph 1 of this Article. | individual assessment of <u>victims'</u> support needs under paragraph 1 of this Article. | of support needs under paragraph 1 of this Article. | apply to the individual assessment of <u>victims'</u> support needs under paragraph 1 of this Article. |
| Article 20 | | | | |
| 207 | Article 20 Referral to support services | Article 20 Referral to support services | Article 20 Referral to support services | Article 20 Referral to support services Text Origin: Commission Proposal |
| Article 20(1) | | | | |
| 208 | 1. If the assessments referred to in Articles 18 and 19 have identified specific support or protection needs or if the victim requests support, Member States shall ensure that support services contact victims to offer support. | 1. If the assessments referred to in Articles 18 and 19 <u>specialised individual assessment and individual assessment of victims' support needs</u> have identified specific support or protection <u>protection or support</u> needs or if the victim requests support, Member States shall ensure that support services, <u>including women's specialist support services,</u> contact victims to offer support, <u>with due regard for their safety.</u> | 1. If the assessments referred to in Articles 18 and 19 have identified specific support or protection needs or if the victim requests support, Member States shall ensure that support services, in cooperation with the competent authorities, contact victims to offer support. Member States may make the contact subject to the victim's consent. | 1. If the assessments referred to in Articles 18 and 19 have identified specific support or protection needs or if the victim requests support, Member States shall ensure that support services, <u>including women's specialist support services, in cooperation with the competent authorities,</u> contact victims to offer support, <u>with due regard to their safety. Member States may make the contact subject to the victim's consent.</u> |
| Article 20(2) | | | | |
| 209 | | | | |

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| | 2. The competent authorities shall respond to requests for protection and support in a timely and coordinated manner. | 2. The competent authorities shall respond to requests for protection and support, <u>including medical care, without delay and in a</u> in a timely <u>and</u> coordinated manner. | 2. The competent authorities shall respond to requests the victim's request for protection and support in a timely and coordinated manner. | 2. The competent authorities shall respond to requests the victim's request for protection and support in a timely and coordinated manner. Text Origin: Council Mandate |
| Article 20(3) | | | | |
| 210 | 3. Where needed, they shall be able to refer child victims, including witnesses, to support services without the prior consent of the holder of parental responsibility. | 3. Where needed, they <u>Member States</u> shall be able to <u>ensure that the competent authorities can</u> refer child victims, including witnesses, to <u>specialist</u> support services without the prior consent of the <u>a</u> holder of parental responsibility. | 3. Where needed, competent authorities they shall be able to refer child victims, including witnesses, to support services, when necessary without the prior consent of the holder of parental responsibility. | 3. Where needed, <u>competent authorities</u> they shall be able to refer child victims, <u>[including witnesses,]</u> to support services, <u>when necessary</u> -without the prior consent of the holder of parental responsibility. |
| Article 20(4) | | | | |
| 211 | 4. Member States shall ensure the transmission of relevant personal data concerning the victim and their situation to the relevant support services, where this is necessary to ensure that the victim receives appropriate support and protection. Such transmission shall be confidential. | 4. Member States shall ensure the transmission of relevant personal data concerning the victim and their situation to the relevant support services, where this is necessary to ensure that the victim receives appropriate support and protection. Such transmission shall be confidential. | 4. Member States shall ensure that the competent authorities transmit the transmission of relevant personal data concerning the victim and their the situation of the victim to the relevant support services, where this is necessary to ensure that the victim receives appropriate support and protection. Such transmission shall be confidential. Member States may make the transmission subject to the victim's consent. | 4. <u>Member States shall ensure that the competent authorities transmit contact details and a description of the needs stemming from the situation of</u> the transmission of relevant personal data concerning the victim and their situation- to the relevant support services, where this is necessary to ensure that the victim receives appropriate support and protection. Such transmission shall be confidential. |

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| Article 20(5) | | | | |
| 212 | 5. Support services shall store personal data for as long as necessary for the provision of support services, and in any event for no longer than 12 months after the last contact between the support service and the victim. | 5. Support services shall store personal data for as long as necessary for the provision of support services, and in any event for no longer than 12 months after the last contact between the support service and the victim. | 5. Support services shall store personal data for as long as necessary for the provision of support services, and in any event for no longer than 12 months 5 years after the last contact between the support service and 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 12 months <u>5 years</u> after the last contact between the support service and the victim. Text Origin: Council Mandate |
| Article 21 | | | | |
| 213 | Article 21 Emergency barring, restraining and protection orders | Article 21 Emergency barring, restraining and protection orders, <u>arrest and detention</u> | Article 21 Emergency barring, restraining and protection orders | Article 21 Emergency barring, restraining and protection orders, <u>arrest and detention</u> |
| Article 21(1) | | | | |
| 214 | 1. Member States shall ensure that, in situations of immediate danger for the victim's or their dependant's health or safety, the competent authorities issue orders addressed at an offender or suspect of violence covered by this Directive to vacate the residence of the victim or their dependants for a sufficient period of time and to prohibit the offender or suspect from entering the residence or to enter the victim's workplace or contacting the victim or their dependants in any way. Such orders shall have immediate effect and not | 1. Member States shall ensure that, in situations of immediate danger for the victim's or their dependant's health or safety, the competent authorities issue orders <u>without delay</u> addressed at an offender or suspect of violence covered by this Directive to vacate the residence of the victim or their dependants for a sufficient period of time and to prohibit the offender or suspect from entering, <u>or coming closer than a prescribed distance from, that the</u> residence or to enter the victim's workplace or <u>from</u> contacting the | 1. Member States shall ensure that, in situations of immediate danger for the victim's or health or safety of the victim , their dependant's health or safety, the dependants under the age of 18, and other dependants where provided by national law , competent authorities can issue orders addressed at an offender or suspect of violence covered by this Directive to vacate the residence of the victim or their dependants for a sufficient period of time and to prohibit the offender or suspect from entering the residence or to enter the | 1. Member States shall ensure that, in situations of immediate danger for the victim's or their dependant's health or safety <u>health or safety of the victims or their dependants</u> <u>under the age of 18 and other dependants where provided by national law</u> , the competent authorities <u>are granted the power to</u> issue orders <u>without undue delay</u> addressed at an offender or suspect of violence covered by this Directive to vacate the residence of the victim or their dependants for a sufficient period of time and to prohibit the |

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| | be dependent on a victim reporting the criminal offence. | victim, <u>their dependants</u> or their dependants <u>workplace</u> in any way. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence. <u>Such orders may be complementary to orders as set out in paragraphs 2 and 2a.</u> | victim's workplace or contacting the victim or their dependants in any way. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence. | offender or suspect from entering, <u>or coming closer than a prescribed distance from, that residence or the</u> residence or to enter the victim's workplace or <u>from</u> contacting the victim, <u>their dependants</u> or their dependants <u>workplace</u> in any way. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence. <u>[Such orders may be complementary to orders as set out in paragraphs 2 and 2a.]</u> Recital to be added (dependants) |
| Article 21(2) | | | | |
| 215 | 2. Member States shall ensure that the competent authorities can issue restraining or protection orders to provide long-term protection for victims or their dependants against any acts of violence covered by this Directive, including by prohibiting or restraining certain dangerous behaviour of the offender or suspect. | 2. Member States shall ensure that the competent authorities can issue restraining or protection orders to provide long-term protection for victims or their dependants against any acts of violence covered by this Directive, including by prohibiting or restraining certain dangerous behaviour of the offender or suspect. | 2. Member States shall ensure that the competent authorities can issue restraining or protection orders to provide long-term protection for victims or their dependants <u>as long as necessary for victims</u> against any acts of violence covered by this Directive, including by prohibiting or restraining certain dangerous behaviour of the offender or suspect. | 2. Member States shall ensure that the competent authorities can issue restraining or protection orders to provide long-term <u>protection for as long as necessary</u> for victims <u>[or their dependants</u> against any acts of violence covered by this Directive, including by prohibiting or restraining certain dangerous behaviour of the offender or suspect <u>under the age of 18 and other dependants where provided by national law at risk] against any acts of violence covered by this Directive.</u> Dependants: horizontal issue, to be considered at political level |

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| Article 21(2a) | | | | |
| 215a | | <p><u>2a. Member States shall ensure the use of electronic monitoring or other supervision measures to ensure the enforcement of the orders referred to in paragraphs 1 and 2 and to increase the victim's protection.</u></p> | <p><u>2a. EP proposed text:</u> <u>Member States shall ensure that electronic monitoring or other supervision measures are used to ensure the enforcement of the orders referred to in paragraphs 1 and 2 and to increase the victim's protection.</u></p> <p>New recital 35 bis: "Where available, electronic monitoring should be used to ensure the enforcement of emergency barring, restraining and protection orders. Electronic monitoring makes it possible to ensure compliance with emergency barring, restraining and protection orders, to record evidence of breaches of such orders and to enhance the supervision of offenders. Victims should always be informed about the capabilities and limitations of electronic monitoring. Nothing in this Directive should be construed as obliging Member States to purchase electronic monitoring devices, but consideration should be given by Member States to its use."</p> <p>Drafting suggestion by EP: Member States shall ensure that electronic monitoring, where available, or other supervision measures are used to ensure the enforcement of the</p> | |

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| | | | | orders referred to in paragraphs 1 and 2 to increase the victim's protection. Text Origin: EP Mandate |
| Article 21(2b) | | | | |
| 215b | | | 2bis. Where the victim is an adult, Member States may require that emergency barring, restraining and protection orders, provided for in paragraphs 1 and 2, shall be issued at the request of the victim. | <u>2bis. Where the victim is an adult, Member States may require that emergency barring, restraining and protection orders, provided for in paragraphs 1 and 2, shall be issued at the request of the victim.</u> Text Origin: Council Mandate |
| Article 21(2c) | | | | |
| 215c | | <u>2b. Member States shall ensure that the competent authorities consider ordering, without delay, the arrest and detention of a suspect in situations where there is immediate danger for the victim or the dependants or for the purposes of preserving evidence.</u> | | See EP proposal on Recital 34 |
| Article 21(2d) | | | | |
| 215d | | <u>2c. Member States shall ensure that emergency barring, restraining or protection orders are not used as a substitute for arrest and detention where there is a risk of repeated and severe violence against a victim or dependants.</u> | | See EP proposal on Recital 34 |

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| Article 21(2e) | | | | |
| 215e | | <u>2d. Where an offender is subject to detention, the competent authorities shall ensure that the victim is informed when the offender is released.</u> | | <u>2d. Where an offender or suspect of violence covered by this Directive is subject to detention, the competent authorities shall ensure that the victim is informed when the person is released.</u> Text Origin: EP Mandate |
| Article 21(3) | | | | |
| 216 | 3. Member States shall ensure that the competent authorities inform victims of the possibility to apply for emergency barring and restraining or protection orders, as well as the possibility to seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU or Regulation (EU) No 606/2013. | 3. Member States shall ensure that the competent authorities inform victims of the possibility to apply for emergency barring and restraining or protection orders, as well as the possibility to seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU or Regulation (EU) No 606/2013. | 3. Member States shall ensure that the competent authorities, where relevant , inform victims of the possibility to apply for emergency barring and restraining or protection orders, as well as the possibility to seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU or Regulation (EU) No 606/2013. | 3. Member States shall ensure that the competent authorities, <u>where relevant</u> , inform victims of the possibility to apply for emergency barring and restraining or protection orders, as well as the possibility to seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU or Regulation (EU) No 606/2013. Recital proposed by the Presidency (addition to Recital 34 - to be moved to 34): (34) Member States should ensure that emergency barring, restraining or protection orders may be issued in situations of immediate danger, such as where harm is imminent or has already materialised and is likely to be inflicted again. Member States should ensure that, in such relevant situations, the |

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| | | | | <p>competent authorities inform victims of the possibility to apply for emergency barring orders.</p> <p>Text Origin: Council Mandate</p> |
| Article 21(4) | | | | |
| 217 | <p>4. Any breaches of emergency barring or restraining and protection orders shall be subject to effective, proportionate and dissuasive criminal or other legal penalties.</p> | <p>4. Any breaches of emergency barring or restraining and protection orders shall be subject to effective, proportionate and dissuasive criminal or other legal penalties.</p> <p><u>Member States shall ensure that victims are informed of any breach of such orders. Member States shall ensure that, where such an order has been breached, the competent authorities immediately assesses the possible risk of imminent harm and takes the necessary protection measures.</u></p> | <p>4. Any breaches of emergency barring or restraining and protection orders shall be subject to effective, proportionate and dissuasive criminal or other legal penalties.</p> | <p>4. Any breaches of emergency barring or restraining and protection orders shall be subject to effective, proportionate and dissuasive criminal or other legal penalties.</p> <p><u>Member States shall ensure that the competent authorities inform the victims of any breach of such orders. Member States shall ensure that, where such a breach occurs, a revision of the individual assessment, as defined in Article 18 (7) takes place.</u></p> <p>Text Origin: EP Mandate</p> |
| Article 21(4a) | | | | |
| 217a | | <p><u>4a. Member States shall ensure that in situations in which barring, restraining or protection orders are issued, perpetrators are informed of specialised programmes addressing gender-based violence.</u></p> | | <p>move to Recital 62 - EP proposal:</p> <p>(62) Intervention programmes should be set up to prevent and minimise the risk of (repeated) offences of violence against women or domestic violence. The programmes should specifically aim at teaching offenders or those at risk of offending how to adopt non-violent behaviour</p> |

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| | | | | in interpersonal relationships and how to counter violent behavioural patterns. Programmes should encourage offenders to take responsibility for their actions and examine their attitudes and beliefs towards women. Information as regards intervention programmes should be given to an offender or suspect of violence covered by this Directive should they be subject to a barring, restraining or protection order. |
| Article 21(5) | | | | |
| 218 | 5. This Article does not oblige the Member States to modify their national systems as regards the qualification of emergency barring orders and protection orders as falling under criminal, civil or administrative law. | 5. This Article does not oblige the Member States to modify their national systems as regards the qualification of emergency barring orders and protection orders as falling under criminal, civil or administrative law. | 5. This Article does not oblige the Member States to modify their national systems as regards the qualification of emergency barring orders and protection orders as falling under criminal, civil or administrative law. | 5. This Article does not oblige the Member States to modify their national systems as regards the qualification of emergency barring orders and protection orders as falling under criminal, civil or administrative law. Text Origin: Commission Proposal |
| Article 22 | | | | |
| 219 | Article 22 Protection of victim's private life | Article 22 Protection of victim's private life | Article 22 Protection of victim's private life | Article 22 Protection of victim's private life Text Origin: Commission Proposal |
| Article 22, first paragraph | | | | |

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| 220 | Without prejudice to the rights of defence, Member States shall ensure that, in criminal investigations and court proceedings, questions, enquiries and evidence concerning past sexual conduct of the victim or other aspects of the victim's private life related thereto are not permitted. | Without prejudice to the rights of defence, Member States shall ensure that, in criminal investigations and court proceedings, questions, enquiries and evidence concerning past sexual conduct of the victim or other aspects of the victim's private life related thereto are not permitted. | Without prejudice to the rights of defence, Member States shall ensure that, in criminal investigations and court proceedings, questions, enquiries and evidence concerning the past sexual conduct of the victim or other aspects of the victim's private life related thereto are not shall be permitted only when it is relevant and necessary. | <p>Without prejudice to the rights of defence, [Member States shall ensure that, in criminal investigations and court proceedings, questions, enquiries and evidence concerning <u>the</u> past sexual conduct of the victim or other aspects of the victim's private life related thereto are not shall be permitted <u>only when it is relevant and necessary.</u>]</p> <p>addition of a recital explaining in which cases it is relevant and necessary, to be seen in conjunction with recital 37) - Presidency's proposal based on COM suggestion and 1st. Convention:</p> <p>(37) Presenting evidence of past sexual behaviour, the sexual preferences of the victim and the attire or outfit of the victim to challenge the credibility and lack of consent of victims in sexual violence cases, especially rape cases, may reinforce the perpetuation of damaging stereotypes of victims and lead to repeat or secondary victimisation. Therefore, Member States should ensure that evidence concerning the past sexual conduct of the victim , or other aspects of their private life connected thereto, is only admissible where the judge determines that it is relevant to a specific issue at trial and of significant probative value.</p> |
| Article 23 | | | | |

