



**European Women's Lobby amendments - Directive on combating violence and domestic violence**

<p style="text-align: center;"><b>Article 1 – Subject matter</b></p> <p>This Directive lays down rules to prevent and combat violence against women and domestic violence. It establishes minimum rules concerning:</p> <p>(a) the definition of criminal offences and penalties in the areas of sexual exploitation of women and children and computer crime;</p> <p>(b) the rights of victims of all forms of violence against women or domestic violence before, during or after criminal proceedings;</p> <p>(c) victims' protection and victims' support.</p>	<p style="text-align: center;"><b>Article 1 – Subject matter</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p><b>This Directive calls on the European Commission to propose the inclusion of the crime of violence against women and girls in the list of areas of crime where the European Parliament and the Council may establish minimum rules concerning the definition of criminal offences and sanctions applicable in all EU Member States as foreseen in the article 83(1) of the Treaty of the functioning of the EU (TFEU).</b></p>
<p><b><u>Justification:</u></b></p> <p>We find strongly that the requirements for this as per Article 83(1) of the TFEU, are met. In addressing these criteria, firstly, the <b>seriousness of VAWG</b> is clear, given the arguments provided already in international practices, and existing data provided at national, EU and international level. Secondly, with regard to the cross-border dimension of VAWG, we recognise that Article 83(1) of the TFEU speaks about the need for harmonising crimes that have a cross-border dimension “resulting from the need to combat them on a ‘common basis’”. This is further justified in looking at the transposition of trafficking in human beings and sexual exploitation of women and children as a crime under Article 83(1) into legislation. Indeed, the Council of Europe Convention on Action against Trafficking in Human Beings applies to ‘all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime’. Similarly, in Directive No. 2011/36 on preventing and combating trafficking in human beings and protecting its victims, no reference is made to the cross-border dimension of the crime. Therefore, we recognise that the cross-border requirement can be overcome through the need for EU member states to address this phenomenon on a ‘common basis’. Women and girls should benefit from the same rights and level of protection regardless of the place they live in the EU.</p>	

<p><b>Article 2 - Victims at an increased risk of violence and specific risks</b></p> <p>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).</p> <p>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.</p>	<p><b>Article 2 - Victims at an increased risk of violence and specific risks</b></p> <p><b>Proposed amendment</b></p> <p>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 <b>intersectional</b> grounds, <b>e.g. age, race, ethnicity, sexual orientation, disability, migration status, and socioeconomic class</b> 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).</p>
<p><b>Justification:</b> Harmonisation with the wording of the Istanbul Convention.</p>	

<p><b>Article 4 – Definitions</b></p> <p>For the purposes of this Directive, the following definitions shall apply:</p> <p>(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;</p> <p>(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;</p> <p>(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;</p>	<p><b>Article 4 – Definitions</b></p> <p><b>Proposed amendment</b></p> <p>(a) “violence against women” <b>is understood as a violation of human rights and a form of discrimination against women and shall</b> means <del>all acts of</del> gender-based violence that are 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; <b>violence against women has deeply rooted structures in the patriarchal system; it is one of the crucial social mechanisms by which women are forced into a subordinate position compared to men.</b></p> <p>(b) “domestic violence” means all acts of <b>gender-based violence against women and girls</b>, 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>women are disproportionately affected by this violence.</b></p> <p>(c) “victim” means any person, <del>regardless of sex or gender, unless specified otherwise</del>, who has suffered harm, which was directly caused by acts of violence covered under this Directive, including child witnesses of</p>
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<p>(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 technologies;</p> <p>(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;</p> <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 Council<sup>17</sup> [Regulation on a Single Market for Digital Services];</p> <p>(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;</p> <p>(h) “child” means any person below the age of 18 years;</p> <p>(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;</p> <p>(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.</p>	<p>such violence; <b>women and their children are overwhelmingly victims of the violence covered under this Directive; Women experiencing discrimination based on a combination of sex and other intersectional grounds – e.g. age, race, ethnicity, sexual orientation, disability, migration status, and socioeconomic class – are particularly affected.</b></p> <p><b>d) “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;</b></p> <p><b>e) Sexual exploitation of women and girls is understood as any actual or attempted abuse of a position of vulnerability, differential power or trust, including, but not limited to, profiting monetarily, socially or politically from sexual acts with another person and from the commercialisation of a woman’s body. The exploitative element refers to the achievement of power or domination over another person for the purpose of: sexual gratification, financial gain or advancement, and preserving and asserting domination to exert social or financial control over girls’ and women’s sexuality and their reproductive health.</b></p> <p>(f) “cyber violence” means any act of violence <b>against women, domestic violence, and/or any act of violence</b> covered by this Directive that is committed, assisted or aggravated in part or fully by the use of information and communication technologies; <b>online violence against women is understood as any act of gender-based cyber violence against a woman because she is a woman or affects women disproportionately.</b></p> <p>(h) “sexual harassment <del>at work</del>” means any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that occurs in the course of, linked with, or arising in matters of employment, occupation and self-employment, <b>but also in any other area of life</b>, with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment; women who are disproportionately affected by sexual harassment.</p>
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**Justification:**

It is essential to recognise that violence against women is a human rights violation, as per Beijing and Istanbul Convention language. Victims of human rights violations get access to remedies and the State is due diligent to act for reparation and provide access to justice.

The Directive would benefit from a stronger gender-sensitive approach, recognising that women and girls form the overwhelming majority of victims of violence, with women and girls affected by intersecting forms of discrimination, e.g. women and girls with disabilities, older women, asylum seeker women and girls, migrant women, women of colour, Roma women and girls, women with underlying health conditions, and women impacted by prostitution, even more severely impacted. VAWG is deeply rooted in our society and in the social construction around the roles which women and men should perform. See: Fundamental Rights Agency, Violence against women: an EU-wide survey, 2014: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf).

The Directive should include Sexual harassment as a criminal offence in the field of work, as per existing EU anti-discrimination directives, and any other sphere of life as per legal basis on sexual exploitation(see Proposed article under chapter 2).

The Directive should have a definition on sexual exploitation of women, as per the specific reference in Article 83.1 TFEU. The proposed definition of sexual exploitation has been drafted in view of existing definition in the Explanatory memorandum of the EC's proposal.

#### Article 5 – Rape

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

(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 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.

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.

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.

#### Article 5 – Sexual violence, including rape and stealthing

##### Proposed amendment

1. Member States shall ensure that the following intentional conduct is punishable as the criminal offence of **sexual violence**:

**a) engaging in other non-consensual acts of a sexual nature with a person;**

**b) causing another person to engage in non-consensual acts of a sexual nature with a third person.**

2. Member States shall ensure that the following intentional conduct is punishable as the criminal offence of **rape**:

c) engaging with a woman in any non-consensual act of vaginal, anal, or oral penetration of a sexual nature, with any bodily part or object; or

(d) 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.

3. **Member States shall ensure that the following intentional conducts are punishable as the criminal offence of stealthing:**

**a) intentionally and secretly ceasing to use any method of prophylaxis or reproductive control during a sexual act without the consent of the victim.**

4. Member States shall ensure that a non-consensual act is understood as an act performed without the woman's consent given voluntarily or where the woman is unable to form **or express** free will due to her physical, mental **or/and socioeconomic condition or due to an unequal balance of power**; thereby exploiting her incapacity to form **or express a** free will, such as ~~in~~ a state of **fear**, unconsciousness, intoxication, **chemical submission**, sleep, illness, bodily injury, disability, **precarity or intimidation**.

