



# Proposal for a Directive on Combating Violence against Women and Domestic Violence

Justice  
and Consumers

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1

# THE PREPARATORY WORK - IMPACT ASSESSMENT REPORT

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2

## Violence against women and domestic violence

- **Violence against women** is gender-based violence, which is violence
  - directed against a woman or a girl because she is a woman or a girl, or
  - that affects women or girls disproportionately
- **Domestic violence** is any act of violence that occurs:
  - 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
- Including physical, sexual, psychological, economic harm

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## Violence against women as criminal acts

- **Criminal acts** under national criminal and EU law
- **14 instruments of EU law** – no comprehensive and targeted measures
- **Consistency** with the existing acquis

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## Impact assessment report - gaps

- **Gaps at the national level** in all five problem areas;
  - Policy and legislative action taken in all Member States
  - Nevertheless gaps identified in supporting studies and consultations, as well as in international monitoring
  - Gaps identified in prevention, protection, access to justice, victim support and coordination
- **Inadequacy of existing EU acquis** to tackle the problem;
  - Gap analysis confirms the lack of a targeted approach
- **Emergence of gender-based cyber violence** as a new form of violence.



5

## Proportionality

- **Only a comprehensive approach effectively achieves the objective of preventing and combating VAW/DV.**
  - => **Minimum rules to fill specific gaps at EU and national level**
  - => **Minimum rules** on the definition of and penalties for criminal conduct where gaps have been found in national laws
- **Member States** are **free to maintain or introduce higher** level of protection and support for victims, and to set minimum penalties for the crimes defined in the proposal

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## Subsidiarity

- Special **need to address** violence against women and domestic violence **on a common basis at EU level**.
- This is due to:
  - the stagnant, high EU-wide prevalence of violence against women and domestic violence;
  - the negative impacts on millions of EU citizens;
  - Fragmentation of rights of victims of violence against women and domestic violence;
  - inherent cross-border dimension of cyber violence.

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# THE PROPOSED DIRECTIVE — OVERVIEW

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## Legal bases

- Article 83(1) TFEU – sexual exploitation of women and computer crime
- Article 82(2) TFEU – minimum rules concerning the rights of victims of crime
- Links with other EU acquis

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## General elements of the proposal

- Violence against women and domestic violence as criminal acts under EU and under national law
- Specific needs of victims of violence against women and domestic violence
- Relationship to other EU acquis
- Measures may benefit any victim of this type of crime
- Intersectionality

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## EU-criminalisations

- Rape based on the lack of consent (Art. 5)
- Female Genital Mutilation (Art. 6)
- Cyber violence:
  - Non-consensual sharing of intimate or manipulated material (Art. 7)
  - Cyber stalking (Art. 8)
  - Cyber harassment (Art. 9)
  - Cyber incitement to hatred or violence based on sex or gender (Art. 10)

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## EU-criminalisations (cont'd)

- Incitement, aiding and abetting, and attempt (Art. 11)
- Penalties (Art. 12)
- Aggravating circumstances (Art. 13)
- Jurisdiction (Art. 14)
- Limitation period (Art. 15)

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## Victims' protection

**By responding to the specific needs of VAW and DV victims**

**This includes, i.a.,**

- individual assessment of the victim's needs for protection and support (Art. 18-19);
- timely and coordinated response to victims' requests for protection and support (Art. 20);
- emergency barring, restraining and protection orders (Art. 21).

13



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## Victims' access to justice

- Easier ways to report acts of violence (including online) (Art.16)
- Minimum rules on evidence or questions on the victims' past sexual conduct (Art. 22)
- Government bodies to assist, advise and represent victims in court proceedings in matters of VAW and DV (Art. 24)
- Minimum rules on the removal of illegal online content (Art. 25)
- Right to bring compensation claim in criminal proceedings and obtain full compensation from offenders (Art. 26)

14



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## Specialised support for victims

- Easily accessible specialist support for victims of VAW and DV (Art.27)
- Specific specialist support for victims of
  - sexual violence (Art. 28),
  - female genital mutilation (Art. 29), and
  - sexual harassment at work (Art. 30)
- Shelters and other interim accommodation (Art. 32)
- Support and safety of children (Art. 33-34)

15



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## Prevention

- Preventive measures (Art. 36)
  - Awareness-raising campaigns, research and education programmes
  - Information to the general public
  - Targeted actions for groups at risk
- Training and information to professionals likely to come into contact with victims (Art. 37)
- Intervention programmes for potential offenders and recidivists (Art. 38)

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## Coordination and cooperation at national and EU level

- Ensuring a multi-agency approach (Art. 40)
- Ensuring cooperation at Union level (Art. 43)
- Enhancing data collection on VAW and DV (Art. 44)

17



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# Thank you!

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