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| 221 | Article 23 Guidelines for law enforcement and judicial authorities | Article 23 Guidelines for law enforcement and judicial authorities | Article 23 Guidelines for law enforcement and judicial authorities | Article 23 <u>Article 23</u> Guidelines for law enforcement and judicial <u>prosecutorial</u> authorities |
| Article 23, first paragraph | | | | |
| 222 | Member States shall issue guidelines for the competent authorities acting in criminal proceedings, including prosecutorial and judicial guidelines, concerning cases of violence against women or domestic violence. Those guidelines shall include guidance on: | <u>Member States shall issue specialised guidelines for the competent authorities acting in criminal and, where relevant, civil proceedings, such as custody</u> and judicial guidelines, concerning cases of violence against women or domestic violence. Those guidelines shall <u>be gender sensitive and shall</u> include guidance on: | Member States shall may issue non-binding guidelines for the competent authorities acting in criminal proceedings, including prosecutorial and judicial guidelines, concerning cases of violence against women or domestic violence. Those guidelines shall may include guidance on: | Member States shall issue ensure <u>that</u> guidelines <u>concerning cases of violence against women or domestic violence are issued</u> for the competent authorities acting in criminal proceedings, including prosecutorial and judicial <u>guidelines</u> . <u>Those</u> guidelines, concerning cases of violence against women or domestic violence. Those guidelines shall <u>shall be gender sensitive and advisory in nature and may</u> include guidance on: To be further considered. Possible approach: - reinforcement of the Article on training (training materials for judges); - issue of civil proceedings. custody to be also considered. (The second indent is a sensitive issue for the Council) |
| Article 23, first paragraph, point (a) | | | | |
| 223 | (a) how to ensure the proper identification of all forms of such violence; | (a) how to ensure the proper identification of all forms of such violence <u>and the gathering and</u> | (a) how to ensure the proper identification of all forms of such violence; | (a) how to ensure the proper identification of all forms of such violence |

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| | | <u>preservation of relevant evidence, including online evidence;</u> | | <u>(a bis) how to the gather and preserve relevant evidence, including online evidence;</u> |
| Article 23, first paragraph, point (b) | | | | |
| 224 | (b) how to conduct the individual assessment under Articles 18 and 19; | (b) how to conduct the <u>specialised</u> individual assessment under Articles 18 and 19 <u>and individual assessment of victims' support needs, including how frequently such assessments are to be updated;</u> | (b) how to conduct the individual assessment under Articles 18 and 19; | (b) how to conduct the <u>specialised</u> individual assessment <u>under Articles 18 and 19 and individual assessment of victims' support needs, including how frequently such assessments are to be updated</u> under Articles 18 and 19; |
| Article 23, first paragraph, point (ba) | | | | |
| 224a | | <u>(ba) how to obtain, without delay, emergency barring, restraining or protection orders, including those with immediate effect;</u> | | <u>(ba) how to handle cases which may require the issuance and/or the implementation of emergency barring, restraining or protection orders, including those with immediate effect;</u> |
| Article 23, first paragraph, point (c) | | | | |
| 225 | (c) how to treat victims in a trauma-, gender- and child-sensitive manner; | (c) how to treat victims in a trauma-, gender-, <u>disability</u> and child-sensitive manner <u>and how to ensure the child's right to be heard and the best interests of the child;</u> | (c) how to treat victims in a trauma-, gender-, disability and child-sensitive manner; | (c) how to treat victims in a trauma-, gender-, <u>disability</u> and child-sensitive manner <u>and how to ensure the child's right to be heard and the best interests of the child;</u> Text Origin: EP Mandate |
| Article 23, first paragraph, point (d) | | | | |

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| 226 | (d) how to ensure the proceedings are conducted in a manner as to prevent secondary or repeat victimisation; | (d) how to ensure <u>that victims are treated in a respectful way and that the proceedings are conducted in such a manner as to prevent secondary or repeat victimisation;</u> | (d) how to ensure the proceedings are conducted in a manner as to prevent secondary or repeat victimisation; | (d) how to ensure <u>that victims are treated in a respectful way and that the proceedings are conducted in such a manner as to prevent secondary or repeat victimisation;</u> Text Origin: EP Mandate |
| Article 23, first paragraph, point (e) | | | | |
| 227 | (e) how to cater to the enhanced protection and support needs of victims experiencing discrimination based on a combination of sex and other grounds; | (e) how to cater to the enhanced protection, <u>medical</u> and support needs of victims experiencing <u>intersectional</u> discrimination based on a combination of sex, <u>gender</u> and other grounds <u>as referred to in Article 35 (1)</u> ; | (e) how to cater to the enhanced protection and support needs of victims experiencing discrimination based on a combination of sex and other grounds; | (e) how to cater to the enhanced protection, <u>medical</u> and support needs of victims experiencing discrimination based on a combination of sex, <u>gender</u> and other grounds <u>as referred to in Article 35 (1)</u> ; Text Origin: EP Mandate |
| Article 23, first paragraph, point (f) | | | | |
| 228 | (f) how to avoid gender stereotypes; | (f) how to <u>identify and</u> avoid gender stereotypes; | (f) how to avoid gender stereotypes and raise awareness on all victim groups in the context of domestic violence ; | (f) how to <u>identify and</u> avoid gender stereotypes; <u>and raise awareness on all victim groups in the context of domestic violence</u> ; |
| Article 23, first paragraph, point (g) | | | | |
| 229 | (g) how to refer victims to support services, to ensure the appropriate treatment of victims and handling of cases of violence against women or domestic violence. | (g) how to refer victims to <u>specialist</u> support services, <u>including medical services</u> , to ensure the appropriate treatment of victims and handling of cases of violence against women or | (g) how to refer victims to support services, to ensure the appropriate treatment of victims and handling of cases of violence against women or domestic violence-; | (g) how to refer victims to <u>specialist</u> support <u>services, including medical</u> services, to ensure the appropriate treatment of victims and handling of cases of violence against women or |

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| | | domestic violence. <u>without delay;</u> | | domestic violence. <u>without undue delay;</u> Text Origin: EP Mandate |
| Article 23, first paragraph, point (ga) | | | | |
| 229a | | | (h) how to ensure the protection of the victim's privacy and confidential information. | <u>(h) how to ensure the protection of the victim's privacy and confidential information.</u> Text Origin: Council Mandate |
| Article 23 paragraph 1 – subparagraph 1 a (new) | | | | |
| 229b | | <u>subparagraph 1 a new</u> <u>The guidelines referred to in the first paragraph shall be reviewed and updated at regular intervals, having regard to the way that they apply in practice, in consultation and cooperation with specialist services, including women's specialist support services.</u> | | <u>subparagraph 1 a new</u> <u>The guidelines referred to in the first paragraph shall be reviewed and updated at regular intervals, having regard to the way that they apply in practice.</u> EP proposal for recital 37b Recital 37b (new): The guidelines for prosecutorial authorities can be understood as both a procedural handbook and a reference for best practice. Particularly in relation to how to approach victims and how to treat them according to their unique circumstance and experience, women's specialist services can offer expert advice and guidance based on their daily interactions with victims. As such, any such guidelines should be created and revised in consultation and cooperation with women's specialist |

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| Article 24 | | | | |
| 230 | Article 24 Role of national bodies and equality bodies | Article 24 Role of national bodies and equality bodies <u>and other specialised relevant actors</u> | Article 24 Role of national bodies and equality bodies | Article 24 <u>Article 24</u> Role of national bodies and equality bodies <u>other relevant actors</u> <u>[EP proposal to be further discussed]</u> Text Origin: EP Mandate |
| Article 24(1), first subparagraph | | | | |
| 231 | Member States shall designate and make the necessary arrangement for a body or bodies to carry out the following tasks: | Member States shall designate and make the necessary arrangement for a body or bodies <u>or other specialised relevant actors</u> to carry out the following tasks: | Member States shall designate and make the necessary arrangement for a body or bodies to carry out the following tasks: | Member States shall designate and make the necessary arrangement for a body or bodies to carry out the following tasks, <u>in consultation with civil society organisations</u> : Text Origin: Commission Proposal |
| Article 24(1), first subparagraph, point (a) | | | | |
| 232 | (a) provide independent assistance and advice to victims of violence against women and domestic violence; | (a) provide independent assistance and advice to victims of violence against women and domestic violence; | (a) provide independent assistance and advice to victims of violence against women and domestic violence; | to be further discussed - link with line 260a |
| Article 24(1), first subparagraph, point (b) | | | | |
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| | (b) publish independent reports and make recommendations on any issue relating to such forms of violence; | (b) publish independent reports and make recommendations on any issue relating to such forms of violence, <u>including gathering existing best practice</u> ; | (b) publish independent reports and make recommendations on any issue relating to such forms of violence against women and domestic violence ; | (b) publish independent <u>impartial and evidence-based</u> reports and make recommendations on any issue relating to such forms of violence against women and domestic violence, including gathering existing best practices ; Text Origin: EP Mandate |
| Article 24(1), first subparagraph, point (c) | | | | |
| 234 | (c) exchange available information with corresponding European bodies such as the European Institute for Gender Equality. | (c) <u>support data collection and</u> exchange available information with corresponding European bodies such as the European Institute for Gender Equality.; | (c) exchange available information with corresponding European bodies such as the European Institute for Gender Equality. | (c) <u>support the collection of data and research carried out pursuant to Article 44</u> , exchange available information with corresponding European bodies such as the European Institute for Gender Equality.:- Text Origin: EP Mandate |
| Article 24(1), second subparagraph | | | | |
| 235 | Those bodies may form part of equality bodies set up pursuant to Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. | Those bodies may form part of equality bodies set up pursuant to Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. | Those bodies may form part of equality bodies set up pursuant to Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. | Those bodies may form part of equality bodies set up pursuant to Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. Text Origin: Commission Proposal |
| Article 24(2) | | | | |
| 236 | 2. Member States shall ensure that the bodies referred to in paragraph 1 | 2. Member States shall ensure that the bodies <u>or other specialised</u> | 2. Member States shall ensure that the bodies referred to in paragraph 1 | |

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| | can act on behalf or in support of one or several victims of violence against women or domestic violence in judicial proceedings, including for the application for compensation referred to in Article 26 and removal of online content referred to in Article 25, with the victims' approval. | <u>relevant actors</u> referred to in paragraph 1 can act on behalf or in support of one or several victims of violence against women or domestic violence in judicial proceedings, including for the application for compensation referred to in Article 26 and removal of online content referred to in Article 25, with the victims' approval. | can act on behalf or in support of one or several victims of violence against women or domestic violence in judicial proceedings, including for the application for compensation referred to in Article 26 and removal of online content referred to in Article 25, with the victims' approval. | |
| Article 25 | | | | |
| 237 | Article 25 Measures to remove certain online material | Article 25 Measures to remove certain online material | Article 25 Measures to remove certain online material | Article 25 Measures to remove certain online material Text Origin: Commission Proposal |
| Article 25(1) | | | | |
| 238 | 1. Member States shall take the necessary measures to ensure the prompt removal of material referred to in Article 7, points (a) and (b), Article 8, point (c), and Articles 9 and 10. Those measures shall include the possibility for their competent judicial authorities to issue, upon application by the victim, binding legal orders to remove or disable access to such material addressed to relevant providers of intermediary services. | 1. Member States shall take the necessary measures to ensure the prompt removal of or the disabling of access to, material referred to in Article 7, points (a) and (b), Article 8, point (c), and points (a) and (c), Articles 9 and 10 <u>which is publicly accessible online</u> . Those measures shall include the possibility for their competent judicial authorities to issue, upon application by the victim, binding legal orders to remove or disable access to such material addressed to relevant providers of | 1. Without prejudice to Regulations (EU) 2022/2065, Member States shall take the necessary measures to ensure the prompt removal of or disabling access to online publicly accessible material referred to in Article 7, points point 1 (a) and (b), Article 8, point (c), and Articles 9 and 10. Those measures shall include the possibility for their competent judicial authorities to issue, upon application by the victim, binding legal orders to remove or disable | 1. <u>Without prejudice to Regulations (EU) 2022/2065,</u> Member States shall take the necessary measures to ensure the prompt removal of or disabling access to online publicly accessible material referred to in <u>[Article 7, pointspoint 1</u> (a) and (b), Article 8, point (c), and Articles 9 and 10]. Those measures shall include the possibility for their competent judicial authorities to issue, upon application by the victim, binding legal orders <u>binding legal orders including interim</u> |

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| | | intermediary services. | access to such material Member States shall ensure that the orders meet, at least, the conditions set out in Article 9 (2) of Regulation (EU) 2022/2065 addressed to relevant providers of intermediary services. | <u>measures</u> to remove or disable access to such material. <u>Member States shall ensure that the orders meet, at least, the conditions set out in Article 9 (2) of Regulation (EU) 2022/2065</u> addressed to relevant providers of intermediary services. Text Origin: Council Mandate |
| Article 25(2) | | | | |
| 239 | 2. Member States shall ensure that orders referred to in paragraph 1 can be issued in interim proceedings, even prior to the termination of any criminal proceedings regarding the offences referred to in Article 7, points (a) and (b), Article 8, point (c), Article 9 or Article 10 where the judicial authority seized considers that: | 2. Member States shall ensure that orders <u>to disable access to material referred to in paragraph 1 Article 7, point (a) or (b), Article 8, point (a) or (c), or Article 9 or 10</u> can be issued in interim proceedings, even prior to the termination of any criminal proceedings regarding the offences referred to in Article 7, points (a) and (b), Article 8, point <u>points (a) and (c)</u> , Article 9 or Article 10 where the judicial authority seized considers that: | 2. Member States shall ensure that orders referred to in paragraph 1 can be issued in interim proceedings, even prior to the termination of any criminal proceedings regarding the offences referred to in Article 7, points (a) and (b), Article 8, point (c), Article 9 or Article 10 where the judicial authority seized considers that: The orders to remove or disable access to the material concerned shall be addressed to hosting service providers. To cover situations where removal would not be feasible, the competent authorities may also address the orders to disable access to other relevant intermediary service providers that have the technical and operational ability to act against the material concerned. | 2. Member States shall ensure that orders referred to in paragraph 1 can be issued in interim proceedings, even prior to the termination of any criminal proceedings regarding the offences referred to in Article 7, points (a) and (b), Article 8, point (c), Article 9 or Article 10 where the judicial authority seized considers that: <u>The orders to remove or disable access to the material concerned shall be addressed to hosting service providers. To cover situations where removal would not be feasible, the competent authorities may also address the orders to disable access to other relevant intermediary service providers that have the technical and operational ability to act against the material concerned.</u> Text Origin: Council Mandate |

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| Article 25(2), point (a) | | | | |
| 240 | (a) it has been presented with sufficient evidence to justify the conclusion that the conduct referred to in Article 7, points (a) and (b), Article 8, point (c), Article 9 or Article 10 likely took place in respect of the applicant and that the material that is the object of the application constitutes material as referred to in those articles; | (a) it has been presented with sufficient evidence to justify the conclusion that the conduct referred to in Article 7, points (a) and (b), Article 8, point <u>points (a) and</u> (c), Article 9 or Article 10 likely took place in respect of the applicant and that the material that is the object of the application constitutes material as referred to in those articles; | (a) it has been presented with sufficient evidence to justify the conclusion that the conduct referred to in Article 7, points (a) and (b), Article 8, point (c), Article 9 or Article 10 likely took place in respect of the applicant and that the material that is the object of the application constitutes material as referred to in those articles; | (a) it has been presented with sufficient evidence to justify the conclusion that the conduct referred to in Article 7, points (a) and (b), Article 8, point (c), Article 9 or Article 10 likely took place in respect of the applicant and that the material that is the object of the application constitutes material as referred to in those articles; Text Origin: Commission Proposal |
| Article 25(2), point (b) | | | | |
| 241 | (b) the removal of that material is necessary to prevent or limit significant harm to the victim; | (b) the removal <u>or disabling of access to</u> of that material is necessary to prevent or limit significant harm to the victim; | (b) the removal of that material is necessary to prevent or limit significant harm to the victim; | (b) the removal of that material is necessary to prevent or limit significant harm to the victim; Text Origin: Commission Proposal |
| Article 25(2), point (c) | | | | |
| 242 | (c) the rights and interests of other parties involved associated with the potential removal are not such as to outweigh those of the victim associated with removal. | (c) the rights and interests of other parties involved associated with the potential removal are not such as to outweigh those of the victim associated with removal. | (c) the rights and interests of other parties involved associated with the potential removal are not such as to outweigh those of the victim associated with removal. | (c) the rights and interests of other parties involved associated with the potential removal are not such as to outweigh those of the victim associated with removal. Text Origin: Commission Proposal |
| Article 25(3) | | | | |