5. 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 **or relationship with the perpetrator. Consent is needed for each separate sexual act.**

	<p><b>6. The provisions of paragraphs 1, 2 and 3 apply to acts committed against former or current spouses or partners as recognised by internal law.</b></p>
<p><b><u>Justification:</u></b></p> <p>Proposing to enlarge the scope to sexual violence, including rape, as per the definitions in the Istanbul Convention; and ensuring that sexual violence in the framework of a relationship is also criminalised. Adding stealthing as a form of sexual violence to criminalise the intentional and secret non-consensual removal of any profilaxis or reproductive control method during a sexual act.</p> <p>Adding fear and chemical submission as an element that prevents forming free will and consent to a sexual act.</p> <p>Adding the <b>socio-economic condition</b> of women as a criteria to take into account within the framework of giving free and full consent is important since it will allow the Directive to be more comprehensive and to protect women victims of sexual exploitation and prostitution who suffer from precarity and in most cases, from intimidation and pressures coming from pimps and traffickers and are therefore, not able to give full and free consent.</p> <p>Adding the <b>unequal ratio of power</b> or hierarchy as a criteria to take into account within the framework of giving free and full consent is also important since a woman with good physical, mental and socio-economic conditions can still be victim of rape because of pressures and intimidation imposed, for example, in the context of a hierarchical situation.</p>	

	<p style="text-align: center;"><b>Ad hoc Article 6 - Sexual Harassment</b></p> <p style="text-align: center;"><b>NEW</b></p> <p><b>Member States shall ensure that the following intentional forms of conduct are punishable as criminal offences:</b></p> <p><b>(a) any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.</b></p>
<p><b><u>Justification:</u></b></p> <p>Adding Sexual Harassment as a criminal offence: There is a need to expand the scope of the current EU anti-discrimination legislation that is limited to the field of work and vocational training, along with the provision of and access to goods and services. However, current EU legislation only recognises harassment and sexual harassment as a form of discrimination but not as a human rights violation. The current EU legislation has not proven sufficiently effective to combat these phenomena in practice. There is a need to expand the concept beyond the working environment, in line with the Istanbul Convention. In most countries, the scope of the prohibition on sex-based harassment and sexual harassment is already wider than in EU law, and in some of those countries, harassment and sexual harassment are prohibited in all spheres of life. This seems to indicate that states consider the current EU legal framework as insufficient to fully address sexual harassment.</p> <p>The provisions should apply to acts committed to all spheres of life including the field of work that is already covered by Recast Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation; Directive 2004/113/EC on implementing the principle of equal treatment between men and women in the access to and supply of goods and services and Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity.</p>	

<p><b>Article 6 - Female genital mutilation</b></p> <p>Member States shall ensure that the following intentional conduct is punishable as a criminal offence:</p> <p>(a) excising, infibulating or performing any other mutilation to the whole or any part of the labia majora, labia minora or clitoris;</p> <p>(b) coercing or procuring a woman or a girl to undergo any of the acts referred to in point (a).</p>	<p><b>Article 76 - Female genital mutilation</b></p> <p><b>Proposed amendment</b></p> <p><b>(b) coercing a woman or a girl to undergo any of the acts referred to in point (a) and any type of dangerous elective surgery such as aesthetic vaginoplasties (“designer vaginas”) or labiaplasties, “virginity repair” surgery known as hymenoplasty, vaginal dilations, hormone treatment, etc.</b></p> <p>(c) coercing or procuring a woman or a girl to undergo any of the acts referred to in point (a) <b>and (b).</b></p>
<p><b><u>Justification:</u></b></p> <p>Additionally to the criminalisation of female genital mutilation, <b>women and girls should also be protected from other harmful practices (i.e. dangerous elective surgeries)</b> that promote their hypersexualisation whereas they should never be coerced to undertake such surgeries and must be informed of the risks deriving from these. This is why all forms of coercive harmful practices should be included in the final version of the Directive.</p>	

	<p><b>Ad hoc article 8- Forced marriage</b></p> <p><b>NEW</b></p> <p><b>Member States shall ensure that the following intentional forms of conduct are punishable as criminal offences:</b></p> <p>a) forcing an adult or a child to enter into marriage.</p> <p>b) intentional conduct of luring an adult or a child to the territory of a member State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage.</p>
<p><b><u>Justification:</u></b></p> <p>Forced marriage - including child marriage - which refers to a marriage in which one or both parties have not given free and/or full consent and which disproportionately affects women and girls. Forced marriage is a form of violence against women that affects their right to found a family, undermines their free and full consent as well as their freedom of choice and threat their physical integrity. It is criminalised by the Istanbul Convention in article 37 in the same exact wording as proposed above. It is a violation of the Universal Declaration of Rights (1948) in which it is stated that “Marriage shall be entered into only with the free and full consent of the intending</p>	

spouses" (article 16)<sup>1</sup> . It is also recognised as a form of domestic violence by the European Agency for Fundamental Rights<sup>2</sup>.

#### Ad hoc article 9- Forced abortion

**NEW**

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

performing an abortion or coercing a woman to endure a forced abortion which refers to the action of triggering an abortion without her prior and informed consent.

#### **Justification:**

Forced abortions are a form of violence against women, defined as a criminal offense by the Istanbul Convention (article 39). They affect the physical integrity and psychological state of women while undermining their freedom of choice and their consent. It is also a violation of their right to found a family as guaranteed in article 9<sup>3</sup> of the [Charter of Fundamental Rights of the European Union](#). Women with disabilities, women from minority groups and adolescent girls are particularly exposed to this threat.

#### Ad hoc article -10- Forced sterilisation<sup>4</sup>

**NEW**

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

performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.

2. Member States shall ensure that the prior and informed consent of the woman to undergo surgery as referred to in Paragraph 1 cannot be replaced by the consent of a parent, legal guardian or court decision.

<sup>1</sup> udhr.pdf (un.org)

<sup>2</sup> Addressing forced marriage in the EU: legal provisions and promising practices (europa.eu)

<sup>3</sup> [EUR-Lex - 12012P/TXT - EN - EUR-Lex \(europa.eu\)](#)

<sup>4</sup> This amendment has been written based on the European Disability Forum Proposal

**Justification:**

Forced sterilisations are a form of violence against women, a human rights violation and exploitation of one's body with permanent and irreversible effects, as they affect the physical integrity and psychological state of women while undermining their freedom of choice and their consent. Forced sterilisation is prohibited by the UN Convention on the Rights of Persons with Disabilities ratified by the EU and all its Member States (General Comment No. 3), and by the Istanbul Convention (article 39).

The [General Recommendation n°19](#) of the CEDAW mentions that "compulsory sterilisation adversely affects women's physical and mental health, and infringes the right of women to decide on the number and spacing of their children"<sup>5</sup>. [General Recommendation n°24](#)<sup>6</sup> further states that it violates women's rights to informed consent and dignity. The proposal should highlight the need to dedicate particular attention and support to women with disabilities and minoritised groups like Roma and Traveller women who face higher risk of suffering from this kind of violence. <sup>7</sup>

Forced sterilisations are still allowed under the legislation of at least 14 EU Member States: Austria, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Hungary, Latvia, Lithuania, Malta, Portugal and Slovakia. These countries authorise either a guardian, a legal representative, an administrator or a doctor to consent to the sterilisation of a person with disabilities. Currently, only 9 EU Member States specifically criminalise forced sterilisation as a distinct criminal offence.

**Ad hoc article 11 - Sexual violence,  
commercialisation of women's bodies and  
reproductive exploitation of women**

**NEW**

**Member States shall ensure that the commercialisation of a woman's body for the obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude, or other kinds of sexual or reproductive services such as surrogacy, including pornographic acts or the production of pornographic materials, is punishable as criminal under this offence.**

**Member States should ensure that such conduct should be considered a criminal offence when the perpetrator is an EU citizen even if the offence is committed outside the EU against a non-EU resident victim.**

**Justification:**

***Updated amendments on surrogacy and pornography will be provided as soon as possible***

**Prostitution** is male violence against women and girls, which is made possible through a system of neo-liberal and patriarchal exploitation of women's and girls' bodies and sexualities. Prostitution is not a matter of choice, but of patriarchy and violation of women's SRHR and human rights. The Equality Model which entails the support and protection of women and girls in prostitution, the provision of exit services, including re-socialisation and job

<sup>5</sup> [Refworld | CEDAW General Recommendation No. 19: Violence against women](#)

<sup>6</sup> [INT CEDAW GEC 4738 E.pdf \(ohchr.org\)](#)

<sup>7</sup> [https://www.edf-feph.org/content/uploads/2020/12/edf\\_forced-sterilisation\\_8-accessible\\_6.pdf](https://www.edf-feph.org/content/uploads/2020/12/edf_forced-sterilisation_8-accessible_6.pdf)



alternatives, and the criminalisation of all forms of coercion and procuring including the purchase of sex should be adopted at the European level. With this model, women and girls in prostitution that were coerced into prostitution are not criminalised, contrary to the third parties who exploited them and made profits out of this violence. Pimps, traffickers and so-called 'buyers' should always be held accountable and condemned for actively taking part in this human rights' violation. Similarly, the EWL warns on the increasing trend of so-called phenomena like "escorting", "sugar dating" and "sex-for-rent" that affect especially underaged girls and women in their early twenties struggling to earn a decent living live decently during their studies. Men using the precarious living conditions of these girls and women to benefit from sexual favours should be held accountable and condemned.

**Surrogacy** is a form of reproductive exploitation using women's bodies to reproduce children for a third party with or without financial agreement. It is a form of commodification of women's bodies: no matter the regulation or the nature of the contract, it still remains an exploitation of the woman's body and her reproductive organs. It is a form of industry that is embedded in the patriarchal system and takes profit from the exploitation of the poorest and more at risk women and girls. Within the surrogacy system, those called "third party mediators" (clinics, traffickers), often exploit poor women, migrant women or women from other at risk groups. It is important to counteract the narrative that surrogacy is legitimate when it is non-commercial. The risks to the mother's health are transversal to surrogacy. Therefore, surrogacy practice should be banned in EU Member States, including the international use of surrogacy. No woman who engages in surrogacy should face prosecution but should instead be treated as a victim of sexual and reproductive exploitation. Third parties found to be seeking to profit from engaging in organisation of surrogacy should be criminalised and face serious sanctions.

**Pornography** is recorded prostitution. It entails and encourages the objectification of women's and girls' bodies and sexualities and violence against women and girls, playing a key role in shaping boy's and men's conceptions of sexual relationships and experiences by promoting the commodification of women and girls, and prioritisation of men's access to women's bodies and sexuality. Moreover, pornography cannot be tackled without denouncing the actual exploitation of women and girls to be found on pornographic websites. Indeed, pornography is publicly broadcasting sexual assaults, rapes and acts of torture as well as racist and sexist violence whether they are verbal, physical or sexual. It is often used as a means of grooming women for traditional prostitution and victims of sex trafficking are often filmed.

	<p style="text-align: center;"><b>Ad hoc Article 12- Offences concerning sexual exploitation: pimping, procuring and running a brothel<sup>8</sup></b></p> <p style="text-align: center;"><b>NEW</b></p> <p><b>Member States shall ensure that the following intentional conducts are punishable as a criminal offences:</b></p> <ol style="list-style-type: none"> <li><b>1. Procuring, hiring, or enticing another person for the purpose of prostitution;</b></li> <li><b>2. Obtaining any profit from the prostitution of another person;</b></li> <li><b>3. Helping, assisting, or protecting the prostitution of another;</b></li> <li><b>4. Maintaining, monitoring, running, financing, or managing a brothel or any place suspected of accommodating prostitution;</b></li> </ol>
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<sup>8</sup> This amendment was written in cooperation with the Coalition for the Abolition of Prostitution (CAP International).

	<p><b>5. Knowingly letting or renting a building or other place or any part thereof for the purpose of the prostitution of others.</b>  <b>In addition, the following actions will be understood as pimping and procuring; and be met with the same punishment:</b>  <b>6. Attempts to commit the above-mentioned acts or offenses;</b>  <b>7. Acting as an intermediary or accomplice to the above-mentioned acts;</b>  <b>8. Disseminating advertisements that promote prostitution.</b></p>
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**Justification:**

The directive proposal by the European Commission includes the crime of “sexual exploitation”. In both EU (Anti-trafficking directive) and international law (Palermo Protocol), the “exploitation of prostitution of others” is considered to be a “form of sexual exploitation”. Under international human rights law, the scope of States’ obligations to suppress all forms of “exploitation of the prostitution of others” is defined in the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The latter prohibits the exploitation of prostitution in all its forms and enshrines the criminalisation of any person who makes a profit from, or facilitates, the prostitution of another person, even with the consent of that person. In addition, article 6 of the CEDAW Convention (ratified by all 27 members of the EU) expressly call on States to eliminate “all forms of traffic in women and exploitation of prostitution of women”.

In EU law, the Directive 2011/93/EU on “combating the sexual abuse and sexual exploitation of children and child pornography”, recognises that “sexual exploitation” includes “recruiting”, “profiting from” or “otherwise exploiting” the prostitution or pornography of another person (in this context, a child). The European Parliament further recognises in its resolution of 26th of February 2014 A7-0071/2014 “on sexual exploitation and prostitution and its impact on gender equality” that the term “sexual exploitation” includes above all prostitution and its exploitation.

	<p style="text-align: center;"><b>Ad hoc Article 13 on Purchase of sex<sup>9</sup></b></p> <p style="text-align: center;"><b>NEW</b></p> <p><b>Member States shall take the necessary measures to ensure that the intentional conduct referred to below is punishable:</b></p> <p><b>Soliciting, accepting or obtaining relations of a sexual nature from a person, including on an occasional basis, in exchange for remuneration, a promise of remuneration, the provision of benefits in kind or the promise of such benefits.</b></p>
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**Justification:** Several hundreds of thousands of women and children are trafficked within, and to, the EU for one reason: meeting the male demand for paid sex and generating huge profits for brothel owners, pimps and traffickers. According to the ILO, trafficking in human beings generates 150 billion USDs of profit every year. 66% of these profits are made in one criminally controlled activity, the sex trade.

<sup>9</sup> This amendment was written in cooperation with the Coalition for the Abolition of Prostitution (CAP International).

The international and EU anti-trafficking frameworks recognise that the exploitation of prostitution is one of the main “purposes” and “destinations” of the trafficking crime and urges States to adopt or strengthen measure, including legislative, to “discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”.

The European Parliament and the Parliamentary Assembly of the Council of Europe have already recognised that the criminalisation of the purchase, not the selling, of sex is a “way of combating the trafficking of women and under-age females for sexual exploitation and improving gender equality”.

In addition, the definition pertaining “sexual exploitation” chosen by the European Commission in the Directive proposal is borrowed directly from the United Nations policy on sexual exploitation and abuse (PSEA). This major UNSG bulletin expressly states that “sexual exploitation” includes «exchange of money, employment, goods or services for sex» which is formally prohibited.

**Article 7 - Non-consensual sharing of intimate or manipulated material**

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

- (a) making 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;
- (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;
- (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 14-7 - ~~Non-consensual~~ Producing and/ or sharing of intimate or manipulated material without the victim’s consent, and of materials depicting acts of sexual violence**

**Proposed amendment**

- (a) making intimate images or videos or other material depicting sexual activities, ~~the~~ nudity or intimate areas of another person without that person’s consent **for the purpose of sexual gratification, humiliation, financial benefit, and/or for making such** accessible to other a ~~multitude of~~ end-users by means of information and communication technologies;
- (b) producing or manipulating and subsequently making accessible to other 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;
- c) producing and/ making and or distributing photos or videos of women’s nudity or private areas for the purpose of sexual gratification, financial benefit, and/or distribution without the consent of the victim; making such accessible to other end-users by means of information and communication technologies;**
- d) producing and making photos or videos or any other material depicting acts of sexual exploitation and sexual violence, especially as per Articles 5 and 13, [including new articles on sexual violence, rape, stealthing, and prostitution] for the purpose of sexual gratification and/or for making such** accessible to other end-users by means of information and communication technologies;
- (e) threatening to engage in the conduct referred to in points (a), (b), **(c), (d)** in order to coerce another person to do, acquiesce, or refrain from a certain act.

	<b>Member States shall consider the offence in: point a) in the framework of offenses of sexual violence and intimate partner violence; and point d) in the framework of sexual exploitation offences [Article 5 to 13 ] and not as isolated events.</b>
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**Justification:**

Remove reference to multitude-end- users: EWL shares the consideration of the European Economic and Social Committee in its opinion on combating violence against women ([SOC/726-EESC-2022](#)) on the requirement for material to have been made accessible to a "multitude of end-users" is "ambiguous, vague and highly open to interpretation, and does not deal with the real reputational harm which is sometimes greater if the material is shared only with people from the victim's close social, family or work circles". The lack of consent and public exposure should constitute the offence in and of themselves without the need to assess whether material has been shared with a multitude of users or whether it was actually just shared with many or a fair number of users.

**Non-consensual sharing of intimate material** should be broadened to **Producing and/ or sharing of intimate or manipulated material without victims consent, and materials depicting sexual violence acts.**

It should not only refer to sexual acts but also images of nudity or intimate parts of the victim; EWL calls on renaming the article and on the inclusion of two additional criminal acts:

- Creepshots; making and/or distributing photos or videos of women's nudity or private areas
- Producing and/or sharing pornographic materials depicting acts of sexual exploitation or sexual violence.

Actual **exploitation of women and girls to be found on pornographic websites**, publicly broadcasting sexual assaults, rapes and acts of torture. It is often used as a means of grooming women for traditional prostitution and victims of sex trafficking are often filmed. Various testimonies coming from women previously exploited in this "industry" confirm that they were very often coerced to do practices at the last moment, while the camera was already shooting and when the producers would not allow them to stop<sup>10</sup>.

Indeed, kids are exposed to pornography at a very early stage since the average age of a child first's exposure to pornography is 12 years old. In addition to the trauma it causes, it shapes their notions of sexuality as we can notice an overwhelming rise of dangerous practices among teenagers. It plays a pernicious role in shaping boys', men's, girls' and women's conceptions of relationships, bodies and desire. It can have the same traumatic consequences as sexual violence.