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| 243 | <p>3. Member States shall ensure that orders referred to in paragraph 1 and 2 are valid for an appropriate time period not exceeding one year, subject to renewal for an additional appropriate time period, upon application by the victim, where the judicial authority seized considers that the conditions of paragraph 2 continue to be met. However, Member States shall ensure that, where criminal proceedings regarding the offences referred to in Article 7, point (a) and (b), Article 8, point (c), Article 9 or Article 10 are terminated without leading to the finding of such an offence having been committed, the orders are invalidated and the provider of intermediary services concerned is informed thereof.</p> | <p>3. Member States shall ensure that orders referred to in paragraph 1 and 2 are valid for an appropriate time period not exceeding one year, subject to renewal for an additional appropriate time period, upon application by the victim, where the judicial authority seized considers that the conditions of paragraph 2 continue to be met. However, Member States shall ensure that, where criminal proceedings regarding the offences referred to in Article 7, point<u>points</u> (a) and (b), Article 8, point <u>(a), and, where it concerns publicly available material, point</u> (c), Article 9 or Article 10 are terminated without leading to the finding of such an offence having been committed, the orders are invalidated and the provider of intermediary services concerned is informed thereof.</p> <p><u>Member States shall ensure that, where criminal proceedings regarding the offences referred to in Article 7, point (a) or (b), Article 8, point (a) or (c), Article 9 or Article 10 conclude with a finding that such an offence has been committed, the orders referred to in paragraphs 1 and 2 of this Article become permanent.</u></p> | <p>3. Member States shall ensure that orders referred to in paragraph 1 and 2 are valid for an appropriate time period not exceeding one year, subject to renewal for an additional appropriate time period, upon application by the victim, where the judicial authority seized considers that the conditions of paragraph 2 continue to be met. However, Member States shall ensure that, where criminal proceedings regarding the offences referred to in Article 7, point 1 (a) and (b), Article 8, point (c), and Article 9 or Article 10 are terminated without leading to the finding of such an offence having been committed, the orders are invalidated and the provider of hosting services providers or other relevant intermediary services service providers concerned is by the orders are informed thereof.</p> | <p>3. Member States shall ensure that orders referred to in paragraph 1 and 2 are valid for an appropriate time period not exceeding one year, subject to renewal for an additional appropriate time period, upon application by the victim, where the judicial authority seized considers that the conditions of paragraph 2 continue to be met. However, Member States shall ensure that, where criminal proceedings regarding the offences referred to in Article 7, point <u>1</u> (a) and (b), Article 8, point (c), <u>and</u> Article 9 or Article 10 are terminated without leading to the finding of such an offence having been committed, the orders are invalidated and the provider of <u>hosting services providers or other relevant intermediary services service providers</u> concerned is by <u>the orders are</u> informed thereof.</p> <p>Text Origin: Council Mandate</p> |
| Article 25(4) | | | | |
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| | 4. Member States shall ensure that the orders and other measures referred to in paragraphs 1 and 2 are taken following transparent procedures and are subject to adequate safeguards, in particular to ensure that those orders and other measures are limited to what is necessary and proportionate and that due account is taken of the rights and interests of all parties involved. | 4. Member States shall ensure that the orders and other measures referred to in paragraphs 1 – and 2 are taken following transparent procedures and are subject to adequate safeguards, in particular to ensure that those orders and other measures are limited to what is necessary and proportionate and that due account is taken of the rights and interests of all parties involved, <u>including their fundamental rights in accordance with the Charter</u> . | 4. Member States shall ensure that the orders and other measures referred to in paragraphs 1 – and 2 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. Member States shall ensure that hosting service providers, other relevant intermediary service providers, and content providers affected by an order referred to in paragraph 1 have a right to an effective judicial remedy. That right shall include the right to challenge such an order before the courts of the Member State of the competent authority that issued the order. | 4. Member States shall ensure that the orders and other measures referred to in paragraphs 1 and 2 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, <u>including their fundamental rights in accordance with the Charter. Member States shall ensure that hosting service providers, other relevant intermediary service providers, and content providers affected by an order referred to in paragraph 1 have a right to an effective judicial remedy. That right shall include the right to challenge such an order before the courts of the Member State of the competent authority that issued the order.</u> Text Origin: Council Mandate |
| Article 25(5) | | | | |
| 245 | 5. Member States shall ensure that the end-users of the relevant services are informed, where appropriate by the intermediary service providers concerned, of the reasons for the removal of or disabling access to the material pursuant to the orders or | 5. Member States shall ensure that the end-users end-user of the relevant services are who made the material subject to a judicial order available online is informed, where appropriate by the intermediary service providers concerned, of the | 5. Member States shall ensure that the end-users of the relevant services content providers are informed, where appropriate by the hosting service providers, or, where relevant, by any other relevant intermediary service providers | 5. Member States shall ensure that the end-users of the relevant services content providers are informed, where appropriate by the hosting service providers, or, where relevant, by any other relevant intermediary service providers |

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| | other measures referred to in paragraphs 1 and 2 and that those end-users have access to judicial redress. | reasons for the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 and that those end-users have access to judicial redress. | concerned, of the reasons for the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 and that those end-users paragraph 1 and of the possibility to have access to judicial redress. | concerned, of the reasons for the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs paragraph 1 and 2-and that those end-users of the possibility to have access to judicial redress. Text Origin: Council Mandate |
| Article 25(6) | | | | |
| 246 | 6. Member States shall ensure that the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 does not prevent the competent authorities from obtaining or securing the evidence necessary for the investigation and prosecution of the offences referred to in Article 7, points (a) and (b), Article 8, point (c), Article 9 or Article 10. | 6. Member States shall ensure that <u>evidence is obtained and secured without undue delay after the offence is reported. Member States shall take the necessary measures to ensure that</u> the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 does not prevent the competent authorities from obtaining or securing the evidence necessary for the investigation and prosecution of the offences referred to in Article 7 <u>Article 7</u> , points (a) and (b), Article 8, point <u>(a), and, where it concerns publicly available material, point (c), (e)</u> , Article 9 or Article 10. | 6. Member States shall ensure that the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 paragraph 1 does not prevent the competent authorities from obtaining or securing the evidence necessary for the investigation and prosecution of the offences referred to in Article 7 Article 7, point 1 (a) and (b); Article 8, point (c) , Article 9 or Article 10. | 6. Member States shall ensure that the removal of or disabling access to the material pursuant to the orders or other measures referred to in paragraphs 1 and 2 does not prevent the competent authorities, <u>without undue delay</u> , from obtaining or securing the evidence necessary for the investigation and prosecution of the offences referred to in Article 7 <u>Article 7</u> , points (a) and (b), Article 8, point <u>(a), and, where it concerns publicly available material, point (c), (e)</u> , Article 9 or Article 10]. Text Origin: EP Mandate |
| Article 26 | | | | |
| 247 | Article 26 Compensation from offenders | Article 26 Compensation from offenders | Article 26 Compensation from offenders | Article 26 Compensation from offenders |

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| | | | | Text Origin: Commission Proposal |
| Article 26(1) | | | | |
| 248 | 1. Member States shall ensure that victims have the right to claim full compensation from offenders for damages resulting from all forms of violence against women or domestic violence. | 1. Member States shall ensure that victims have the right to claim full compensation from offenders for damages resulting from all forms of violence against women or domestic violence. <u>Member States shall ensure that where offenders do not abide by the decision to pay compensation to the victim within the agreed timeframe, the victims have access to existing schemes of compensation.</u> | 1. Member States shall ensure that victims have the right to claim full compensation from offenders for damages resulting from all forms offences of violence against women or domestic violence, in accordance with national law. | 1. Member States shall ensure that victims have the right to claim full compensation from offenders for damages resulting from all forms offences of violence against women or domestic violence, <u>in accordance with national law.</u> <u>Ibis. Member States shall ensure that where offenders do not abide by the decision to pay compensation to the victim within the agreed timeframe, the victims have access to existing schemes of compensation.</u> <u>[see Article 17 Trafficking Directive]</u> Text Origin: Council Mandate |
| Article 26(2) | | | | |
| 249 | 2. Member States shall ensure that victims are able to obtain a decision on compensation in the course of criminal proceedings. | 2. Member States shall ensure that victims are able to obtain a decision on compensation in the course of criminal proceedings. | 2. Member States shall ensure, where appropriate , that victims are able to obtain a decision on compensation in the course of criminal proceedings. | 2. Member States shall ensure, <u>where appropriate</u> , that victims are able to obtain a decision on compensation in the course of criminal proceedings. See EP proposal on Recital 44 Text Origin: EP Mandate |

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| Article 26(3) | | | | |
| 250 | 3. The compensation shall place victims in the position they would have been in had the offence not taken place, taking into account the seriousness of the consequences for the victim. Compensation shall not be restricted by the fixing of an upper limit. | 3. The compensation shall place victims in the position they would have been in had the offence not taken place, taking into account the seriousness of the consequences for the victim. Compensation shall not be restricted by the fixing of an upper limit. | 3. The compensation shall place victims in the position they would have been in had the offence not taken place, taking into account the seriousness of the consequences for the victim. Compensation shall not be restricted by the fixing of an upper limit. | <p>3. The Compensation shall place victims in the position they would have been in had <u>at least take due account of any healthcare needs that have arisen as a result of</u> the offence not taken place, taking into account the seriousness of the consequences for <u>or to manage its consequences, to the extent that the damage is not covered by other sources such as insurance or State-funded health and social provisions. Member States shall be encouraged to ensure that the full redress is available to</u> the victim. Compensation shall not be restricted by the fixing of an upper limit, <u>placing them in the situation they were had the offence not taken place, including loss of income, physical or psychological harm, including secondary victimisation, and moral prejudice.</u></p> <p>See CNS drafting suggestion based on IC</p> <p>Text Origin: Commission Proposal</p> |
| Article 26(4) | | | | |
| 251 | 4. The damage shall include costs for healthcare services, support | 4. The damage shall include costs for <u>sexual and reproductive and</u> | 4. The damage shall include costs for healthcare services, support | 4. The damage shall include costs for healthcare services, support |

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| | services, rehabilitation, loss of income and other reasonable costs that have arisen as a result of the offence or to manage its consequences. The amount of the damages awarded shall also compensate for physical and psychological harm and moral prejudice. | <u>psychological</u> healthcare services, support services, rehabilitation, loss of income and other reasonable costs that have arisen as a result of the offence or to manage its consequences. The amount of the damages awarded shall also compensate for physical and/or psychological harm, <u>such as secondary victimisation</u> , and moral prejudice. | services, rehabilitation, loss of income and other reasonable costs that have arisen as a result of the offence or to manage its consequences. The amount of the damages awarded shall also compensate for physical and psychological harm and moral prejudice. | services, rehabilitation, loss of income and other reasonable costs that have arisen as a result of the offence or to manage its consequences. The amount of the damages awarded <u>limitation period for claiming compensation</u> shall also compensate for physical and psychological harm and moral prejudice <u>not expire while investigations or criminal proceedings are ongoing.</u> See CNS drafting suggestion based on IC Text Origin: Commission Proposal |
| Article 26(5), first subparagraph | | | | |
| 252 | The limitation period for bringing a claim for compensation shall be no less than 5 years from the time the offence has taken place. | The limitation period <u>periods for bringing a claim for compensation for the offences referred to in Articles 5 to 11 shall be no less than the corresponding limitation periods for those offences set out in Article 15. The limitation periods for bringing a claim for compensation for acts of violence against women or domestic violence as criminalised under other instruments of Union law and for any other acts of violence against women or domestic violence as criminalised under national law</u> shall be no less than 5 years from the time the offence has taken place. | The limitation period for bringing a claim for compensation shall be no less than 5 years from the time the offence has taken place. | The limitation period for bringing a claim for compensation <u>If the victim is a child, the limitation period</u> shall be no less than 5 years from the time the offence has taken place <u>not commence before the victim has reached 18 years of age.</u> See CNS drafting suggestion Text Origin: Commission Proposal |

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| Article 26(5), second subparagraph | | | | |
| 253 | In cases of sexual violence, the limitation period shall be no less than 10 years. | In cases of sexual violence, the limitation period shall be no less than 10 years. | In cases of sexual violence, the limitation period shall be no less than 10 years. | In cases of sexual violence, the limitation period shall be no less than 10 years. See CNS drafting suggestion Text Origin: Commission Proposal |
| Article 26(5), third subparagraph | | | | |
| 254 | The limitation period for bringing a claim for compensation of criminal offences referred to in Article 7 shall commence with the victim's knowledge of the offence. | The limitation period for bringing a claim for compensation of criminal offences referred to in Article 7 <u>Articles 7 to 10</u> shall commence with the victim's knowledge of the offence. | The limitation period for bringing a claim for compensation of criminal offences referred to in Article 7 shall commence with the victim's knowledge of the offence. | The limitation period for bringing a claim for compensation of criminal offences referred to in Article 7 shall commence with the victim's knowledge of the offence. See CNS drafting suggestion Text Origin: Commission Proposal |
| Article 26(5), third subparagraph a | | | | |
| 254a | | <u>The limitation period for bringing a claim for compensation for criminal offences as referred to in Articles 5 to 6d shall commence from the time the offence has taken place.</u> | | |
| Article 26(5), fourth subparagraph | | | | |

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| 255 | The limitation period shall not commence as long as the offender and the victim share the same domestic unit. In addition, if the victim is a child, the limitation period shall not commence before the victim has reached 18 years of age. | The limitation period shall not commence as long as the offender and the victim share the same domestic unit. In addition, if the victim is a child, the limitation period shall not commence before the victim has reached 18 years of age. | The limitation period shall not commence as long as the offender and the victim share the same domestic unit. In addition, if the victim is a child, the limitation period shall not commence before the victim has reached 18 years of age. | |
| Article 26(5), fifth subparagraph | | | | |
| 256 | The limitation period shall be interrupted or suspended for the duration of pending legal proceedings concerning the offence. | The limitation period shall be interrupted or suspended for the duration of pending legal proceedings concerning the offence. | The limitation period shall be interrupted or suspended for the duration of pending legal proceedings concerning the offence. | |
| CHAPTER 4 | | | | |
| 257 | CHAPTER 4 VICTIM SUPPORT | CHAPTER 4 VICTIM SUPPORT | CHAPTER 4 VICTIM SUPPORT | |
| Article 27 | | | | |
| 258 | Article 27 Specialist support to victims | Article 27 <u>General and</u> specialist support to victims | Article 27 Specialist support to victims | |
| Article 27(1) | | | | |
| 259 | 1. Member States shall ensure that specialist support services referred to in Article 9(3) of Directive 2012/29/EU are available for victims | 1. Member States shall ensure that <u>general victim support services and</u> specialist support services referred to in Article 9(3) <u>Articles 8 and 9</u> of | 1. Member States shall ensure that specialist support services referred to in Article Articles 8(3) and 9(3) of Directive 2012/29/EU are available | |


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| | of acts of violence covered by this Directive. The specialist support services shall provide: | Directive 2012/29/EU are available for victims of acts of violence covered by this Directive. The specialist <u>and that the providers of those services cooperate with one another to ensure that the provision of those services is coordinated.</u> <u>General victim</u> support services shall provide, <u>at the earliest possible stage</u> : | for victims of acts of violence covered by this Directive. The specialist support services shall provide, irrespective of whether they have filed a formal complaint. | |
| Article 27(1), point (a) | | | | |
| 260 | (a) advice and information on any relevant legal or practical matters arising as a result of the crime, including on access to housing, education, training and assistance to remain in or find employment; | (a) advice and information on any relevant legal, <u>social</u> or practical matters arising as a result of the crime, including on access to <u>healthcare</u> housing, education, training and assistance to remain in or find employment, <u>childcare, financial assistance and benefits and on referrals to relevant specialist support services, including relevant exit services</u> ; | (a) advice and information on any relevant legal or information and support on relevant legal or practical matters arising as a result of the crime, including on access to housing, education, training, financial support and assistance to remain in or find employment; | |
| Article 27(1), point (ba) | | | | |
| 260a | | | (ba) information about access to legal counselling, including possibilities of legal aid, where available; | |
| Article 27(1), point (b) | | | | |
| 261 | (b) referrals to medical forensic | (b) referrals to medical forensic | (b) referrals to information on | |

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| | examinations; | examinations, <u>including comprehensive healthcare services, psychological counselling, rape crisis centres, women's support centres, women's shelters, sexual violence referral centres and primary prevention services</u> ; | services providing medical and forensic examinations and on psychosocial counselling; | |
| Article 27(1), point (c) | | | | |
| 262 | (c) support to victims of cyber violence, including advice on judicial remedies and remedies to remove online content related to the crime. | (c) support to victims of cyber violence, including <u>on how to secure evidence and</u> advice on judicial remedies and remedies to remove online content related to the crime. | (c) support to victims of cyber violence, including advice information on judicial remedies and remedies to remove online content related to the crime. | |
| Article 27(1a) | | | | |
| 262a | | <u>1a. Specialist support services shall provide, at the earliest possible stage:</u> <u>(a) advice and information on any relevant legal, social or practical matters arising as a result of violence against women and domestic violence, in particular on access to women's specialist services, including to women's support centres, women's shelters, helplines, rape crisis or sexual violence referral centres, primary prevention services, exit services, and on access to the other specialist support services referred to in Article 29;</u> <u>(b) short-term and long-term</u> | | |

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| | | <p><u>psychological counselling, trauma care, legal counselling, advocacy and outreach services, and specific services for children as victims or witnesses;</u></p> <p><u>(c) advice on the collection of forensic medical evidence in cases of rape and sexual assault;</u></p> <p><u>(d) support to victims of violence against women and domestic violence with an intersectional approach, implementing empowering methodologies provided in a safe space and tailored to the needs of victims, respecting the victims' agency over decisions and steps in their recovery process.</u></p> | PUBLIC | |
| Article 27(2) | | | | |
| 263 | <p>2. Specialist support referred to in paragraph 1 shall be offered in-person and shall be easily accessible, including online or through other adequate means, such as information and communication technologies, tailored to the needs of victims of violence against women and domestic violence.</p> | <p>2. Specialist support referred to in paragraph 1^a shall be offered in-person and shall be easily accessible, including online or through other adequate means, such as information and communication technologies, <u>be sufficiently geographically distributed, avoid technological barriers, and be</u> tailored to the needs of victims of violence against women and domestic violence. <u>The aim of such specialised support is to ensure the complex task of empowering victims through optimal support and assistance tailored to their specific needs.</u></p> | <p>2. Specialist support referred to in paragraph 1 shall be offered in-person, tailored to the needs of the victims of violence against women and domestic violence, and shall be accessible and readily available easily accessible, including online or through other adequate means, such as information and communication technologies, tailored to the needs of victims of violence against women and domestic violence.</p> | |

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| | | <u>Such specialised support shall be provided in a language that the victim can understand and in a manner that is age-appropriate for the victim;</u> | | |
| Article 27(3) | | | | |
| 264 | 3. Member States shall ensure sufficient human and financial resources to provide the services referred to in paragraph 1, especially those referred to in point (c) of that paragraph, including where such services are provided by non-governmental organisations. | <i>deleted</i> | 3. Member States shall ensure sufficient human and financial resources to provide the services referred to in paragraph 1, especially those referred to in point (c) of that paragraph, including where such. Where such services are provided by non-governmental organisations, Member States shall provide the latter with adequate funding, taking into account the proportion of services already provided by non-governmental organisations public authorities. | |
| Article 27(4) | | | | |
| 265 | 4. Member States shall provide the protection and specialist support services necessary to comprehensively address the multiple needs of victims at the same premises, or have such services coordinated through a central contact point, or through one-stop online access to such services. Such combined offering of services shall | 4. Member States shall provide the protection, <u>medical</u> and specialist support services necessary to comprehensively address the multiple needs of victims <u>of violence against women and domestic violence</u> at the same premises, or have such services coordinated through a <u>multiagency approach, as well as through a</u> central contact | 4. Member States shall provide the protection and specialist support services necessary to comprehensively address the multiple needs of victims either by providing these services at the same premises, or have such by coordinating services coordinated through a central contact point, or through one-stop online by | |

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| | include at least first hand medical care and social services, psychosocial support, legal, and police services. | point, or through one-stop online access to such services, <u>including those provided by non-governmental organisations. Such services shall have clear referral protocols. Such a</u> Such combined offering of services shall include at least first hand medical care, <u>referral to further medical care, and</u> social services, <u>and</u> psychosocial support, legal <u>services</u> , and police services. <u>Where necessary, rehabilitation and socio-economic integration after sexual exploitation shall be facilitated through specialist support services;</u> | facilitating access to such services. Such combined offering of through one-stop online access. The services shall include included shall at least first hand medical care and cover social services, psychosocial support, legal and police services, or information on and direction to such, and police services. | |
| Article 27(5) | | | | |
| 266 | 5. Member States shall issue guidelines and protocols for healthcare and social service professionals on identifying and providing appropriate support to victims of all forms of violence against women and domestic violence, including on referring victims to the relevant support services. Such guidelines and protocols shall also indicate how to address the specific needs of victims who are at an increased risk of such violence as a result of their experiencing discrimination based on a combination of sex and other grounds of discrimination. | 5. Member States shall issue guidelines and protocols for <u>general victim support services such as healthcare, social service and child protection</u> and social service professionals on identifying and providing appropriate support to victims of all forms of violence against women and domestic violence, including on referring victims to the relevant <u>medical and specialist</u> support services <u>and avoiding secondary victimisation</u> . Such guidelines and protocols shall also indicate how to address the specific needs of victims who are at an increased risk of such violence as a result of their experiencing | 5. Member States shall issue ensure that guidelines and protocols for healthcare and social service professionals on identifying and providing appropriate support to victims of all forms of violence against women and domestic violence are issued , including on referring victims to the relevant support services. Such guidelines and protocols shall also indicate how to address the specific needs of victims who are at an increased risk of such violence as a result of their experiencing discrimination based on a combination of sex and other grounds of discrimination. | |

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| | | discrimination based on a combination of sex <u>or gender</u> and other grounds of discrimination. <u>Such guidelines shall be created in a gender-, trauma- and child-sensitive manner in cooperation with the general victim support service providers and specialist support service providers and shall be reviewed on a regular basis;</u> |  | |
| Article 27(5bis) | | | | |
| 266a | | | 5bis. Member States shall ensure that guidelines and protocols for health-care services performing first hand medical care are issued on identifying and providing appropriate support to victims of violence against women and domestic violence. Such guidelines and protocols shall cover preservation and documentation of evidence, and its further transmission to competent forensic centres in accordance with national law. | |
| Article 27(6) | | | | |
| 267 | 6. Member States shall ensure that specialist support services remain fully operational for victims of violence against women and domestic violence in times of crisis, such as health crises or other states | 6. Member States shall ensure that specialist support services, <u>including medical support services</u> , remain fully operational for victims of violence against women and domestic violence in times of crisis, | 6. Member States shall aim to ensure that specialist support services remain fully operational for victims of violence against women and domestic violence in times of crisis, such as health crises or other | |

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| | of emergency. | such as health crises or other states of emergency ² | states of emergency. | |
| Article 27(7) | | | | |
| 268 | 7. Member States shall ensure that specialist support services are available to victims before, during and for an appropriate time after criminal proceedings. | 7. Member States shall ensure that <u>all general victim support services and specialist support services, including medical support services,</u> are available to victims <u>without delay and free of charge. Access to such services shall not be conditional on the victim's willingness to file a complaint against the offender to a competent authority. Access to such services shall be available</u> before, during and for an appropriate time after criminal proceedings ² | 7. Member States shall ensure that specialist support services are available to victims before, during and for an appropriate time after criminal proceedings. | |
| Article 28 | | | | |
| 269 | Article 28 Specialist support for victims of sexual violence | Article 28 Specialist support for victims of sexual violence | Article 28 Specialist support for victims of sexual violence | |
| Article 28(1) | | | | |
| 270 | 1. Member States shall provide for appropriately equipped, easily accessible rape crisis or sexual violence referral centres to ensure effective support to victims of sexual violence, including assisting in the preservation and documentation of | 1. Member States shall provide for appropriately equipped, easily accessible rape crisis or sexual violence referral centres to ensure effective support to victims of sexual violence, including assisting in the preservation and documentation of | 1. Member States shall provide for appropriately equipped, easily accessible rape crisis or sexual violence referral centres, which may form part of the healthcare system, to ensure effective support to victims of sexual violence, | |

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| | <p>evidence. These centres shall provide for medical and forensic examinations, trauma support and psychological counselling, after the offence has been perpetrated and for as long as necessary thereafter. Where the victim is a child, such services shall be provided in a child-friendly manner.</p> | <p>evidence. These centres shall provide for medical <u>care</u> and forensic examinations, <u>timely referral to other medical care services, including sexual reproductive healthcare as part of the clinical management of rape</u>, trauma support and psychological counselling, after the offence has been perpetrated and for as long as necessary thereafter. Where the victim is a child, such services shall be provided in a child-friendly manner. <u>Interviews of children who have experienced sexual violence shall be limited. Only specialists who have been trained to interview children shall interview children who have experienced sexual violence;</u></p> | <p>including assisting in the preservation safekeeping and documentation of evidence. These Those centres shall provide for trauma-sensitive support and, where necessary, referral to specialised –medical and forensic examinations,– trauma support and psychological– counselling, after the offence has been perpetrated. In addition, Member States shall ensure that victims of sexual violence have access to medical and forensic examinations. These examinations may be provided in the centres referred to in this paragraph or through referral to specialised centres or units; in such case Member States shall ensure coordination between the referral centres and competent medical and forensic centres and for as long as necessary thereafter. Where the victim is a child, such services shall be provided in a child-friendly manner.</p> | |
| Article 28(1a) | | | | |
| 270a | | <p><u>1a. Member States shall guarantee that victims of sexual violence have timely access to comprehensive healthcare services, including sexual and reproductive healthcare services, emergency contraception, screening and post-exposure prophylaxis for sexually transmitted</u></p> | | |

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| | | <u>infections and access to safe and legal abortion;</u> | | |
| Article 28(2) | | | | |
| 271 | 2. The services referred to in paragraph 1 shall be available free of charge and accessible every day of the week. They may be part of the services referred to in Article 27. | 2. The services referred to in paragraph 1 <u>paragraphs 1 and 1a</u> shall be available free of charge and accessible every day of the week. They may be part of the services referred to in Article 27. | 2. The services referred to in paragraph 1 shall be available free of charge, without prejudice to those services that are provided for under the national health care system , and accessible every day of the week. They may be part of the services referred to in Article 27. | |
| Article 28(3) | | | | |
| 272 | 3. Member States shall ensure a sufficient geographical distribution and capacity of these services across the Member State. | 3. Member States shall ensure a sufficient geographical distribution and capacity of these services across the Member State <u>and shall ensure the safety of, and confidentiality for, victims. Member States shall ensure a minimum of one rape crisis or sexual violence referral centre per 200 000 inhabitants;</u> | 3. Member States shall ensure a sufficient geographical distribution and capacity of these services across the Member State. | |
| Article 28(4) | | | | |
| 273 | 4. Article 27(3) and (6) shall apply to the provision of support for victims of sexual violence. | 4. Article 27(3) and (6) <u>27</u> shall apply to the provision of support for victims of sexual violence.; | 4. Article 27(3) and (6) shall apply to the provision of support for victims of sexual violence. | |
| Article 29 | | | | |
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| | Article 29 Specialist support for victims of female genital mutilation | Article 29 Specialist support for victims of female <u>and intersex</u> genital mutilation | Article 29 Specialist support for victims of female genital mutilation | |
| Article 29(1) | | | | |
| 275 | 1. Member States shall ensure effective, age-appropriate support to victims of female genital mutilation, including by providing, gynaecological, sexological, psychological and trauma care and counselling tailored to the specific needs of such victims, after the offence has been perpetrated and for as long as necessary thereafter. This shall also include the provision of information on units in public hospitals that perform clitoral reconstructive surgery. Such support may be provided by the referral centres referred to in Article 28 or any dedicated health centre. | 1. Member States shall ensure effective, age-appropriate, <u>accessible</u> support to victims of female <u>and intersex</u> genital mutilation, including by providing, gynaecological, sexological, psychological and trauma care and counselling tailored to the specific needs of such victims, after the offence has been perpetrated and for as long as necessary thereafter. This shall also include the provision of information on units in public hospitals that perform <u>genital and</u> clitoral reconstructive surgery <u>in the case of female genital mutilation, and access to treatment and medications needed as a consequence of intersex genital mutilation</u> . Such support may be provided by the referral centres referred to in Article 28 or any dedicated health centre. | 1. Member States shall ensure effective, and age-appropriate support to victims of female genital mutilation, including by providing, gynaecological, sexological, psychological and trauma care and counselling tailored to the specific needs of such victims, after the offence has been perpetrated and for as long as necessary thereafter. This shall also include the provision of information on units in public hospitals that perform clitoral reconstructive surgery. Such support may be provided by the referral centres referred to in Article 28 or any dedicated health centre. | |
| Article 29(2) | | | | |
| 276 | 2. Article 27(3) and (6) and Article 28(2) shall be applicable to the provision of support for victims of female genital mutilation. | 2. Article 27(3) and (6) <u>27</u> and Article 28(2) shall be <u>applicable</u> <u>apply</u> to the provision of support for victims of female <u>and</u> | 2. Article 27(3) and (6) and Article 28(2) shall be applicable to the provision of support for victims of female genital mutilation. | |

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| | | <u>intersex</u> genital mutilation- <u>as referred to in Articles 6 and 6a, respectively;</u> | | |
| Article 29a | | | | |
| 276a | | <p><u>Article 29a</u> <u>Specialist support for victims of forced sterilisation</u> 1. <u>Member States shall ensure that victims of forced sterilisation are provided with age-appropriate effective support, including gynaecological, psychological and trauma care tailored to the specific needs of such victims, after the offence has been committed and for as long as necessary thereafter;</u> 2. <u>Article 27 and Article 28(2) shall apply to the provision of support to victims of forced sterilisation as referred to in Article 6b.</u></p> | | |
| Article 29b | | | | |
| 276b | | <p><u>Article 29b</u> <u>Specialist support for victims of cyber violence</u> 1. <u>Member States shall provide for appropriately equipped and easily accessible services to ensure effective support to victims of cyber violence, including psychological support, legal counselling and assistance for obtaining judicial</u></p> | | |