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<sup>10</sup> Women in pornography have also been denouncing the frequent use of drugs or alcohol that is encouraged to overcome the trauma caused by the scenes they had to shoot and the times they were blackmailed to not be paid if they refused an act. Extremely affected physically these women and girls are also more prone to experience mental issues than the rest of the population. Lately, we could also observe an increase of suicides among women exploited in the pornographic field. It is especially worrying since young people tend to use pornography as a form of sexual education, particularly when comprehensive sexual education is not provided in their country and/or when sexuality cannot be discussed at home, meaning that they are more likely to reproduce these kinds of abusive and discriminating behaviours during their own sexual encounters.

**Article 8 - Cyber stalking**

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

(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;

(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;

(c) making material containing the 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.

**Article 8 15 - Cyber stalking**

**Proposed amendment**

(c) making material containing the personal data of another person, without that person's consent, accessible **to other a multitude** of end-users by means of information and communication technologies for the purpose of potentially inciting those end-users to cause physical or significant psychological harm to the person.

**Member States shall consider the offences in Articles a, b, and c, taking into account the connection between cyber and offline stalking, and not as isolated events. ICT tools are means for perpetrators to stalk their victims and exert coercive control over them in the framework of other forms of violence such as intimate partner violence and psychological violence, and not as isolated incidents.**

**Justification:**

70% of women victims of cyberstalking have experienced at least one form of physical or/and sexual violence from an intimate partner. 45% of domestic violence survivors have reported experiencing some form of abuse online during their relationship. (Women's Aid Survey 2017).

**Article 9 - Cyber harassment**

Member States shall ensure that the following intentional conducts are punishable as a criminal offence:

(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;

**Article 169 - Cyber harassment**

**Proposed amendment**

(a) initiating an attack with third parties directed at another person by making defamatory, threatening or insulting material **potentially** accessible to **other a multitude** of end-users without the consent of the victim by means of information and communication technologies, with the effect of causing significant psychological harm to the attacked person;

**(b) cyber flashing: the sending of unsolicited sexual images via dating or messaging applications, texts, or using Airdrop or Bluetooth technologies;**

<p>(b) participating with third parties in attacks referred to in point (a).</p>	<p><b>c) doxxing: or the non-consensual publishing of private information on the internet to publicly expose and shame the person targeted.</b></p> <p><b>d) malicious distribution, the use of technical tools to distribute defamatory material related to an individual victim and/ or an organisation; e.g. by using new technologies as a propaganda tool to promote violence against women, or calling for violence against women's organisations or women's specialised services, including family planning, SRHR and abortion providers.</b></p> <p>(b) participating with third parties in attacks referred to in points (a) (b) (c) and (d).</p> <p><b>Member States shall consider the offenses in points (a), (b), (c) and (d) taking into account the connection between cyber and offline harassment and not as isolated events online. ICT tools are a means for perpetrators to harass their victims and Cyber harassment is often a way to exert coercive control over their victims in the framework of other forms of violence such as intimate partner violence and psychological violence</b></p>
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**Justification:** EWL shares the consideration of the European Economic and Social Committee in its opinion on combating violence against women (SOC/726-EESC-2022) on the requirement for material to have been made accessible to a "multitude of end-users" is ambiguous, vague and highly open to interpretation, and does not deal with the real reputational harm which is sometimes greater if the material is shared only with people from the victim's close social, family or work circles. The lack of consent and public exposure should constitute cyber harassment in and of themselves without the need to assess whether material has been shared with a multitude of users or whether it was actually just shared with many or a fair number of users.

The criminalisation of **cyber stalking and cyber harassment** harmonises the definitions across the EU and therefore closes possible gaps between member states' legislation. The definition should highlight the strong connection between **non-consensual sharing of intimate material cyber stalking and harassment and offline stalking and harassment**, as 45% of domestic violence survivors have reported experiencing some form of abuse online during their relationship<sup>11</sup>. A broader approach to stalking and harassment, in its online and offline forms in this proposal should therefore be addressed in order to ensure a comprehensive legal framework. EWL advises to add the definitions of flashing, doxing and malicious distribution are adopted.

<sup>11</sup> Women's Aid survey (2017)

<p style="text-align: center;"><b>Article 10 - Cyber incitement to violence or hatred</b></p> <p>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.</p>	<p style="text-align: center;"><b>Article 17 <del>9</del> - Cyber incitement to violence or hatred</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>Member States shall ensure that the intentional conduct of inciting violence or hatred directed against a group of persons or a member of such a group defined by reference to sex or gender <b>or a combination of sex and other grounds of discrimination as defined in Article 2(1), and</b> by disseminating to the public material containing such incitement by means of information and communication technologies is punishable as a criminal offence.</p>
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<p style="text-align: center;"><b>Article 11 - Incitement, aiding and abetting, and attempt</b></p> <p>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.</p> <p>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.</p>	<p style="text-align: center;"><b>Article <del>44</del> 18 - Incitement, aiding and abetting, and attempt</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>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 <b>17</b> are punishable as criminal offences.</p> <p>2. Member States shall ensure that an attempt to commit any of the criminal offences referred to in Articles 5 to <b>17</b> is punishable as a criminal offence.</p>
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<p style="text-align: center;"><b>Article 12 – Penalties</b></p> <p>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.</p> <p>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.</p>	<p style="text-align: center;"><b>Article <del>42</del> 19 – Penalties</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>1. Member States shall ensure that the criminal offences referred to in Articles 5 to <b>18</b> <del>44</del> are punishable by effective, proportionate and dissuasive criminal penalties.</p> <p><i><b>*EWL is working with its membership to provide a set of amendments to this article. Looking at the recent case of Spain, EWL believes it is crucial to have several technical assessment on the proposal of penalties with a gender perspective.</b></i></p>
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<p>3. Member States shall ensure that an offender of the criminal offence referred to in Article 5, who has previously been convicted of offences of the same nature, mandatorily participates in an intervention programme referred to in Article 38.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
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<p style="text-align: center;"><b>Article 13 - Aggravating circumstances</b></p> <p>In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in <b>Articles 5 to 10</b>, Member States shall ensure that they may be regarded as aggravating circumstances in relation to those offences:</p> <p>(a) the offence, or another criminal offence of violence against women or domestic violence, was committed repeatedly;</p> <p>(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;</p> <p>(c) the offence was committed against a child;</p> <p>(d) the offence was committed in the presence of a child;</p> <p>(e) the offence was committed by two or more persons acting together;</p>	<p style="text-align: center;"><b>Article 13 20 - Aggravating circumstances</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>(p) the offence followed previous threats made to the victim, their loved ones or relatives ;</p> <p>(q) the offence generated a profit or had the intention of creating a profit.</p>
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<p>(f) the offence was preceded or accompanied by extreme levels of violence;</p> <p>(g) the offence was committed with the use or threat of using a weapon;</p> <p>(h) the offence was committed with the use of force or threats to use force, or coercion;</p> <p>(i) the offence resulted in the death or suicide of the victim or severe physical or psychological harm for the victim;</p> <p>(j) the offender has previously been convicted of offences of the same nature;</p> <p>(k) the offence was committed against a former or current spouse or partner;</p> <p>(l) the offence was committed by a member of the family or person cohabiting with the victim;</p> <p>(m) the offence was committed by abusing a recognised position of trust, authority or influence;</p> <p>(n) the offence was filmed, photographed or recorded in another form and made accessible by the offender;</p> <p>(o) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances.</p>	
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<p><b>Article 14 - Jurisdiction</b></p> <p>1. Member States shall take the necessary measures to establish their jurisdiction over the criminal offences referred to in Articles 5 to 11 where:</p> <p>(a) the offence is committed in whole or in part within their territory;</p> <p>(b) the offence is committed by one of their nationals.</p> <p>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:</p>	<p><b>Article 14 21 - Jurisdiction</b></p> <p><b>Proposed amendment</b></p> <p>1. Member States shall take the necessary measures to establish their jurisdiction over the criminal offences referred to in Articles 5 to 14<del>8</del>, <b>and all other forms of violence against women and domestic violence as per national legislations</b>, where:</p> <p>(a) the offence is committed in whole or in part within their territory;</p> <p>(b) the offence is committed by one of their nationals.</p> <p>2. A Member State shall inform the Commission where it decides to extend its jurisdiction to criminal offences referred to in Articles 5 to <del>11</del> <b>18</b> which have been committed outside its territory in any of the following situations:</p>
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<p>(a) the offence is committed against one of its nationals or habitual residents in its territory;</p> <p>(b) the offender is a habitual resident in its territory.</p> <p>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.</p> <p>4. In cases referred to in paragraph 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.</p> <p>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.</p>	<p>(a) the offence is committed against one of its nationals or habitual residents in its territory;</p> <p>(b) the offender is a habitual resident in its territory.</p> <p>3. Member States shall ensure that their jurisdiction established over the criminal offences referred to in Articles <del>7 14</del> to <del>10 18</del> 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.</p> <p>4. In cases referred to in paragraph 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.</p> <p>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.</p>
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<p style="text-align: center;"><b>Article 15 - Limitation periods</b></p> <p>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 offences referred to in Articles 5 to 11 for a sufficient period of time after the commission of those criminal offences.</p> <p>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.</p> <p>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.</p>	<p style="text-align: center;"><b>Article <del>15</del> 22 - Limitation periods</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>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 offences referred to in Articles 5 to 44 <b>18, and all other forms of violence against women and domestic violence as per national legislation</b>, for a sufficient period of time after the commission of those criminal offences.</p> <p>2. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Article 5 <b>sexual violence, including rape and Article 12 on commercialization of women's bodies</b> of at least <b>30</b> years from the time when the offence was committed.</p> <p>3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred</p>
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<p>4. Member States shall take the necessary measures to provide for a limitation period for criminal 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.</p> <p>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.</p> <p>6. If the victim is a child, the limitation period shall commence at the earliest once the victim has reached 18 years of age.</p>	<p>to in Article 6, 7, 8, 9, 10,11, 13 and 14 of at least <b>20</b> years from the time when the offence was committed.</p> <p>5. Member States shall take the necessary measures to provide for a limitation period for the criminal offences referred to in Articles 15, 16 and 17, of at least <del>7</del> <b>10</b> years after the criminal offence has ceased or the victim has become aware of it.</p> <p>6. If the victim is a child, limitation period <b>shall not apply for victims of offences in article 5.2 (rape). It shall</b> commence at the earliest once the victim has reached 18 years of age in all the other cases.</p>
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<p style="text-align: center;"><b>Article 16 - Reporting of violence against women or domestic violence</b></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 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>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.</p> <p>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</p>	<p style="text-align: center;"><b>Article <del>16</del> 23 - Reporting of violence against women or domestic violence</b></p> <p style="text-align: center;"><b>Proposed amendment</b></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 <b>all</b> victims, <b>including those with disabilities and living in institutions, and despite their residence status, can have access to</b> report criminal offences of violence against women and 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. <b>The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.</b></p> <p><b>5. Member States should grant free legal assistance for the victims in their language when presenting a complaint and during judicial proceedings</b></p>
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<p>serious act of violence covered under this Directive has been committed or further serious acts of violence are to be expected.</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, Member States should ensure reporting is not conditional upon this person's consent.</p> <p>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.</p>	
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**Justification:**