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| | | <u>orders for the removal of, or disabling access to, certain online material as referred to in Article 25, assisting in the communication with relevant online intermediary service providers and, where relevant, assisting in the preservation and documentation of evidence;</u> <u>2. Article 27 shall apply to the provision of support for victims of cyber violence.</u> | | |
| Article 30 | | | | |
| 277 | Article 30 Specialist support for victims of sexual harassment at work | Article 30 Specialist support for victims of <u>to address</u> sexual harassment at work <u>in the world of work;</u> | Article 30 Specialist support for victims of sexual harassment at work | |
| Article 30, first paragraph | | | | |
| 278 | Member States shall ensure external counselling services are available for victims and employers in cases of sexual harassment at work. These services shall include advice on adequately addressing such instances at the workplace, on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of early conciliation, if the victim so wishes. | <u>1. Member States shall, in consultation with the social partners, ensure</u> external counselling services are available for victims and employers in cases of sexual harassment at work. These services <u>guidelines on procedures for tackling violence at work and sexual harassment in the world of work. Such guidelines shall include reporting procedures and appropriate and effective remedies.</u> <u>Member States</u> shall include advice on adequately addressing such instances at the workplace, on legal | In cases of sexual harassment at work that constitute a criminal offence under national law, Member States shall ensure external that counselling services are available for victims and employers in cases of sexual harassment at work. These services shall include advice on information on ways to adequately addressing address such instances at the workplace, on legal remedies, including on remedies available to the employer to remove the offender from the workplace and providing the possibility of early | |

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| | | <p>remedies available to the employer to remove the offender from the workplace and providing the possibility of early conciliation, if the victim so wishes</p> <p><u>ensure that undertakings, groups of undertakings or franchises establish, where applicable through collective bargaining with trade unions, training programmes and policies to prevent and tackle sexual harassment in the world of work and cyber violence and third-party violence at work and provide accessible and effective complaint mechanisms for victims of such harassment or violence.</u></p> | <p>conciliation, if the victim so wishes.</p> | |
| Article 30, second paragraph (new) | | | | |
| 278a | | <p><u>2. Member States shall ensure that victims of sexual harassment in the world of work have access, free of charge, to specialist support services and safe, confidential and effective complaint mechanisms, including external counselling and advice on adequately preventing and addressing instances of violence at work and sexual harassment in world of work. Trade union representatives shall be able to support workers in relevant proceedings. Victims of sexual harassment in the world of work shall be protected from further victimisation pursuant to Council</u></p> | | |

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| | | <p><u>Directive 2000/78/EC^{1a}. Member States shall ensure that the identity of victims of sexual harassment in the world of work is treated confidentially or with due regard to their right to anonymity.</u></p> <p><u>^{1a} Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).</u></p> | PUBLIC | | |
| Article 30, third paragraph (new) | | | | | |
| 278b | | <p><u>3. Member States shall ensure that external counselling services are available to employers in cases of sexual harassment in the world of work, including guidance on legal remedies to remove the offender from the workplace and on the potential to provide early conciliation, if the victim so wishes.</u></p> | | | |
| Article 30, fourth paragraph (new) | | | | | |
| 278c | | <p><u>4. Member States shall take the necessary measures to ensure that workers experiencing gender-based violence or domestic violence have the right to request short-term flexible working arrangements. Member States shall determine the duration of and detailed rules for</u></p> | | | |

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| | | <u>such working arrangements.</u> | | |
| Article 30, fifth paragraph (new) | | | | |
| 278d | | <u>5. Member States shall ensure that the social partners are able to bargain collectively on workplace measures to prevent and address all forms of gender-based violence at work and to assist in identifying and supporting victims of such violence, in particular on the preventive measures referred to in Articles 36(8) and training and information for professionals as referred to in Article 37. Member States shall take measures to promote such collective bargaining, including through awareness-raising campaigns and training of the social partners and workplace health and safety representatives.</u> | | |
| Article 31 | | | | |
| 279 | Article 31 Helplines for victims | Article 31 Helplines for victims | Article 31 Helplines for victims | |
| Article 31(1) | | | | |
| 280 | 1. Member States shall set up state-wide round-the-clock (24/7) telephone helplines, free of charge, to provide advice for victims of violence against women and | 1. Member States shall set up state-wide round-the-clock (24/7) telephone helplines <u>with the support of women's specialist support services</u> , free of charge, to provide | 1. Member States shall set up ensure that state-wide round-the-clock (24/7) telephone helplines are available , free of charge, to provide advice for victims of violence | |

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| | domestic violence. Advice shall be provided confidentially or with due regard for their anonymity. Member States shall ensure the provision of such service also through other information and communication technologies, including online applications. | <u>information and</u> advice for victims of violence against women and domestic violence. Advice <u>Specialist support services, including women's specialist support services,</u> shall be provided <u>provide that advice</u> confidentially or with due regard for their <u>victims'</u> anonymity. Member States shall ensure the provision of such service also through other <u>secure and accessible</u> information and communication technologies, including online applications.; | against women and domestic violence. Advice shall be provided confidentially or with due regard for their anonymity. Member States shall ensure the provision of are encouraged to provide such service also through other information and communication technologies, including online applications. | |
| Article 31(1a) | | | | |
| 280a | | <u>1a. Telephone helplines as referred to in paragraph 1 shall not replace other existing helplines specialised in violence against women or domestic violence in Member States, including those run by non-governmental organisations;</u> | | |
| Article 31(2) | | | | |
| 281 | 2. Member States shall take appropriate measures to ensure the accessibility of services referred to in paragraph 1 for end-users with disabilities, including providing support in easy to understand language. Those services shall be accessible in line with the accessibility requirements for electronic communications services | 2. Member States shall take appropriate measures to ensure the accessibility of services referred to in paragraph 1 for end-users with disabilities, including providing support in easy to understand language. Those services shall be accessible in line with the accessibility requirements for electronic communications services | 2. Member States shall take appropriate measures to ensure the accessibility of the services referred to in paragraph 1 for end-users with disabilities, including providing support in easy to understand language. Those services shall be accessible in line with the accessibility requirements for electronic communications services | |

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| | <p>set in Annex I to Directive 2019/882/EU of the European Parliament and of the Council¹.</p> <p>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ L 151, 7.6.2019, p. 70–115.</p> | <p>set in Annex I to Directive 2019/882/EU of the European Parliament and of the Council¹⁸.</p> <p><u>Member States shall also ensure the provision of those services in a language that victims can understand, including by means of telephone interpreting.</u></p> <p><u>¹⁸ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</u></p> <p>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ L 151, 7.6.2019, p. 70–115.</p> | <p>set in Annex I to Directive 2019/882/EU of the European Parliament and of the Council¹.</p> <p>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ L 151, 7.6.2019, p. 70–115.</p> | |
| Article 31(3) | | | | |
| 282 | <p>3. Article 27(3) and (6) shall apply to the provision of helplines and support through information and communication technologies under this Article.</p> | <p>3. Article 27(3) and (6)27(6) shall apply to the provision of helplines and support through information and communication technologies under this Article.</p> | <p>3. Article 27(3) and (6) shall apply to the provision of helplines and support through information and communication technologies under this Article.</p> | |
| Article 31(4) | | | | |
| 283 | <p>4. [Member States shall ensure that the service under paragraph 1 for victims of violence against women is operated under the harmonised number at EU level “116 016” and</p> | <p>4. fMember States shall ensure that the service under paragraph 1 for victims of violence against women <u>and domestic violence</u> is operated under the harmonised number at EU</p> | <p>4. [Member States shall are encouraged to ensure that the service under paragraph 1 for victims of violence against women is operated reachable under the</p> | |

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| | that the end-users are adequately informed of the existence and use of such number.] | level "116 016" and that the end-users are adequately informed of the existence and use of such number.} | harmonised number at EU level "116 016" and that the in addition to any existing national number(s). End-users are shall be adequately informed of the existence and use of such number.} | |
| Article 31(4a) | | | | |
| 283a | | <u>4a. Member States shall ensure that the end-users are adequately informed of the existence and number of helplines, including through regular awareness-raising campaigns;</u> | | |
| Article 31a | | | | |
| 283b | | <u>Article 31a</u> <u>Support in employment for victims of violence against women and domestic violence</u> <u>1. Member States shall, in consultation with the social partners, take measures to ensure that employers are prevented from discriminating or in any way disadvantaging workers who are victims of domestic violence or sexual violence, on the grounds of such violence;</u> <u>2. Member States shall, in consultation with the social partners, ensure that victims of violence against women and domestic violence have the right to</u> | | |

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| | | <u><i>paid leave of an appropriate duration in order to access support services and attend legal and judicial proceedings. Member States may determine the scope, duration and conditions of such leave in accordance with national law or practice.</i></u> | | |
| Article 32 | | | | |
| 284 | Article 32 Shelters and other interim accommodations | Article 32 Shelters and other interim accommodations | Article 32 Shelters and other interim accommodations | |
| Article 32(1) | | | | |
| 285 | 1. The shelters and other appropriate interim accommodations as provided for in Article 9(3), point (a), of Directive 2012/29/EU shall address the specific needs of women victims of domestic violence and sexual violence. They shall assist them in their recovery, providing adequate and appropriate living conditions with a view on a return to independent living. | 1. The shelters and other appropriate interim accommodations as provided for in Article 9(3), point (a), of Directive 2012/29/EU shall address <u>be provided for the sole purpose of addressing</u> the specific needs of women <u>who are</u> victims of domestic violence and <u>sexual violence or sexual exploitation, including by providing women-only shelters</u> . They shall assist them <u>victims</u> in their recovery, by providing <u>safe, accessible,</u> adequate and appropriate living conditions with a view on <u>to</u> a return to independent living and by providing necessary support services such as referral for further medical care; | 1. The shelters and other appropriate interim accommodations as provided for in Article 9(3), point (a), of Directive 2012/29/EU shall address the specific needs of women victims of domestic violence and sexual violence. They shall assist them in their recovery, providing adequate and appropriate living conditions with a view on a return to independent living. | |

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| Article 32(2) | | | | |
| 286 | 2. The shelters and other appropriate interim accommodations shall be equipped to accommodate the specific needs of children, including child victims. | 2. The shelters and other appropriate interim accommodations shall be equipped to accommodate the specific <u>rights and</u> needs of children, including child victims; | 2. The shelters and other appropriate interim accommodations shall be provided in sufficient numbers and easily accessible and equipped to accommodate the specific needs of women and of children, including child victims. | |
| Article 32(3) | | | | |
| 287 | 3. The shelters and other appropriate interim accommodations shall be available to victims regardless of their nationality, citizenship, place of residence or residence status. | 3. The shelters and other appropriate interim accommodations <u>accommodation</u> shall be available to victims, <u>and their dependents</u> , regardless of their nationality, citizenship, place of residence or residence status. <u>Specialised women's shelters shall be available in every region, with one family place per 10 000 inhabitants;</u> | 3. The shelters and other appropriate interim accommodations shall be available to victims regardless of their nationality, citizenship, place of residence or residence status. | |
| Article 32(4) | | | | |
| 288 | 4. Article 27(3) and (6) shall apply to shelters and other appropriate interim accommodations. | 4. Article 27(3) and (6) <u>27(6) and Article 28(2) and (3)</u> , shall apply to shelters and other appropriate interim accommodations; | 4. Article 27(3) and (6) shall apply to shelters and other appropriate interim accommodations. | |
| Article 33 | | | | |
| 289 | | | | |

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| | Article 33 Support for child victims | Article 33 Support for child victims | Article 33 Support for child victims | |
| Article 33(1) | | | | |
| 290 | 1. Member States shall ensure that children are provided specific adequate support as soon as the competent authorities have reasonable grounds to believe that the children might have been subject to, including having witnessed, violence against women or domestic violence. Support to children shall be specialised and age-appropriate, respecting the best interests of the child. | 1. Member States shall ensure that children are provided specific adequate support as soon as the competent authorities have reasonable grounds to believe that the children might have been subject to, including having witnessed, violence against women or domestic violence <u>and for as long as is necessary afterwards</u> . Support to children shall be specialised and age-appropriate, respecting the best interests of the child. | 1. Member States shall ensure that children are provided specific adequate support as soon as the competent authorities have reasonable grounds to believe that the children a child might have been subject to, including having or might have witnessed, violence against women or domestic violence. Support to children shall be specialised and age-appropriate appropriate to age, developmental needs and the individual situation of the child , respecting the best interests of the child. | |
| Article 33(2) | | | | |
| 291 | 2. Child victims shall be provided with age-appropriate medical care, emotional, psychosocial, psychological and educational support, as well as any other appropriate support tailored in particular to situations of domestic violence. | 2. Child victims shall be provided with age-appropriate medical care, emotional, psychosocial, psychological and educational support, as well as any other appropriate support tailored in particular to situations of domestic violence. | 2. Child victims shall be provided with age-appropriate medical care, emotional, psychosocial, psychological and educational support, tailored to developmental needs and individual situation of the child , as well as any other appropriate support tailored in particular to situations of domestic violence. | |
| Article 33(2a) | | | | |

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| 291a | | <u>2a. Member States shall ensure that children of victims who have been killed due to violence against women or domestic violence and their relatives are provided with specific adequate support during relevant judicial proceedings;</u> | | |
| Article 33(3) | | | | |
| 292 | 3. Where it is necessary to provide for interim accommodation, children shall as a priority be placed together with other family members, in particular with a non-violent parent in permanent or temporary housing, equipped with support services. Placement in shelters shall be a last resort. | 3. Where it is necessary to provide for interim accommodation, children, <u>after having been heard,</u> shall as a priority be placed together with other family members, in particular with a non-violent parent, <u>and not be separated from siblings,</u> in permanent or temporary housing, equipped with support services <u>and tailored to the specific needs of the child victims.</u> Placement in shelters shall be a last resort. | 3. Where it is necessary to provide for interim accommodation, children shall as a priority be placed together with other family members, in particular with a non-violent parent in permanent or temporary housing, equipped with support services. Placement in shelters The principle of the best interests of the child shall be a last resort decisive when assessing matters regarding interim accommodation. | |
| Article 33(3a) | | | | |
| 292a | | <u>3a. Article 27 (6) and Article 28(2) and (3) shall apply to support for child victims;</u> | | |
| Article 34 | | | | |
| 293 | Article 34 Safety of children | Article 34 Safety of children | Article 34 Safety of children | |

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| Article 34, first paragraph -a | | | | |
| 293a | | <p><u>-1. Member States shall ensure that incidents of violence are taken into account in judicial decisions concerning the child and that the best interests of the child are always the primary consideration in all decisions concerning children and take precedence over the parental rights of an offender or suspect of violence against women or domestic violence. Member States shall ensure that the views of the child are taken into consideration in accordance with their age and maturity. Member States shall ensure the safety of non-abusive holders of parental responsibility during the proceedings;</u></p> | | |
| Article 34, first paragraph | | | | |
| 294 | <p>Member States shall establish and maintain safe places which allow a safe contact between a child and a holder of parental responsibilities who is an offender or suspect of violence against women or domestic violence, to the extent that the latter has rights of access. Member States shall ensure supervision by trained professionals, as appropriate, and in the best interests of the child.</p> | <p><u>To the extent that an offender or suspect of violence against women or domestic violence has rights of access,</u> Member States shall establish and maintain safe places which allow a safe contact between a child and a holder of parental responsibilities who is an offender or suspect of violence against women or domestic violence, to the extent that the latter has rights of access <u>responsibility</u>. Member States shall ensure supervision by trained</p> | <p>Member States shall establish and maintain safe places which allow a safe contact between a child and a holder of parental responsibilities who is an offender or suspect of violence against women or domestic violence, to the extent that the latter has rights of access. Member States shall ensure supervision by trained professionals, as appropriate, and in the best interests of the child.</p> | |

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| | | professionals, as appropriate, and in the best interests of the child. | | |
| Article 35 | | | | |
| 295 | Article 35 Targeted support for victims with specific needs and groups at risk | Article 35 Targeted support for victims with specific <u>intersectional</u> needs and groups at risk; | Article 35 Targeted support for victims with specific needs and groups at risk | |
| Article 35(1) | | | | |
| 296 | 1. Member States shall ensure the provision of specific support to victims at an increased risk of violence against women or domestic violence, such as women with disabilities, women living in rural areas, women with dependant residence status or permit, undocumented migrant women, women applying for international protection, women fleeing from armed conflict, women affected by homelessness, women with a minority racial or ethnic background, women sex workers, women detainees, or older women. | 1. Member States shall ensure the provision of specific support to victims at an increased risk of violence against women or domestic violence <u>by virtue of intersectional discrimination</u> , such as women with disabilities, women living in rural areas, women with dependant residence status or <u>a</u> permit, undocumented migrant women, women applying for international protection, women fleeing from armed conflict, women affected by homelessness, women with a minority racial or ethnic background, <u>LBTIQ+ women</u> , women sex workers <u>in prostitution</u> , <u>victims of so-called "honour crimes"</u> , women detainees, <u>women suffering from addiction</u> , <u>women who are pregnant</u> or older women; | 1. Member States shall ensure the provision of specific support to victims at an increased risk of violence against women or domestic violence, such as women with disabilities, women living in rural areas, women with dependant residence status or permit, undocumented migrant women, women applying for international protection, women fleeing from armed conflict, women affected by homelessness, women with a minority racial or ethnic background, women sex workers, women detainees, or older women because they are subject to discrimination based on a combination of sex and any other ground or grounds. | |
| Article 35(2) | | | | |