As per the standards in the Istanbul Convention (Article 18.4), the provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.

<p><b>Article 17 - Investigation and prosecution</b></p>	<p><b>Article 17 - Investigation and prosecution</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p>
<p>1. Member States shall ensure that persons, units or services investigating and prosecuting violence against women or domestic violence have 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.</p> <p>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.</p> <p>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.</p> <p>4. The competent authorities shall promptly refer victims to relevant health care professionals or</p>	<p>1. Member States shall ensure that persons, units or services investigating and prosecuting violence against women or domestic violence have <b>adequate</b> expertise <b>and specialised training to treat victims in a gender-sensitive manner and have</b> effective investigative tools to effectively investigate and prosecute such crimes, especially to gather, analyse and secure all evidence, including electronic evidence in cases of cyber violence or use of ICT technologies in the framework of any other form of violence.</p> <p>2. Member States shall ensure that reported offences of violence against women or domestic violence are processed <b>promptly</b> and transferred without delay to the competent authorities for prosecution and investigation.</p>

<p>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.</p> <p>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.</p>	<p><b>5. Member States shall ensure victims right to information and support during investigation and judicial proceedings.</b></p> <p>6. Investigations into or prosecution of <b>all</b> offences referred in <del>Article 5</del> this Directive 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.</p>
<p><b>Justification:</b></p> <p>Ex parte and officio proceedings as mandated by the Istanbul Convention.</p>	

<p><b>Article 18 - Individual assessment to identify victims' protection needs</b></p> <p>1. 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 victims covered by this Directive, the additional elements as set out in paragraphs 2 to 7 of this Article are assessed.</p> <p>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.</p> <p>3. The individual assessment shall focus on the risk emanating from the 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.</p> <p>4. The assessment shall take into account the victim's individual circumstances, including</p>	<p><b>Article 18 25- Individual assessment to identify victims' protection needs</b></p> <p><b>Proposed amendment</b></p> <p>2. This <b>specialised gender-sensitive</b> individual assessment shall be initiated <b>immediately by specialist protection services</b> 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.</p> <p>4. A <b>gender-sensitive</b> 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 outmost attention to <b>preventing</b> secondary or repeated victimisation, physical integrity and mental <b>health risks, lethality risks and or</b></p>
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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.

5. Member States shall ensure that adequate protection measures are taken on the basis of the individual assessment such as: (a) measures referred to in Articles 23 and 24 of Directive 2012/29/EU; (b) the granting of emergency barring and restraining or protection orders pursuant to Article 21 of this Directive; (c) further measures to manage the offender or suspect's behaviour, in particular under Article 38 of this Directive.

6. 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.

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 under Article 21, need to be adapted or taken.

8. Victims' dependants shall be presumed to have specific protection needs without undergoing the assessment referred to in paragraphs 1 to 6.

**suicide of the victim or severe physical or psychological harm to the victim.**

6. The individual assessment shall be undertaken by **adequately trained professionals** in collaboration with all relevant competent authorities depending on the stage of the proceedings, and relevant support services, **including specialised** victim protection centres and women's **support services** and shelters, social services and healthcare professionals.

**9. (new) Member states shall ensure that the safety and welfare of children take precedence over the rights of access of the offender when there is reasonable doubt concerning safe contact with the child from both a physical and emotional point of view. In the determination of the custody and visitation rights of children, incidents of violence should be taken into account. Member States shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.**

**Article 19 - Individual assessment of victims' support needs**

1. Member States shall ensure that, taking into account the individual assessment referred to in Article 18, the competent authorities assess the victim's and their dependant's individual needs for support as provided for under Chapter 4.

2. Article 18(4) and (7) shall apply to the individual assessment of support needs under paragraph 1 of this Article.

**Article 19 26 - Individual assessment of victims' support needs**

**Proposed amendment**

1. Member States shall ensure that, taking into account the individual assessment referred to in Article 18, the competent authorities, and **concretely, specialised** support services **and women's support services**, assess the victim's and their dependant's individual needs for support as provided for under Chapter 4.

<p style="text-align: center;"><b>Article 20 - Referral to support services</b></p> <p>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.</p> <p>2. The competent authorities shall respond to requests for protection and support in a timely and coordinated manner.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p style="text-align: center;"><b>Article 20 27 - Referral to support services</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>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 <b>in order to secure victims' safety.</b></p>
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<p style="text-align: center;"><b>Article 21 - Emergency barring, restraining and protection orders</b></p> <p>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 be dependent on a victim reporting the criminal offence.</p> <p>2. Member States shall ensure that the competent authorities can issue restraining or protection orders to provide long-term protection for victims</p>	<p style="text-align: center;"><b>Article 24 28 - Emergency barring, restraining and protection orders</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>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 be dependent on a victim reporting the criminal offence.</p> <p>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</p>
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<p>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.</p> <p>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.</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>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.</p>	<p>behaviour of the offender or suspect. <b>They should be available for the immediate protection and without undue financial or administrative burden placed on the victim. Such orders shall have a minimum duration of 4 months. Such orders shall have immediate effect and not be dependent on a victim reporting the criminal offence.</b></p>
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<p><b>Article 22 Protection of victim's private life</b></p> <p>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.</p>	<p><b>Article 22 29 Protection of victim's private life</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>Without prejudice to the rights of defence, Member States shall ensure that, in criminal investigations and court proceedings, questions, enquiries and evidence concerning <del>past</del> <b>sexual history and/or victim-blaming attitudes towards the conduct or attire</b> of the victim or outfit or other aspects of the victim's private life related thereto are not permitted and not admissible.</p>
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Justification:

Victim blaming attitudes are still persistent in most EU countries, particularly in cases of sexual violence. In judicial proceedings evidence relating to the sexual history and sexual conduct of a victim is sometimes exploited in order to discredit the evidence presented by the victim. The defence sometimes uses previous sexual behaviour evidence in order to challenge the respectability, the credibility and the lack of consent of victims. As NGO and experts denounce, at court proceedings victims are still asked about their sexual preferences, sexual history, possible abortions, drug and alcohol use. Questions, enquiries and evidence concerning the conduct or attire of the victims in the moment when the sexual abuse happened should also be prohibited. This leads to trauma and secondary victimisation of the victims.



<p><b>Article 23 - Guidelines for law enforcement and judicial authorities</b></p> <p>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:</p> <p>(a) how to ensure the proper identification of all forms of such violence;</p> <p>(b) how to conduct the individual assessment under Articles 18 and 19;</p> <p>(c) how to treat victims in a trauma-, gender- and child-sensitive manner;</p> <p>(d) how to ensure the proceedings are conducted in a manner as to prevent secondary or repeat victimisation;</p> <p>(e) how to cater to the enhanced protection and support needs of victims experiencing discrimination based on a combination of sex and other grounds;</p> <p>(f) how to avoid gender stereotypes;</p> <p>(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</p>	<p><b>Article 23 30 - Guidelines for law enforcement and judicial authorities</b></p> <p><b>Proposed amendment</b></p> <p>Member States shall issue <b>specialised gender-sensitive</b> 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:</p>
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<p><b>Article 25 - Measures to remove certain online material</b></p> <p>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.</p>	<p><b>Article 25 32 - Measures for to removing specific forms of certain online material</b></p> <p><b>Proposed amendment</b></p> <p>1. Member States shall take the necessary measures to ensure the prompt removal of material referred to in Article 14-7, points (a) (b) <b>(c) and (d)</b>, Article 15 8, point (c), and Articles 16 (a) <b>(b) (c) and (d) 9</b> and 1740. Those measures shall include the possibility for their competent judicial authorities to issue, upon application by the victim or via <b>ex-officio proceeding</b>, binding legal orders to remove or disable access to such material addressed to <b>the</b> relevant providers of intermediary services <b>who shall be held accountable for not executing such legal orders.</b></p>
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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: (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; (b) the removal of that material is necessary to prevent or limit significant harm to the victim; (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.

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.

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.

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 other measures referred to in paragraphs 1 and 2 and that those end-users have access to judicial redress.

6. Member States shall ensure that the removal of or disabling access to the material pursuant to the

**2 (new). Member states shall ensure that law enforcement authorities are responsible of initiating ex-officio proceedings when materials or evidences of the offences mentioned in articles on cyberviolence in this Directive are found.**

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.

**Justification:**

The prosecution of offences and removal of materials should not be wholly dependant upon a report or complaint filed by a victim if the offence; the proceedings may continue even if the victim withdraws her complaint (Article 55 of the Istanbul Convention on ex parte and ex officio proceedings).

Member states and law enforcement authorities are responsible of initiating ex officio proceeding when materials or evidences of the offences mentioned in articles regarding cyberviolence are found.

**Article 26 - Compensation from offenders**

1. Member States shall ensure that victims have the right to claim full compensation from offenders for damages resulting from all forms of violence against women or domestic violence.

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

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.

4. The damage shall include costs for 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 psychological harm and moral prejudice.

5. The limitation period for bringing a claim for compensation shall be no less than 5 years from the time the offence has taken place. In cases of sexual violence, the limitation period shall be no less than 10 years. 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 shall not commence as long as the

**Article 33 26 - Compensation from offenders**

**Proposed amendment**

5. The limitation period for bringing a claim for compensation shall be no less than 5 years from the time the offence has taken place.

In cases of sexual violence, the limitation period shall be no less than 10 years.

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 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 be interrupted or suspended for the duration of pending legal - **including criminal, civil and administrative** - proceedings **between the victim and the offender concerning the offence.**

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 be interrupted or suspended for the duration of pending legal proceedings concerning the offence.

**Justification:** Procedural harassment may include to repeatedly initiate administrative or civil procedures against the victim. This on one hand takes up many resources and capacities (both time and money) of victims and therefore may deter them from initiating further legal proceedings for compensation. On the other hand, through the paper abuse they may be still under the control of the offender, therefore not feeling safe, which is another withholding factor for seeking compensation.

**Article 27 - Specialist support to victims**

1. Member States shall ensure that specialist support services referred to in Article 9(3) of Directive 2012/29/EU are available for victims of acts of violence covered by this Directive. The specialist support services shall provide:

(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;

(b) referrals to medical forensic examinations;

(c) support to victims of cyber violence, including advice on judicial remedies and remedies to remove online content related to the crime

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.

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.

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

**Article 34 27 - Specialist support to victims**

**Proposed amendment**

1. Member States shall ensure that specialist support services referred to in Article 9(3) of Directive 2012/29/EU are available **for victims of violence against women and domestic violence, including the acts of violence covered by this Directive. Member States shall provide for geographically well-distributed specialist support services that shall provide include:**

(a) advice, ~~and~~ **and support** on ~~any~~ all relevant legal ~~and/or~~ practical matters arising as a result of the crime, including general support services such as: **legal and psychological counseling, consultation on safety, financial assistance and benefits**, access to housing, education, training and assistance for victims to remain in or find employment; **and options for childcare.**

**b) Member States shall ensure that the provision of services does not depend on the victim's willingness to press charges or testify against any perpetrator; Member States shall ensure that support services focus on the human rights and safety of the victim; are based on an integrated approach that takes into account the relationship between victims, perpetrators, children and their wider social environment; aim at avoiding secondary victimisation; aim at the empowerment and economic independence of women victims of violence; and address the specific needs of vulnerable persons, including child victims, and made available to them.**

**Further, Member States shall ensure:**

(~~b~~) c) referrals to medical forensic examinations for victims of violence, as well as to **comprehensive medical and healthcare services and social services that are adequately resourced and professionals who are specifically trained to assist and refer them to the appropriate services.**

services coordinated through a central contact point, or through one-stop online access to such services. Such combined offering of services shall include at least first hand medical care and social services, psychosocial support, legal, and police services.

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.

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 of emergency.

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

~~d~~e) support for ~~to~~ victims of cyber violence, including advice on judicial remedies and appropriate ~~remedies to~~ **means of removing** online content related to the crime

**e) the provision of support for victims of sexual exploitation, including exit programmes that provide them** with legal, health, housing and employment support.

**2. Member states shall provide or arrange for specialist women's support services for all women victims of violence and their children.**

**3. The services referred to in paragraph 1 and 2 shall be available free of charge and accessible every day of the week.**

2. 4. 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, **including those with disabilities and living in institutions.**

~~3-5.~~ Member States shall ensure sufficient human and financial resources to **ensure the** provision of services referred to in Paragraph 1, ~~especially those referred to in point (c) of that paragraph,~~ including when such services are provided by **specialist** non-governmental organisations.

4-6. 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 include at least first-hand medical **and SRHR** care and social services, psychosocial support, legal, and police-related services, **including forensic examination.**

~~5- 6.~~ Member States shall issue **gender-sensitive** guidelines and protocols to healthcare and social service professionals **concerning how to** identify and provide appropriate support to victims of all forms of violence against women and domestic violence, including **avoiding gender stereotypes, preventing secondary or repeat victimization,** and on referring victims to the relevant **specialist** 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. **Additionally, Member States should have cross-institutional cooperation and service collaboration and monitoring capacity to make sure they offer an adequate level of protection and sufficient preventative measures, especially for vulnerable groups of individuals such as young girls.**

~~6- 6.~~ Member States shall ensure that specialist support services, **including women's support services,** remain

	fully operational for victims of violence against women and domestic violence in times of crisis, such as health crises or other states of emergency.
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**Justification:**

The amendments proposed by EWL aim at bringing the provisions aligned to apply to all forms of violence against women and girls and domestic violence (and not only the offences defined in the Directive). We propose alignment with the standards of the Istanbul Convention (articles 18, 19, 20 and 22), when it comes to the ensuring that victims access to support services are not dependant upon filling a complaint.

<p style="text-align: center;"><b>Article 28 - Specialist support for victims of sexual violence</b></p> <p>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 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>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. 3. Member States shall ensure a sufficient geographical distribution and capacity of these services across the Member State. 4. Article 27(3) and (6) shall apply to the provision of support for victims of sexual violence.</p>	<p style="text-align: center;"><b>Article 35-28- Specialist support for victims of sexual violence</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>1. Member States shall provide easily accessible rape crisis or sexual violence referral centres, <b>that are appropriately equipped and resourced with adequately trained and specialised staff</b>, to ensure effective support to victims of sexual violence, including assisting in the preservation and documentation of evidence. These centres shall provide for medical <b>care</b> and forensic examinations, sexual and reproductive health care, including access to <b>emergency contraception, treatment of sexually transmitted infections and abortion care</b>, specialist 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>
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**Justification:**

As per the explanatory memorandum of the Istanbul Convention, a particularly sensitive response is required to support victims of sexual violence due to the traumatic nature of sexual violence. Provide access to SRHR, including contraception and abortion, is essential for the agency of the victims, and avoid secondary institutional victimisation.