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| 297 | 2. The support services under Articles 27 to 32 shall have sufficient capacities to accommodate victims with disabilities, taking into consideration their specific needs, including personal assistance. | 2. The support services under Articles 27 to 32 shall have sufficient capacities to accommodate victims with disabilities, taking into consideration their specific needs, including personal assistance. | 2. The support services under Articles 27 to 32 shall have sufficient capacities to accommodate victims with disabilities, taking into consideration their specific needs, including personal assistance. | |
| Article 35(3) | | | | |
| 298 | 3. The support services shall be available for third-country nationals who are victims of violence against women and domestic violence, including for applicants for international protection, for undocumented persons and for persons subject of return procedures in detention. Member States shall ensure that victims who request so may be kept separately from persons of the other sex in detention facilities for third-country nationals subject of return procedures, or accommodated separately in reception centres for applicants for international protection. | 3. The support services shall be available for third-country nationals who are victims of violence against women and domestic violence, including for applicants for international protection, for undocumented persons and for persons <u>who are the</u> subject of return procedures in detention. Member States shall ensure that victims who request so may be kept separately from persons of the other sex in <u>women- and children-only sections of</u> detention facilities for third-country nationals subject of return procedures, or accommodated separately in reception centres for applicants for international protection. | 3. The support services shall be available for third-country nationals who are victims of violence against women and domestic violence, including for applicants for international protection, for undocumented persons and for persons subject of return procedures in detention. Member States shall ensure that victims who request so may be kept separately from persons of the other sex in detention facilities for third-country nationals subject of return procedures, or accommodated separately in reception centres for applicants for international protection. | |
| Article 35(4) | | | | |
| 299 | 4. Member States shall ensure that persons can report occurrences of violence against women or domestic violence in reception and detention | 4. Member States shall ensure that persons can report occurrences of violence against women or domestic violence in <u>institutions and</u> | 4. Member States shall ensure that persons can report occurrences of violence against women or domestic violence in reception and detention | |

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| | centres to the relevant staff and that protocols are in place to adequately and swiftly address such reports in accordance with the requirements in Article 18, 19 and 20. | reception and detention centres to the relevant staff, and that protocols are in place to adequately and swiftly address such reports in accordance with the requirements in Article 18, 19 and 20. | centres to the relevant staff and that protocols procedures are in place to ensure they or the competent authorities adequately and swiftly address such reports in accordance with the requirements in Article under Articles 18, 19 and 20. | |
| CHAPTER 5 | | | | |
| 300 | CHAPTER 5 PREVENTION | CHAPTER 5 PREVENTION <u>AND EARLY INTERVENTION</u> | CHAPTER 5 PREVENTION | |
| Article 36 | | | | |
| 301 | Article 36 Preventive measures | Article 36 Preventive measures | Article 36 Preventive measures | |
| Article 36(1) | | | | |
| 302 | 1. Member States shall take appropriate actions to prevent violence against women and domestic violence. | 1. Member States shall take appropriate actions to prevent violence against women and domestic violence. <u>by adopting a comprehensive multi-layered approach;</u> | 1. Member States shall take appropriate actions to prevent violence against women and domestic violence. | |
| Article 36(2) | | | | |
| 303 | 2. Preventive measures shall include awareness-raising campaigns, research and education programmes, | 2. Preventive measures shall include awareness-raising campaigns <u>with the aim of increasing</u> | 2. Preventive measures shall include conducting or supporting awareness-raising campaigns or | |

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| | where appropriate developed in cooperation with relevant civil society organisations, social partners, impacted communities and other stakeholders. | <u>understanding among the general public of the different types of violence, through</u> -research and education programmes, <u>including age-appropriate and comprehensive sexuality and relationship education and early intervention programmes</u> , where appropriate developed in cooperation with relevant civil society organisations, <u>specialist services</u> , social partners, impacted communities, <u>local and regional governments or authorities</u> and other stakeholders; | programmes, which may include ; research and education programmes, where appropriate developed in cooperation with relevant civil society organisations, social partners, impacted communities and other stakeholders, 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, their consequences in particular on children and the need for their prevention. | |
| Article 36(3) | | | | |
| 304 | 3. Member States shall make information on preventive measures, the rights of victims, access to justice and to a lawyer, and the available protection and support measures available to the general public. | 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, <u>including medical treatment</u> , available <u>and easily accessible</u> to the general public; <u>via various information and communication technologies, in relevant languages and in different formats, including for persons with disabilities</u> ; | 3. Member States shall make information on preventive measures, the rights of victims, access to justice and to a lawyer, and the available protection and support measures available to the general public. | |
| Article 36(4) | | | | |
| 305 | 4. Targeted action shall be addressed to groups at risk, | 4. Targeted action shall be addressed to groups at <u>an increased</u> | 4. Targeted action shall be addressed to focused on groups at | |

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| | including children, according to their age and maturity, and persons with disabilities, taking into consideration language barriers and different levels of literacy and abilities. Information for children shall be formulated in a child-friendly way. | risk, including <u>of violence against women or domestic violence by virtue of intersectional discrimination such as those referred to in Article 35(1)</u> , children, according to their age and maturity, and persons with disabilities, taking into consideration language barriers and different levels of literacy and abilities. Information for children shall be formulated in a child-friendly way. | risk, including children heightened risk , according to their age and maturity, and persons with disabilities, taking into consideration language barriers and different levels of literacy and abilities. Information for children shall be formulated or adapted in a child-friendly way. Information for children shall be formulated in a child-friendly way presented in formats accessible to people with disabilities. | |
| Article 36(5) | | | | |
| 306 | 5. Preventive measures shall in particular aim at challenging harmful gender stereotypes, promoting equality between women and men, encouraging all, including men and boys, to act as positive role models to support corresponding behaviour changes across society as a whole in line with the objectives of this directive. | 5. Preventive measures shall in particular aim at challenging to <u>empower women and girls by increasing awareness of the concept of consent, to challenge</u> harmful gender stereotypes, promoting <u>particularly for men and boys, to promote gender equality, to promote mutual respect, to promote the right to personal integrity, to encourage between women and men,</u> encouraging all, including men and boys, to act as positive role models to support corresponding behaviour changes across society as a whole in line with the objectives of this directive, <u>and to increase awareness of the specific escalatory pattern of violence against women and domestic violence.</u> | 5. Preventive measures shall in particular aim at challenging harmful gender stereotypes, promoting equality between women and men, encouraging all, including men and boys, to act as positive role models to support corresponding behaviour changes across society as a whole in line with the objectives of this directive and to seek help where needed . | |

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| Article 36(5a) | | | | |
| 306a | | <u>5a. Preventive measures shall aim to target and reduce the demand for victims of sexual exploitation.</u> | | |
| Article 36(6) | | | | |
| 307 | 6. Preventive measures shall develop and/or increase sensitivity about the harmful practice of female genital mutilation. | 6. Preventive measures shall develop and/or increase sensitivity about the harmful practice of female <u>and intersex</u> genital mutilation, <u>forced marriage and forced sterilisation</u> ; | 6. Preventive measures shall develop and/or increase sensitivity about the harmful practice of female genital mutilation, taking into account the incidence of such offences in the Member State concerned. | |
| Article 36(7) | | | | |
| 308 | 7. Preventive measures shall also specifically address cyber violence. In particular, Member States shall ensure that education measures include the development of digital literacy skills, including critical engagement with the digital world, to enable users to identify and address cases of cyber violence, seek support and prevent its perpetration. Member States shall foster multidisciplinary and stakeholder cooperation, including intermediary services and competent authorities to develop and implement measures to tackle cyber violence. | 7. Preventive measures shall also specifically address cyber violence. In particular, Member States shall ensure that education measures include the development of digital literacy skills, including critical engagement with the digital world, <u>and critical thinking</u> to enable users to identify and address cases of cyber violence, <u>to recognise its different forms, to</u> seek support and <u>to</u> prevent its perpetration. Member States shall foster multidisciplinary and stakeholder cooperation, including intermediary services and competent authorities to develop and implement measures to tackle cyber violence. | 7. Preventive measures shall also specifically address cyber violence. In particular, Member States shall ensure that education such measures include the development of digital literacy skills, including critical engagement with the digital world, to enable users to identify and address cases of cyber violence, seek support and prevent its perpetration. Member States shall foster multidisciplinary and stakeholder cooperation, including intermediary services hosting service providers and competent authorities, to develop and implement measures to tackle cyber violence. | |

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| Article 36(8) | | | | |
| 309 | 8. Member States shall ensure that sexual harassment at work is addressed in relevant national policies. Those national policies shall identify and establish targeted actions referred to in paragraph 2 for sectors where workers are most exposed. | 8. Member States shall, <u>in consultation with the social partners</u> , ensure that sexual harassment at <u>in the world of</u> work is addressed in relevant national policies. Those national policies shall identify and establish targeted actions <u>as</u> referred to in paragraph 2 for sectors where workers are most exposed. <u>Member States shall ensure that employers take into account the potential for violence at work and sexual harassment in the world of work in their health and safety policies, adopted pursuant to Directive 89/391/EEC. Workers shall have the right to receive support from a trade union and from the health and safety representative at the workplace.</u> | 8. Without prejudice to Article 26 of Directive 2006/54/EC , Member States shall ensure that take adequate and appropriate measures to address sexual harassment at work, when it constitutes a criminal offense under national law , is addressed in relevant national policies. Those national policies shall may identify and establish the targeted actions referred to in paragraph 2 for sectors where workers are most exposed. | |
| Article 37 | | | | |
| 310 | Article 37 Training and information for professionals | Article 37 Training and information for professionals | Article 37 Training and information for professionals | |
| Article 37(1) | | | | |
| 311 | 1. Member States shall ensure that professionals likely to come into contact with victims, including law | 1. Member States shall ensure that professionals likely to come into contact with victims <u>and</u> | 1. Member States shall ensure that professionals officials likely to come into contact with victims, | |

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| | <p>enforcement authorities, court staff, judges and prosecutors, lawyers, providers of victim support and restorative justice services, healthcare professionals, social services, educational and other relevant staff, receive both general and specialist training and targeted information to a level appropriate to their contacts with victims, to enable them to identify, prevent and address instances of violence against women or domestic violence and to treat victims in a trauma-, gender- and child-sensitive manner.</p> | <p><u>perpetrators or offenders</u>, including law enforcement authorities, <u>forensic medical personnel</u>, court staff, judges and prosecutors, lawyers, providers of victim support and <u>services, including specialist services, professionals working in offender programmes, providers of</u> restorative justice services, healthcare professionals, social services, educational and other relevant staff, receive both general and specialist training and targeted information to a level appropriate to their contacts with victims <u>and offenders</u>, to enable them to identify, prevent and address instances of violence against women or domestic violence, <u>to avoid revictimisation</u> and to treat victims in a trauma-, gender-, <u>disability, language</u> and child-sensitive manner.</p> | <p>such as police officers and relevant including law enforcement authorities, court staff, judges and prosecutors, lawyers, providers of victim support and restorative justice services, healthcare professionals, social services, educational and other relevant staff, receive both general and specialist training and targeted information to a level appropriate to their contacts with victims, to enable them to identify, prevent and address instances of violence against women or domestic violence and to treat victims in a trauma-, gender- and child-sensitive manner and take accessibility into account when communicating with victims with disabilities. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union and with due respect for the independence of the legal profession, Member States shall encourage such training for judges and prosecutors and shall recommend that those responsible for the training of lawyers make available such training.</p> | |
| Article 37(2) | | | | |
| 312 | <p>2. Relevant health professionals, including paediatricians and midwives, shall receive targeted training to identify and address, in a</p> | <p>2. Relevant health professionals, including paediatricians, <u>gynaecologists, obstetricians</u>, and midwives <u>and psychological</u></p> | <p>2. Relevant health professionals, including paediatricians, gynecologists and midwives, shall receive targeted training to identify</p> | |

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| | cultural-sensitive manner, the physical, psychological and sexual consequences of female genital mutilation. | <u>support staff</u> , shall receive targeted training to identify and address, in a cultural-sensitive <u>culturally-sensitive</u> manner, the physical, psychological and sexual consequences of female <u>and intersex</u> genital mutilation, <u>forced sterilisation, so-called "honour crimes" and other harmful practices</u> . | and address, in a cultural-sensitive manner, the physical, psychological and sexual consequences of female genital mutilation. | |
| Article 37(3) | | | | |
| 313 | 3. Persons with supervisory functions in the workplace, in both the public and private sectors, shall receive training on how to recognise, prevent and address sexual harassment at work, including on risk assessments concerning occupational safety and health risks, to provide support to victims affected thereby and respond in an adequate manner. Those persons and employers shall receive information about the effects of violence against women and domestic violence on work and the risk of third party violence. | 3. Persons with supervisory functions in the workplace, <u>including health and safety representatives and labour inspectors</u> , in both the public and private sectors, shall receive training on how to recognise, prevent and address sexual harassment at <u>in the world of</u> work, including on risk assessments concerning occupational safety and health risks, to provide support to victims affected thereby and respond in an adequate manner, <u>in accordance with training provided pursuant to Directive 89/391/EEC</u> . 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 <u>and how to support victims of domestic violence at work</u> . | 3. Persons with supervisory functions in the workplace, in both the public and private sectors, shall receive training on how to recognise, prevent and address sexual harassment at work, including on risk assessments concerning occupational safety and health risks, to provide support to victims affected thereby and respond in an adequate manner <u>when it constitutes a criminal offense under national law</u> . 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. | |

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| Article 37(4) | | | | |
| 314 | 4. The training activities referred to in paragraphs 1 and 2 shall include training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence against women or domestic violence. | 4. The training activities referred to in paragraphs 1 and 2 shall include training on co-ordinated multi-agency <u>and multi-disciplinary</u> co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence against women or domestic violence. | 4. The training activities referred to in paragraphs 1 and 2 shall include training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence against women or domestic violence. | |
| Article 37(5) | | | | |
| 315 | 5. Without affecting media freedom and pluralism, Member States shall encourage and support the setting up of media training activities by media professionals' organisations, media self-regulatory bodies and industry representatives or other relevant independent organisations, to combat stereotypical portrayals of women and men, sexist images of women, and victim-blaming in the media, aimed at reducing the risk of violence against women or domestic violence. | 5. Without affecting media freedom and pluralism, Member States shall encourage and support the setting up of media training activities by media professionals' organisations, media self-regulatory bodies and industry representatives or other relevant independent organisations, to combat stereotypical portrayals of women and men, sexist images of women, and victim-blaming in the media, aimed at reducing the risk of violence against women or domestic violence. | 5. Without affecting media freedom and pluralism, Member States shall encourage and support the setting up of media training activities by media professionals' organisations, media self-regulatory bodies and industry representatives or other relevant independent organisations, to combat stereotypical portrayals of women and men, sexist images of women, and victim-blaming in the media, aimed at reducing the risk of violence against women or domestic violence. These training activities may be provided by relevant civil society organisations, non-governmental organisations working with victims of violence against women or domestic violence, social partners and other stakeholders. | |