<p><b>Article 29 - Specialist support for victims of female genital mutilation</b></p> <p>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.</p> <p>2. Article 27(3) and (6) and Article 28(2) shall be applicable to the provision of support for victims of female genital mutilation.</p>	<p><b>Article 36 29 - Specialist support for victims of female genital mutilation</b></p> <p><b>Proposed amendment</b></p> <p>1. Member States shall ensure effective, age-appropriate <b>and accessible</b> 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 <b>genital and</b> clitoral reconstructive surgery. Such support may be provided by the referral centres referred to in Article 28 or any dedicated health centre.</p> <p>2. Article 27(3) and (6) and Article 28(2) shall be applicable to the provision of support for victims of female genital mutilation.</p>
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<p><b>Article 30 - Specialist support for victims of sexual harassment at work</b></p> <p>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.</p>	<p><b>Article 37 30 - Specialist support for victims of sexual harassment at work</b></p> <p><b>Proposed amendment</b></p> <p>Member States shall ensure that <b>complaint and investigation procedures are available for victims</b>, as well as, 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 <b>only if the victim wishes to; early conciliation should be gender sensitive and able to compensate the fact that victims can not enter the dispute processes on a level equal to that of the perpetrator. Victims should be encouraged to seek justice and reparation in courts or tribunals. legal, social, medical and administrative support measures for complainants and victims; protect the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate, and ensure that requirements for privacy and confidentiality are not misused; provide for sanctions, where appropriate, in cases of violence and harassment in the world of work; provide that victims of gender-based violence and harassment in the world of work have effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support, services and remedies;</b></p>
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	<p><b>Additionally to these responsive measures, preventive measures such as annual mandatory specialised trainings against sexual harassment for all employees, annual external audits by labour inspectors and the presence of trained confidential counsellors as well as clear complaint procedures should be ensured in every organisation.</b></p>
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**Justification:** Proposals aim at integrating provisions of ILO 190 Convention Article 10 on enforcement and remedies. Conciliation and mediation programmes are strongly discouraged by the Istanbul Convention (Article 48) due to the power imbalance between perpetrator and its victim.

<p><b>Article 31 - Helplines for victims</b></p> <p>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 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.</p> <p>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 set in Annex I to Directive 2019/882/EU of the European Parliament and of the Council<sup>18</sup>.</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> <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 that the end-users are adequately informed of the existence and use of such number.</p>	<p><b>Article 38 <del>34</del> - Helplines for victims</b></p> <p><b>Proposed amendment</b></p> <p>1. Member States shall set up state-wide round-the-clock (24/7) telephone helplines, free of charge, to provide advice for victims of <b>all forms of</b> violence against women and 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.</p>
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<p style="text-align: center;"><b>Article 32 - Shelters and other interim accommodations</b></p> <p>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.</p> <p>2. The shelters and other appropriate interim accommodations shall be equipped to accommodate the specific needs of children, including child victims.</p> <p>3. The shelters and other appropriate interim accommodations shall be available to victims regardless of their nationality, citizenship, place of residence or residence status.</p> <p>4. Article 27(3) and (6) shall apply to shelters and other appropriate interim accommodations.</p>	<p style="text-align: center;"><b>Article 39-32- Shelters and other interim accommodations</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>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, <b>sexual exploitation</b> and sexual violence. They shall assist them in their recovery, providing adequate, <b>safe</b> and appropriate living conditions with a view on a return to independent living.</p> <p><b>1 (1) The shelters and other appropriate interim accommodations shall be accessible and equipped to accommodate the specific needs of victims with disabilities.</b></p>
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<p style="text-align: center;"><b>Article 34 - Safety of children</b></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>	<p style="text-align: center;"><b>Article 41 34- Safety of children</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p><b>1. Members shall assess the risk of vicarious violence – the kind suffered by women as a result of violence committed against their loved ones, women’s children or family with the intention of emotionally abusing the women in question. Member States shall ensure that the safety and welfare of the child takes precedence over the rights of access of the offender when there is reasonable doubt concerning safe contact with the child from both a physical and emotional point of view.</b></p> <p>2. 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><b>3. In the determination of custody and visitation rights of children, Member States shall take the necessary legislative or other measures to ensure that incidents of violence in the family are taken into account; and that the exercise of any visitation or</b></p>
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	<p>custody rights does not jeopardise the rights and safety of the victim or children. Member States shall aim at prohibiting mandatory shared custody and/or visiting rights in cases of violence or suspected violence; and prohibit the use of parental alienation or any related concept in cases of violence when determining custody and visitation.</p>
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<p><b>Article 35 - Targeted support for victims with specific needs and groups at risk</b></p> <p>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.</p> <p>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.</p> <p>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[1]country nationals subject of return procedures, or accommodated separately in reception centres for applicants for international protection.</p> <p>4. Member States shall ensure that persons can report occurrences of violence against women or domestic violence in 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.</p>	<p><b>Article 42 35- Targeted support for victims with specific needs and groups at risk</b></p> <p><b>Proposed amendment</b></p> <p>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, <del>women sex workers</del> <b>women victims of sexual exploitation, women in prostitution</b>, women detainees, or older women.</p>
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**Justification:**

The expression “women sex workers” needs to be replaced by the expression “women in prostitution” and “women victims of sexual exploitation” in line with the so-called “[Equality model](#)”/ “[Nordic model](#)” and with the European Parliament [resolution](#) on sexual exploitation and prostitution and its impact on gender equality adopted by the European Parliament in February 2014. The expression “*women sex workers*”, used twice in the Directive proposal is contrary to the UN and EU agreed language and needs to be replaced by “*women in prostitution*”, “*prostituted women*” or “*women victims of prostitution*”.

The International law indeed specifically recognises prostitution as “[violation of the dignity of the human person](#)”. It is thus difficult to understand how an activity violating the dignity of the human person could be recognised as a work by the EU, especially when the EU promotes and protects “[access to decent work](#)”. The European Parliament has recognised in 2014 that prostitution is a “*highly gendered issue and violation of human dignity, contrary to human rights principles, among which gender equality, and therefore contrary to the principles of the Charter of Fundamental Rights of the European Union, including the goal and the principle of gender equality*”. The reality of prostitution in the EU, overwhelmingly exploiting the vulnerability of the most discriminated communities (migrant women, ethnic minorities etc.) shows that prostitution is neither sex, nor work, but violence and sexual and economic exploitation.

Indeed, the choice of the wording is meaningful in this case since sexual exploitation cannot be banalised through the “sex work” expression as 9/10 women in prostitution would leave sex trade if they could; more than 2/3 of them reported trauma on par with soldiers returning from war and 62% of them have reported having been raped since entering prostitution.

Efforts should rather be focused on criminalising the purchase of sexual services while helping women victims of sexual exploitation through the implementation of exit programmes with legal, health, housing, training and employment support.

More information can be found [here](#).

<b>Article 36 - Preventive measures</b>	<b>Article 43-36- Preventive measures</b>
<p>1. Member States shall take appropriate actions to prevent violence against women and domestic violence.</p> <p>2. Preventive measures shall include awareness-raising campaigns, research and education programmes, where appropriate developed in cooperation with relevant civil society organisations, social partners, impacted communities and other stakeholders.</p> <p>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.</p> <p>4. Targeted action shall be addressed to groups at risk, including children, according to their age and</p>	<p style="text-align: center;"><b>Proposed amendment</b></p> <p>2. Preventive measures shall include awareness-raising campaigns, research and education programmes, <b>including on comprehensive feminist sexuality education, where appropriate</b> developed in cooperation with feminist <del>relevant</del> civil society organisations, social partners, impacted communities and other stakeholders.</p> <p>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. <b>Among those preventive measures, sexuality education programmes shall challenge gender</b></p>

<p>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.</p> <p>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.</p> <p>6. Preventive measures shall develop and/or increase sensitivity about the harmful practice of female genital mutilation.</p> <p>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.</p> <p>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.</p>	<p><b>stereotypes and the hierarchical relation between women and men; stress the structural nature of this inequality and its presence in sexuality and relationships and shall work as a means to ultimately reducing violence, inequality and discrimination. Such programmes shall be rolled out as early as possible and in a trauma-, child- and gender-sensitive manner.</b></p>
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<p style="text-align: center;"><b>Article 37 - Training and information for professionals</b></p> <p>1. Member States shall ensure that professionals likely to come into contact with victims, 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.</p>	<p style="text-align: center;"><b>Article 44 <del>37</del> - Training and information for professionals</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>1. Member States shall ensure that professionals likely to come into contact with victims, 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 <b>gender-sensitive</b> training and targeted information to a level appropriate to their contacts with victims, to enable them to identify, prevent <b>further violence and revictimisation</b>, and address instances of violence against women and domestic violence and to treat victims in a trauma-, gender-, <b>disability-, language-, age-</b> and child-sensitive manner.</p>
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2. Relevant health professionals, including paediatricians and midwives, shall receive targeted training to identify and address, in a cultural-sensitive manner, the physical, psychological and sexual consequences of female genital mutilation.