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| Article 37(6) | | | | |
| 316 | 6. Member States shall ensure that the authorities competent for receiving reports of offences from victims are appropriately trained to facilitate and assist in the reporting of such crimes. | 6. Member States shall ensure that the authorities competent for receiving reports of offences from victims are appropriately trained to facilitate and assist in the reporting of such crimes- <u>and to take into account the specific needs of victims;</u> | 6. Member States shall ensure that the authorities competent for receiving reports of offences from victims are appropriately trained to facilitate and assist in the reporting of such crimes. | |
| Article 37(7) | | | | |
| 317 | 7. Training activities referred to in paragraphs 1 and 2 shall be regular and mandatory, including on cyber violence, and built on the specificities of violence against women and domestic violence. Such training activities shall include training on how to identify and address the specific protection and support needs of victims who face a heightened risk of violence due to their experiencing discrimination based on a combination of sex and other grounds. | 7. Training activities referred to in paragraphs 1, <u>2 and 3</u> and 2 shall be regular and mandatory, including on cyber violence, and built on the specificities of violence against women and domestic violence. Such training activities shall include training on how to identify and address the specific protection and support needs of victims who face a heightened risk of violence due to their experiencing discrimination based on a combination of <u>gender or sex and other grounds- as referred to in Article 35(1);</u> | 7. Training activities referred to in paragraphs 1 and 2 shall be regular and mandatory , including on cyber violence, shall be and built on the specificities of violence against women and domestic violence. Such training activities shall may include training on how to identify and address the specific protection and support needs of victims who face a heightened risk of violence due to their experiencing discrimination based on a combination of sex and other grounds. | |
| Article 37(7a) | | | | |
| 317a | | <u>7a. Member States shall put in place procedures to ensure that the outcome and practical application of training under this Article are periodically and independently</u> | | |

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| | | <u>monitored and evaluated.</u> | | |
| Article 37(8) | | | | |
| 318 | 8. The measures under paragraphs 1 to 6 shall be implemented without affecting judicial independence, the self-organisation of regulated professions and differences in the organisation of the judiciary across the Union. | 8. The measures under paragraphs 1 to 6 shall be implemented without affecting judicial independence, the self-organisation of regulated professions and differences in the organisation of the judiciary across the Union. | 8. The measures under paragraphs 1 to 6 shall be implemented without affecting judicial independence, the self-organisation of regulated professions and differences in the organisation of the judiciary across the Union. | |
| Article 38 | | | | |
| 319 | Article 38 Intervention programmes | Article 38 Intervention programmes | Article 38 Intervention programmes | |
| Article 38(1) | | | | |
| 320 | 1. Member States shall take the necessary measures to ensure that targeted and effective intervention programmes are established to prevent and minimise the risk of committing offences of violence against women or domestic violence, or reoffending. | 1. Member States shall take the necessary measures to ensure that targeted and effective intervention programmes are established <u>in coordination with specialist support services</u> to prevent and minimise the risk of committing offences of violence against women or domestic violence, or reoffending. | 1. Member States shall take the necessary measures to ensure that targeted and effective intervention programmes are established to prevent and minimise the risk of committing offences of violence against women or domestic violence, or reoffending. | |
| Article 38(2) | | | | |
| 321 | 2. The intervention programmes shall be made available for participation including to persons | 2. The intervention programmes shall be made available for participation including to persons | 2. The intervention programmes shall be made available for participation including to to persons | |

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| | who fear they might commit any offence of violence against women or domestic violence. | who fear they might commit any offence of violence against women or domestic violence. | who committed an offence of violence against women or domestic violence and may be made available to other persons who are assessed as being at risk for committing such offences. This may include persons who feel the need to participate, for example because they fear they might commit any offence of violence against women or domestic violence. | |
| Article 38(3) | | | | |
| 321a | | | 3. Member States shall ensure that an offender of the offence of rape is encouraged to participate in an intervention programme. | |
| CHAPTER 6 | | | | |
| 322 | CHAPTER 6 COORDINATION AND COOPERATION | CHAPTER 6 COORDINATION AND COOPERATION | CHAPTER 6 COORDINATION AND COOPERATION | |
| Article 39 | | | | |
| 323 | Article 39 Coordinated policies and coordinating body | Article 39 Coordinated policies and coordinating body | Article 39 Coordinated policies and coordinating body | |
| Article 39(1) | | | | |
| 324 | 1. Member States shall adopt and | 1. Member States shall adopt and | 1. Member States shall adopt and | |

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| | implement state-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence. | implement state-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence. | implement state-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence against women and domestic violence. | |
| Article 39(2) | | | | |
| 325 | 2. Member States shall designate or establish an official body responsible for coordinating, implementing, monitoring and evaluating policies and measures to prevent and combat all forms of violence covered under this Directive. | 2. Member States shall designate or establish an official body responsible for coordinating, implementing, monitoring and evaluating policies and measures to prevent and combat all forms of violence covered under this Directive. | 2. Member States shall designate or establish an one or more official body responsible for coordinating, implementing, monitoring and evaluating policies and measures to prevent and combat all forms of violence covered under this Directive. | |
| Article 39(3) | | | | |
| 326 | 3. That body shall coordinate the collection of data referred to in Article 44, and analyse and disseminate its results. | 3. That body shall coordinate the collection of data referred to in Article 44, and analyse and disseminate its results <u>and make recommendations and proposals to improve indicators and information and data collection systems.</u> | 3. That body, or one of the bodies designated pursuant to paragraph 2 , shall coordinate the collection of data referred to in Article 44, and analyse and disseminate its results. | |
| Article 39(4) | | | | |
| 327 | 4. It shall be responsible for coordinating policies at the central, regional and local levels. | 4. It shall be responsible for coordinating policies at the central, regional and local levels. | 4. #Member States shall ensure that policies are coordinated be responsible for coordinating policies at the central, central and/or regional and local levels. | |

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| | | | | |
| Article 39a | | | | |
| 327a | | <p><u>Article 39a</u></p> <p><u>National action plans for the elimination of violence against women and domestic violence</u></p> <p><u>1. By ... [two years after the date of entry into force of this Directive], Member States shall develop national action plans, in consultation with and with the participation of specialist support services and the Union coordinator, for combating gender-based violence (the ‘national action plans’).</u></p> <p><u>2. The national action plans shall set out the following:</u></p> <p><u>(a) priorities and actions to combat violence against women and domestic violence;</u></p> <p><u>(b) targets and monitoring mechanisms for the priorities and actions referred to in point (a);</u></p> <p><u>(c) the resources necessary to achieve the priorities and actions referred to in point (a) and how they are to be allocated.</u></p> <p><u>3. Member States shall ensure that the national action plans are reviewed and updated every five years.</u></p> | | |
| Article 40 | | | | |
| 328 | | | | |


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| | Article 40 Multi-agency coordination and cooperation | Article 40 Multi-agency <u>and multi-disciplinary</u> coordination and cooperation | Article 40 Multi-agency coordination and cooperation | |
| Article 40(1) | | | | |
| 329 | 1. Member States shall put in place appropriate mechanisms to ensure effective coordination and cooperation, at the national level, of relevant authorities, agencies and bodies, including local and regional authorities, law enforcement agencies, the judiciary, public prosecutors, support service providers as well as non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities. | 1. Member States shall put in place appropriate mechanisms to ensure effective, <u>structured and regular</u> coordination and cooperation, at the national level, of <u>among</u> relevant authorities, agencies and bodies, including local and regional authorities, <u>labour inspectorates</u> , law enforcement agencies, the judiciary, public prosecutors, support service providers as well as non-governmental organisations, <u>in particular specialist support services</u> , social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities. | 1. Member States shall put in place appropriate mechanisms, in accordance with national law or practice , to ensure effective coordination and cooperation, at the national level , of relevant authorities, agencies and bodies, including ombudsmen , local and regional authorities, law enforcement agencies , the judiciary, public prosecutors with due respect for judicial independence , support service providers services as well as non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, social partners, without prejudice to their autonomy, and other relevant organisations and entities, in protecting and supporting victims from violence against women and domestic violence . | |
| Article 40(2) | | | | |
| 330 | 2. Such mechanisms shall in particular pertain to the individual assessments under Articles 18 and | 2. Such mechanisms shall <u>relate to all areas set out in this Directive, in particular</u> in particular pertain to the | 2. Such mechanisms shall in particular pertain, where appropriate , to the individual | |

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| | 19, and the provision of protection and support measures under Article 21 and Chapter 4, the guidelines for law enforcement and judicial authorities under Article 23, and in the trainings for professionals as referred to in Article 37. | individual assessments under Articles 18 and 19, and the provision of protection and support measures under Article 21 and Chapter 4, the guidelines for law enforcement and judicial authorities under Article 23, and in the trainings for professionals as referred to in Article 37. | assessments under Articles 18 and 19, and the provision of protection and support measures under Article 21 and Chapter 4, the guidelines for law enforcement and judicial authorities non-binding guidelines under Article 23, and in the trainings for professionals as referred to in Article 37. | |
| Article 41 | | | | |
| 331 | Article 41 Cooperation with non-governmental organisations | Article 41 Cooperation with non-governmental organisations | Article 41 Cooperation with non-governmental organisations | |
| Article 41, first paragraph | | | | |
| 332 | Member States shall cooperate with and consult civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence, in particular in providing support to victims, concerning policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims. | Member States shall cooperate with and consult <u>create sustainable structures for the consultation of and partnership with relevant</u> civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence <u>and women's civil society organisations</u> , in particular in <u>for the purpose of</u> providing <u>adequate</u> support to victims <u>and to those who work to rehabilitate offenders, for the purpose of designing and implementing</u> , concerning policymaking initiatives, information and awareness-raising campaigns, research and education | Member States shall cooperate with and consult civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence, in particular in providing support to victims, concerning policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims. | |

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| | | programmes, <u>for the purposes of and in training, as well as in and for the purpose of</u> monitoring and evaluating the impact of measures to support and protect victims, <u>including data collection</u> . | | |
| Article 42 | | | | |
| 333 | Article 42 Cooperation between intermediary service providers | Article 42 Cooperation between intermediary service providers | Article 42 Cooperation between intermediary hosting service providers | |
| Article 42, first paragraph | | | | |
| 334 | Member States shall facilitate the taking of self-regulatory measures by providers of intermediary services in connection to this Directive, in particular to reinforce internal mechanisms to tackle the online material referred to in Article 25(1) and to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein. | Member States shall facilitate the taking of self-regulatory measures by providers of intermediary services in connection to <u>with</u> this Directive, in particular to reinforce internal mechanisms to tackle the online material referred to in Article 25(1). <u>Member States shall facilitate technological solutions to detect, report and remove the material referred to in Article 25</u> and to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein. | Member States shall facilitate the taking of <u>encourage self-regulatory cooperation between hosting service providers, such as codes of conduct, and raise awareness on</u> self-regulatory measures by providers of intermediary services <u>which may be adopted by hosting service providers</u> in connection to <u>with</u> this Directive, in particular to reinforce mechanisms that they implement internal mechanisms to tackle the online material referred to in Article 25(1) and to improve the training of their employees concerned on preventing, assisting and supporting the victims of the offences referred to therein. | |
| Article 43 | | | | |

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| 335 | Article 43 Union level cooperation | Article 43 Union level cooperation <u>and the Union coordinator</u> | Article 43 Union level cooperation | |
| Article 43, first paragraph | | | | |
| 336 | Member States shall take appropriate action to facilitate cooperation between each other to improve the implementation of this Directive. Such cooperation shall aim at least at: | Member States shall take appropriate action to facilitate cooperation between each other <u>and with the Union institutions, bodies, offices and agencies</u> to improve the implementation of this Directive. Such cooperation shall aim at least at: | Member States shall take appropriate action to facilitate cooperation between each other to improve the implementation of this Directive. Such cooperation shall aim at least at: | |
| Article 43, first paragraph, point (a) | | | | |
| 337 | (a) exchanging best practices and consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters; | (a) exchanging best practices <u>in a regular and structured manner</u> and consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters; | (a) exchanging best practices and consulting each other in individual cases, including through Eurojust and the European Judicial Network in criminal matters; information, such as best practices, with relevant Union agencies, within their corresponding mandates, and consulting each other in individual cases | |
| Article 43, first paragraph, point (b) | | | | |
| 338 | (b) exchanging information and best practices with relevant Union agencies; | (b) exchanging information and best practices with relevant Union <u>bodies, offices and agencies, such as the Union coordinator and the</u> | (b) exchanging information and best practices with relevant Union agencies; | |

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| | | <u>European Institute for Gender Equality, and cooperating with them on the establishment of common standards and guidelines;</u> | | |
| Article 43, first paragraph, point (c) | | | | |
| 339 | (c) providing assistance to Union networks working on matters directly relevant to violence against women and domestic violence. | (c) providing assistance to Union networks, <u>umbrella organisations and Union-wide non-governmental organisations</u> working on matters directly relevant to violence against women and domestic violence. | (c) and providing assistance to Union networks working on matters directly relevant to violence against women and domestic violence. | |
| Article 43, second paragraph, point (new) | | | | |
| 339a | | <u>2 In order to contribute to the achievement of the tasks set out in this Directive and to combat violence against women and domestic violence, Member States shall facilitate the tasks of a Union coordinator on combating gender-based violence (the ‘Union coordinator’). The Union coordinator shall be responsible for improving coordination among, and the coherence of the actions taken by, Union institutions, bodies, offices and agencies and Member States and international actors as regards combating violence against women and domestic violence and for developing and monitoring the implementation and transposition of Union policies to address gender-</u> | | |

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| | | <i><u>based violence. In particular, Member States shall transmit to the Union coordinator the information listed in Article 39a(2) and the data provided for in Article 44. On the basis of that information and data, the Union coordinator shall contribute every two years to reporting carried out by the Commission under this Directive on the progress made in the fight against violence against women.</u></i> |  | |
| Article 44 | | | | |
| 340 | Article 44 Data collection and research | Article 44 Data collection and research | Article 44 Data collection and research | |
| Article 44(1) | | | | |
| 341 | 1. Member States shall have a system in place for the collection, development, production and dissemination of statistics on violence against women or domestic violence, including the forms of violence referred to in Articles 5 to 10. | 1. Member States shall have a system in place for the <u>regular</u> collection, development, production and dissemination of statistics on violence against women or domestic violence, including the forms of violence referred to in Articles 5 to 10, <u>through qualitative and quantitative data</u> . | 1. Member States shall have a system in place for the collection, development, production and dissemination of statistics on violence against women or domestic violence, including the forms of violence referred to in Articles 5 to 10. | |
| Article 44(2) | | | | |
| 342 | 2. The statistics shall include the following data disaggregated by sex, age of the victim and of the offender, | 2. The statistics shall include the following <u>comparable</u> data disaggregated by sex <u>or gender</u> , age | 2. The statistics shall, as a minimum, include the existing data, available at a central level, | |

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| | relationship between the victim and the offender and type of offence: | of the victim and of the offender, relationship between the victim and the offender and type of offence, <u>whether the victim had a disability, and the context in which the offence took place:</u> | disaggregated by include the following data disaggregated by sex, age of the victim and of the offender, relationship between the victim and the offender and type of offence: | |
| Article 44(2), point (a) | | | | |
| 343 | (a) the number of victims who experienced violence against women or domestic violence during the last 12 months, last five years and lifetime; | (a) the number of victims who experienced violence against women or domestic violence during the last 12 months, last five years and lifetime; | (a) the number of victims who experienced violence against women or domestic violence during the last 12 months, last five years and lifetime; | |
| Article 44(2), point (b) | | | | |
| 344 | (b) the annual number of such victims, of reported offences, of persons prosecuted for and convicted of such forms of violence, obtained from national administrative sources. | (b) the annual number of such victims, of <u>offences</u> reported offences to law enforcement , of persons prosecuted for and convicted of such forms of violence, <u>of sentences imposed by type of offence, of dismissal or withdrawal of complaints and the reason for terminating investigations</u> , obtained from national administrative sources.; | (b) the annual number of such victims, of reported offences, of persons prosecuted for and convicted convictions of such forms of violence, obtained from national administrative sources. | |
| Article 44(2), point (ba) new | | | | |
| 344a | | <u>(ba) the motives, forms and impact of violence against women and domestic violence;</u> | | |

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| Article 44(2), point (bb) new | | | | |
| 344b | | <u>(bb) the number of victims who have been killed due to violence against women or domestic violence, and whether they had previously filed a complaint;</u> | | |
| Article 44(2), point (bc) new | | | | |
| 344c | | <u>(bc) the number of shelter and family places per Member State;</u> | | |
| Article 44(2), point (bd) new | | | | |
| 344d | | <u>(bd) the availability of victim support services, and the number of victims accessing support services or awaiting such services;</u> | | |
| Article 44(2), point (be) new | | | | |
| 344e | | <u>(be) the number of calls to national helplines.</u> | | |
| Article 44(3), first subparagraph | | | | |
| 345 | Member States shall conduct a population-based survey every 5 years using the harmonised methodology of the Commission (Eurostat) to gather the data referred to in paragraph 2, point (a), and on this basis assess the prevalence of | Member States shall conduct a population-based survey every 5 years using the harmonised methodology of the Commission (Eurostat) to gather the data referred to in paragraph 2, point (a), and on this basis assess the prevalence of | 3. Member States shall conduct a endeavour to conduct population-based survey every 5 years using the harmonised methodology of the Commission (Eurostat) to gather the data referred to in paragraph 2, point (a), and on this basis surveys at | |

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| | and trends in all forms of violence covered by this Directive. | and trends in all forms of violence covered by this Directive. | regular intervals to assess the prevalence of and trends in all forms of violence covered by this Directive. | |
| Article 44(3), second subparagraph | | | | |
| 346 | Member States shall transmit those data to the Commission (Eurostat) [3 years after the entry into force of the directive] at the latest. | Member States shall transmit those data to the Commission (Eurostat) [3 years after the entry into force of the directive] at the latest. | Member States shall transmit those data to the Commission (Eurostat) [3 years after the entry into force of the directive] at the latest. | |
| Article 44(4) | | | | |
| 347 | 4. In order to ensure administrative data comparability across the Union, Member States shall collect administrative data on the basis of common disaggregations developed in cooperation with and according to the methodology developed by the European Institute for Gender Equality in accordance with paragraph 5. They shall transmit this data to the European Institute for Gender Equality on a yearly basis. The transmitted data shall not contain personal data. | 4. In order to ensure administrative data comparability <u>and standardisation</u> across the Union, Member States shall collect administrative data <u>referred to in paragraph 2</u> on the basis of common disaggregations developed in cooperation with and according to the methodology developed by the European Institute for Gender Equality in accordance with paragraph 5 <u>and shall ensure that such data are available in a machine-readable format</u> . They shall transmit this data to the European Institute for Gender Equality on a yearly basis. <u>The European Institute for Gender Equality shall regularly publish a report based on the statistical data transmitted by the Member States</u> . The transmitted data shall not | 4. In order to ensure administrative data comparability across the Union, Member States shall endeavour to collect administrative data on the basis of common disaggregations developed in cooperation with and according to the methodology standards developed by the European Institute for Gender Equality in accordance with paragraph 5. They shall transmit this data to the European Institute for Gender Equality on a yearly basis. The transmitted data shall not contain personal data. | |

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| | | contain personal data. | | |
| Article 44(5) | | | | |
| 348 | 5. The European Institute for Gender Equality shall support Member States in the data gathering referred to in paragraph 2, point (b), including by establishing common standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of criminal offences. | 5. The European Institute for Gender Equality shall support Member States in the data gathering referred to in paragraph 2, point (b), including by establishing common standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of criminal offences. | 5. The European Institute for Gender Equality shall support Member States in the data gathering referred to in paragraph 2, point (b), including by establishing common standards on counting units, counting rules, common disaggregations, reporting formats, and on the classification of criminal offences taking into account the requirements set out in paragraph 2. | |
| Article 44(6) | | | | |
| 349 | 6. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data. | 6. The Member States shall make the collected statistics available to the public <u>in an easily accessible manner</u> . The statistics shall not contain personal data. | 6. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data. | |
| Article 44(7) | | | | |
| 350 | 7. The Member States shall support research on root causes, effects, incidences and conviction rates of the forms of violence covered by this Directive. | 7. The Member States shall support research on root causes, effects, incidences and conviction rates, <u>including intersectional discrimination</u> , of the forms of violence covered by this Directive, <u>using the experiences of both victims and offenders in close</u> | 7. The Member States shall support research on root causes, effects, incidences and conviction rates of the forms of violence covered by this Directive. | |

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| | | <u>cooperation with relevant competent authorities and specialist support service. Such research shall enable the identification of failures in protection and serve to improve and further develop preventive measures.</u> | | |
| Article 44(7a) | | | | |
| 350a | | <u>7a. Member States shall ensure that the data referred to in paragraph 2 are collected independently from other data collection obligations under international and Union law.</u> | | |
| Article 44a | | | | |
| 350b | | <u>44a Member States shall allocate sufficient, predictable and sustainable resources, including funding and human resources, to the implementation of all the actions laid down in this Directive. Funding shall be made available to state bodies and agencies and to other relevant actors such as non-governmental organisations, including women's specialist support services, who carry out actions as laid down in this Directive.</u> | | |
| CHAPTER 7 | | | | |

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| 351 | CHAPTER 7 FINAL PROVISIONS | CHAPTER 7 FINAL PROVISIONS | CHAPTER 7 FINAL PROVISIONS | |
| Article 45 | | | | |
| 352 | Article 45 Amendment to Directive 2011/93/EU | Article 45 Amendment to Directive 2011/93/EU | Article 45 Amendment to Directive 2011/93/EU | |
| Article 45, first paragraph | | | | |
| 353 | In Article 3 of Directive 2011/93/EU, the following paragraphs are added: | In Article 3 of Directive 2011/93/EU, the following paragraphs are added: | In Article 3 of Directive 2011/93/EU, the following paragraphs are added: | |
| Article 45, first paragraph, amending provision, numbered paragraph (7) | | | | |
| 354 | “ 7. Member States shall ensure that the following intentional conduct shall be punishable by a maximum term of imprisonment of at least 12 years: | “ 7. Member States shall ensure that the following intentional conduct shall be punishable by a maximum term of imprisonment of at least 12 years: | 7. Member States shall ensure that the following intentional conduct shall be punishable by a maximum term of imprisonment of at least 12 years: | |
| Article 45, first paragraph, amending provision, numbered paragraph (7), point (a) | | | | |
| 355 | (a) engaging with a child below the age of sexual consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object; | (a) engaging with a child below the age of sexual consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object; | (a) engaging with a child below the age of sexual consent in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object; | |
| Article 45, first paragraph, amending provision, numbered paragraph (7), point (b) | | | | |

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| 356 | (b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object. | (b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object. | (b) causing a child below the age of sexual consent to engage with another person in any act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object. | |
| Article 45, first paragraph, amending provision, numbered paragraph (8) | | | | |
| 357 | 8. Where the child is above the age of sexual consent and does not consent to the act, Member States shall ensure that the conduct set out in paragraph 7 is punishable by a maximum term of imprisonment of at least 10 years. | 8. Where the child is above the age of sexual consent and does not consent to the act, Member States shall ensure that the conduct set out in paragraph 7 is punishable by a maximum term of imprisonment of at least 10 years. | 8. Where the child is above the age of sexual consent and does not consent to the act, Member States shall ensure that the conduct set out in paragraph 7 is punishable by a maximum term of imprisonment of at least 10 years. | |
| Article 45, first paragraph, amending provision, numbered paragraph (9), first subparagraph | | | | |
| 358 | For the purpose of paragraph 8, Member States shall ensure that a non-consensual act is understood as an act which is performed without the child's consent given voluntarily, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, including the child's physical or mental condition such as a state of unconsciousness, intoxication, sleep, illness or bodily injury. | <u>9.</u> For the purpose of paragraph 8, Member States shall ensure that a non-consensual act is understood as an act which is performed without the child's consent given voluntarily, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, including the child's physical or mental condition such as a state of <u>fear, intimidation, unconsciousness, intoxication, sleep, illness or bodily injury, disability or being in an otherwise particularly vulnerable situation.</u> | For the purpose of paragraph 8, Member States shall ensure that a non-consensual act is understood as an act which is performed without the child's consent given voluntarily, or where the child is unable to form a free will due to the presence of circumstances referred to in paragraph 5, including the child's physical or mental condition such as a state of unconsciousness, intoxication, sleep, illness or bodily injury. | |

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| Article 45, first paragraph, amending provision, numbered paragraph (9), second subparagraph | | | | |
| 359 | Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the child's silence, verbal or physical non-resistance or past sexual conduct. | Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the child's silence, verbal or physical non-resistance or past sexual conduct <u>or existing or past relationship with the offender. Consent shall be assessed in the context of the surrounding circumstances."</u> | Consent can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the child's silence, verbal or physical non-resistance or past sexual conduct. | |
| Article 46 | | | | |
| 360 | Article 46 Level of protection | Article 46 Level of protection | Article 46 Level of protection | |
| Article 46, first paragraph | | | | |
| 361 | This Directive establishes minimum rules. Member States may introduce or maintain provisions with higher standards, including such which provide a higher level of protection and support for victims. | This Directive establishes minimum rules. Member States may introduce or maintain provisions with higher standards, including such which provide a higher level of protection and support for victims. | This Directive establishes minimum rules. Member States may introduce or maintain provisions with higher standards, including such which provide a higher level of protection and support for victims. | |
| Article 47 | | | | |
| 362 | Article 47 Reporting | Article 47 Reporting | Article 47 Reporting and review | |
| Article 47(1) | | | | |

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| 363 | 1. By [seven years after the entry into force of this Directive] at the latest, Member States shall communicate to the Commission all relevant information concerning the application of this Directive necessary for the Commission to draw up a report on the application of this Directive. | 1. By [seven <u>five</u> years after the entry into force of this Directive] at the latest, <u>and every five years thereafter</u> , Member States shall communicate to the Commission all relevant information concerning the application of this Directive necessary for the Commission to draw up a report on the application of this Directive. | 1. By [seven years after the entry into force of this Directive <u>seven years after the entry into force of this Directive</u>] at the latest, Member States shall communicate to the Commission all relevant <u>available</u> information concerning the application of this Directive necessary for the Commission to draw up a report on the application of this Directive. | |
| Article 47(2) | | | | |
| 364 | 2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive. | 2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall <u>regularly, and in accordance with the reporting obligations of Member States under this Directive</u> , submit to the European Parliament and the Council a report in which it reviews the application of this Directive. | 2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive. | |
| Article 48 | | | | |
| 365 | Article 48 Relationship with other Union acts | Article 48 Relationship with other Union acts | Article 48 Relationship with other Union acts | |
| Article 48(1) | | | | |
| 366 | 1. This Directive shall not affect the application of the following legal | 1. This Directive shall not affect the application of the following legal | 1. This Directive shall not affect the application of the following legal | |

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| | acts: | acts: | acts: | |
| Article 48(1), point (a) | | | | |
| 367 | (a) Directive 2011/36/EU, | (a) Directive 2011/36/EU, | (a) Directive 2011/36/EU, | |
| Article 48(1), point (b) | | | | |
| 368 | (b) Directive 2011/93/EU, | (b) Directive 2011/93/EU, | (b) Directive 2011/93/EU, | |
| Article 48(1), point (c) | | | | |
| 369 | (c) Directive 2011/99/EU, | (c) Directive 2011/99/EU, | (c) Directive 2011/99/EU, | |
| Article 48(1), point (d) | | | | |
| 370 | (d) Directive 2012/29/EU, | (d) Directive 2012/29/EU, | (d) Directive 2012/29/EU, | |
| Article 48(1), point (e) | | | | |
| 371 | (e) Regulation (EU) No 606/2013, | (e) Regulation (EU) No 606/2013, | (e) Regulation (EU) No 606/2013, | |
| Article 48(1), point (f) | | | | |
| 372 | (f) [Regulation (EU) .../... on a Single Market for Digital Services]. | (f) [Regulation (EU) .../... on a Single Market for Digital Services]. | (f) [Regulation (EU) .../... on a Single Market for Digital Services] 2022/2065. | |
| Article 48(2) | | | | |
| 373 | 2. The specific measures of | 2. The specific measures of | 2. The specific measures of | |

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| | prevention, protection of and support to victims under this Directive shall apply in addition to measures laid down in Directives 2011/36/EU, 2011/93/EU and 2012/29/EU. | prevention, protection of and support to victims under this Directive shall apply in addition to measures laid down in Directives 2011/36/EU, 2011/93/EU and 2012/29/EU. | prevention, protection of and support to victims under this Directive shall apply in addition to measures laid down in Directives 2011/36/EU, 2011/93/EU and 2012/29/EU. | |
| Article 48bis | | | | |
| 373a | | | Article 48bis Freedom of the press and the freedom of expression in other media | |
| Article 48bis, first paragraph | | | | |
| 373b | | | This Directive shall not affect special liability regimes relating to fundamental principles on to the freedom of the press and the freedom of expression in protected media which exist in Member States at the time of adoption of this Directive, provided these provisions can be applied in full compliance with the Charter. | |
| Article 49 | | | | |
| 374 | Article 49 Non-regression clause | Article 49 Non-regression clause | Article 49 Non-regression clause | |
| Article 49, first paragraph | | | | |
| 375 | Nothing in this Directive shall be | Nothing in this Directive shall be | Nothing in The implementation of | |

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| | construed as lowering, limiting or derogating from any of the rights and procedural safeguards that are guaranteed under the law of any Member State which provides a higher level of protection. Member States shall not lower that higher level of protection guaranteed at the time of entry into force of this Directive. | construed as lowering, limiting or derogating from any of the rights and procedural safeguards that are guaranteed under <u>international instruments binding on Member States and under</u> the law of any Member State which provides a higher level of protection. Member States shall not lower that higher level of protection guaranteed at the time of entry into force of this Directive. | this Directive shall be construed as lowering, limiting or derogating from any of the rights and procedural safeguards that are guaranteed under the law of any Member State which provides a higher level of protection. not constitute grounds for justifying a reduction in the level of protection of victims. The prohibition of such a reduction in the level of protection shall be without prejudice to the right of Member States shall not lower that higher level of protection guaranteed at the time to lay down, in light of changing circumstances, legislative or regulatory arrangements other than those in force on the date of entry into force of this Directive, provided that the minimum requirements laid down in this Directive are complied with. | |
| Article 50 | | | | |
| 376 | Article 50 Transposition | Article 50 Transposition | Article 50 Transposition | |
| Article 50(1), first subparagraph | | | | |
| 377 | Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by | Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by | 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by | |

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| | [two years after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions. | [two years after entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions. | [two years after entry into force] three years after entry into force at the latest. They shall forthwith communicate to the Commission the text of those provisions. | |
| Article 50(1), second subparagraph | | | | |
| 378 | When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. | When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. | When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. | |
| Article 50(2) | | | | |
| 379 | 2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. | 2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. | 2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. | |
| Article 51 | | | | |
| 380 | Article 51 Entry into force | Article 51 Entry into force | Article 51 Entry into force | |
| Article 51, first paragraph | | | | |
| 381 | This Directive shall enter into force on the twentieth day following that | This Directive shall enter into force on the twentieth day following that | This Directive shall enter into force on the twentieth day following that | |

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| | of its publication in the Official Journal of the European Union. | of its publication in the Official Journal of the European Union. | of its publication in the Official Journal of the European Union. | |
| Article 52 | | | | |
| 382 | Article 52 Addressees | Article 52 Addressees | Article 52 Addressees | |
| Article 52, first paragraph | | | | |
| 383 | This Directive is addressed to the Member States in accordance with the Treaties. | This Directive is addressed to the Member States in accordance with the Treaties. | This Directive is addressed to the Member States in accordance with the Treaties. | |
| Formula | | | | |
| 384 | Done at Strasbourg, | Done at Strasbourg, | Done at Strasbourg, | |
| Formula | | | | |
| 385 | For the European Parliament | For the European Parliament | For the European Parliament | |
| Formula | | | | |
| 386 | The President | The President | The President | |
| Formula | | | | |
| 387 | For the Council | For the Council | For the Council | |
| Formula | | | | |

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| 388 | The President | The President | The President | |

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