3. Persons with supervisory functions in the workplace, in both the public and private sectors, shall receive training on how to recognise, prevent and address sexual harassment at work, 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.

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

5. Without affecting media freedom and pluralism, Member States shall encourage and support the setting up of media training activities by media professionals' organisations, media self-regulatory bodies and industry representatives or other relevant independent organisations, to combat stereotypical portrayals of women and men, sexist images of women, and victim-blaming in the media, aimed at reducing the risk of violence against women or domestic violence.

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.

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.

8. The measures under paragraphs 1 to 6 shall be implemented without affecting judicial independence, the self-organisation of regulated

2. Relevant healthcare professionals, including midwives, **gynecologists** and paediatricians, shall receive targeted specialised training to identify and address, in a cultural-sensitive manner, the physical, psychological and sexual consequences of **sexual violence, including rape, female genital mutilation, forced abortion and forced sterilisation. Training on patients' informed consent and on treating patients in a respectful, dignified, non-discriminatory, gender-sensitive manner, including those who experience discrimination based on a combination of sex and other grounds of discrimination, shall be in place to prevent instances of violence in healthcare settings, particularly obstetric violence.**

5. Without affecting media freedom and pluralism, Member States shall encourage and support the setting up of media training activities **with a feminist approach 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.

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, **including by victims with disabilities.**

**9. Member states shall ensure that trainings referred in this article are developed in conjunction with feminist NGOs in order to addresses the structural and endemic nature of VAWG ; on how this phenomenon affects women and girls disproportionately and that it is based on the historically unequal power relations between women and men; and on the intersectional forms of discrimination.**

professions and differences in the organisation of the judiciary across the Union.	
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**Article 40 - Multi-agency coordination and cooperation**

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.

2. Such mechanisms shall in particular pertain to the 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.

**Article 47 40- Multi-agency coordination and cooperation**

**Proposed amendment**

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 **specialised** non-governmental organisations, **and specially women's 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.

<p style="text-align: center;"><b>Article 41 - Cooperation with non-governmental organisations</b></p> <p>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.</p>	<p style="text-align: center;"><b>Article 48-44- Cooperation with non-governmental organisations</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>1. Member States shall <b>be obligated to</b> cooperate with, <b>provide adequate funding for</b>, and consult specialist civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence, <b>especially women's organisations</b>. 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 <b>aimed at supporting and protecting</b> victims.</p> <p>2. <b>Member States shall recognise women's civil society organisations working on VAWG as equal partners in policy development and implementation and include women's civil society experts in the work of government bodies/committees dealing with violence against women and girls.</b></p> <p>3. <b>If a government of a Member State decides to disregard the opinions of the specified non-governmental organisations, the former shall be obligated to justify this dismissal.</b></p>
<p><b>Justification:</b> Although the Directive proposal regulates the importance of cooperation with NGOs of services provided by NGOs (Article 41), it is important to include a provision which regulates the obligation of EU member states to encourage and support and adequately fund the work of NGOs dealing with VAWG in accordance to the Article 9 of the Istanbul Convention. It is very important to bind member states to support the NGO sector, especially during this time of spreading backlash towards women's rights in many EU countries, since the support of NGOs goes beyond cooperation and funding. EWL suggests adding the obligation to justify the decision of governments to disregard opinions of NGOs due to the frequent dismissal of the opinions of women's rights organisations in the consultation process.</p>	

<p style="text-align: center;"><b>Article 44 - Data collection and research</b></p> <p>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.</p>	<p style="text-align: center;"><b>Article 51 44- Data collection and research</b></p> <p style="text-align: center;"><b>Proposed amendment</b></p> <p>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 <b>18</b>.</p>
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2. The statistics shall 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:

(a) the number of victims who experienced violence against women or domestic violence during the last 12 months, last five years and lifetime;

(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.

3. 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 and trends in all forms of violence covered by this Directive. Member States shall transmit those data to the Commission (Eurostat) [3 years after the entry into force of the directive] at the latest. 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. 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.

6. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data.

7. The Member States shall support research on root causes, effects, incidences and conviction rates of the forms of violence covered by this Directive.

2. The statistics shall include the following data disaggregated by sex, **disability**, age of the victim and of the offender, relationship between the victim and the offender and **the type of offence and place the offence took place (including institutions)**:

(a) the number of victims who experienced violence against women or domestic violence during the last 12 months, last five years and lifetime;

(b) the annual number of such victims, number of **issued barring or restraining orders**, of reported offences, of persons prosecuted for and convicted of such forms of violence **and the type of penalty issued by the criminal court** obtained from national administrative sources.



	<p style="text-align: center;"><b>Article-52</b></p> <p style="text-align: center;"><b>EU Coordinator on ending violence against women</b></p> <p style="text-align: center;"><b>NEW</b></p> <p><b>Member States should facilitate the tasks of an EU coordinator, which may include for example improving coordination and coherent approach in the implementation of the different legislative tools on violence against women, avoiding duplication of effort, between Union institutions and agencies as well as between Member States and international actors, contributing to the development of existing or new Union policies and strategies relevant to ending the continuum of violence against women and girls or reporting to the Union or international institutions. The coordinator will have a structured engagement with civil society organisations and specialist women’s organisations.</b></p>
<p><b>Justification:</b> The EU Coordinator should have a strong political mandate, with adequate resources and responsibility to coordinate the coherent implementation of the Directive on combatting violence against women and domestic violence together with all the different pieces of legislation referred to VAWG[1]. Furthermore, the EU Coordinator should monitor the adequate implementation of the Istanbul Convention and the ILO Convention 190 everywhere in the EU. The Coordinator should pursue the adoption of necessary policy and legislative measures to reach a comprehensive EU legislative framework where all forms of violence are legislated upon.</p> <p>The Coordinator should work in alignment with national coordinating bodies per Member State and have a structured engagement with civil society organisations and specialist women’s organisations.</p> <hr/> <p>[1] Including: the Directive 2012/29/EU on common minimum standards on the rights, support and protection of victims; the Directive 2006/54/EC on the principle of equal treatment for women and men, and the definition of harassment and sexual harassment as a form of violence against women; the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims; the Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography; Directive 2011/99/EU on the European protection order; Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters</p>	

<p>4. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall consider taking measures to establish as a criminal offence the use of services which are the objects of exploitation as referred to in Article 2, with the knowledge that the person is a victim of an offence referred to in Article 2.</p>	<p style="text-align: center;"><b>Article 54 - Amendment to Directive 2011/36/EU</b></p> <p style="text-align: center;"><b>NEW</b></p> <p>In Article 18 of Directive 2011/36/EU on prevention, the following modifications are added</p> <p>4. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States must <del>shall consider taking</del> measures to establish as a criminal offence the use of services which are the objects of exploitation as referred to in Article 2. <del>with the knowledge that the person is a victim of an offence referred to in Article 2.</del></p>
<p><b>Justification:</b></p> <p>The EU Directive 2011/36/EU on trafficking in human beings needs to be amended to ensure coherence with the new article proposed on the criminalisation of the purchase of sex (proposed new Article 13 of the Directive on violence against women and domestic violence). Addressing the demand is a central provision of the EU Directive: it is a key legislative tool to disrupt a system which exploits the most vulnerable in Europe, starting with women and children. Under Article 18(1) of the EU Directive on human trafficking, Member States are obliged “to take appropriate measures to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings”. However, Article 18 of the Directive only suggests Member States to consider taking measures to establish as a criminal offence the use of services from victims of trafficking of human beings when it is in their knowledge that the person is a victim. Several EU Member States have enacted laws criminalising buying sex with a victim of trafficking (or procurement). However, these laws appear to be difficult to enforce by law enforcement authorities, do not have a meaningful deterrent effect on buyers, and do not send the unequivocal message that women and girls (and men and boys) should not be bought and sold for sex.</p>	



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