



2022/0066(COD)

5.5.2023

OPINION

of the Committee on Employment and Social Affairs

for the Committee on Civil Liberties, Justice and Home Affairs and the
Committee on Women's Rights and Gender Equality

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

Rapporteur for opinion (*): Rosa Estaràs Ferragut

(*) Associated committee – Rule 57 of the Rules of Procedure

PA_Legam

AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality, as the committees responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Title 1

Text proposed by the Commission

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

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on combating *gender-based* violence and
domestic violence

Amendment 2

Proposal for a directive

Recital 1

Text proposed by the Commission

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

Amendment

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

Amendment 3

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Member States should ratify, without delay, the Convention of the

International Labour Organization (ILO) of 21 June 2019 on Eliminating Violence and Harassment in the World of Work (No 190) and the ILO's Recommendation on Violence and Harassment of 21 June 2019 (No 206) and put in place the necessary law and policy measures to prohibit, prevent and tackle violence and harassment in the labour market.

Amendment 4

Proposal for a directive Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) Member States should contribute to combating gender-based cyber violence and online hate speech at the workplace.

Amendment 5

Proposal for a directive Recital 2

Text proposed by the Commission

Amendment

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

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

Amendment 6

Proposal for a directive Recital 3

Text proposed by the Commission

(3) Violence **against women** and domestic violence violate fundamental rights such as the right to human dignity, the right to life and integrity of the person, the prohibition of inhuman or degrading treatment or punishment, the right to respect for private and family life, personal data protection, and the rights of the child, as enshrined in the Charter of Fundamental Rights of the European Union.

Amendment 7

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) This Directive should apply to criminal conduct which amounts to violence **against women** or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape, female genital mutilation, the non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment, cyber incitement to violence or hatred and criminal conduct covered by other Union instruments, in particular Directives 2011/36/EU³⁶ and 2011/93/EU³⁷ of the European Parliament and of the Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of violence **against women**. This includes crimes such as femicide, sexual harassment, sexual abuse, stalking, early and forced marriage, forced abortion, forced sterilisation and different forms of cyber violence, such as online sexual harassment, cyber bullying or the unsolicited receipt of sexually explicit

Amendment

(3) **Gender-based** violence and domestic violence violate fundamental rights such as the right to human dignity, the right to life and integrity of the person, the prohibition of inhuman or degrading treatment or punishment, the right to respect for private and family life, personal data protection, and the rights of the child, as enshrined in the Charter of Fundamental Rights of the European Union.

Amendment

(4) This Directive should apply to criminal conduct which amounts to **gender-based** violence or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape, female genital mutilation, **forced sterilisation**, the non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment, cyber incitement to violence or hatred and criminal conduct covered by other Union instruments, in particular Directives 2011/36/EU³⁶ and 2011/93/EU³⁷ of the European Parliament and of the Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of **gender-based** violence. This includes crimes such as femicide, sexual harassment, sexual abuse, stalking, early and forced marriage, forced abortion, forced sterilisation and different forms of cyber violence, such as online sexual harassment, cyber bullying or the unsolicited receipt of sexually explicit

material. Domestic violence is a form of violence which may be specifically criminalised under national law or covered by criminal offences which are committed within the family or domestic unit or between former or current spouses.

³⁶ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011, p. 1–11.

³⁷ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335, 17.12.2011, p. 1–14.

Amendment 8

Proposal for a directive Recital 5

Text proposed by the Commission

(5) The measures under this Directive have been designed to address the specific needs of women and girls, given that they are disproportionately affected by the forms of violence covered under this Directive, namely violence ***against women*** and domestic violence. This Directive, however, acknowledges that ***other*** persons may also fall victim to these forms of violence and should benefit from the measures provided for therein. Therefore, the term ‘victim’ should refer to all persons, regardless of their sex or gender.

material. Domestic violence is a form of violence which may be specifically criminalised under national law or covered by criminal offences which are committed within the family or domestic unit or between former or current spouses ***or partners***.

³⁶ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011, p. 1–11.

³⁷ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335, 17.12.2011, p. 1–14.

Amendment

(5) The measures under this Directive have been designed to address, ***inter alia***, the specific needs of women and girls, given that they are disproportionately affected by the forms of violence covered under this Directive, namely ***gender-based*** violence and domestic violence. This Directive, however, acknowledges that persons ***other than women*** may also fall victim to these forms of violence and should benefit from the measures provided for therein ***without discrimination on account of any ground***. Therefore, the term ‘victim’ should refer to all persons, regardless of their sex or gender.

Amendment 9

Proposal for a directive Recital 6

Text proposed by the Commission

(6) Due to their vulnerability, children who witness violence **against women** or domestic violence suffer a direct emotional harm, which impacts their development. Therefore, such children should be considered victims and benefit from targeted protection measures.

Amendment

(6) Due to their vulnerability, children who witness **gender-based** violence or domestic violence suffer a direct emotional harm, which impacts their development. Therefore, such children should be considered victims and benefit from targeted protection measures.

Amendment 10

Proposal for a directive Recital 7

Text proposed by the Commission

(7) Violence **against women** is a persisting manifestation of structural discrimination against women, resulting from historically unequal power relations between women and men. It is a form of gender-based violence, which is inflicted primarily on women and girls, by men. It is rooted in the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men, generally referred to under the term 'gender'.

Amendment

(7) **Gender-based** violence is a persisting manifestation, **inter alia**, of structural discrimination against women, **in all their diversity**, resulting from **misogyny and** historically unequal power relations between women and men. It is a form of gender-based violence, which is inflicted primarily on women and girls, by men. It is rooted in the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men, generally referred to under the term 'gender'.

Amendment 11

Proposal for a directive Recital 8

Text proposed by the Commission

(8) Domestic violence is a serious social problem which often remains hidden. It can lead to serious psychological and physical trauma with severe

Amendment

(8) Domestic violence is a serious social problem which often remains hidden **as a result of societal stigmatisation**. It can lead to serious psychological and physical

consequences because the offender typically is a person known to the *victims*, whom *they* would expect to be able to trust. Such violence can take on various forms, including physical, sexual, psychological and economic. Domestic violence may occur whether or not the offender shares or has shared a household with the victim.

trauma with severe consequences *for a victim's personal and professional life* because the offender typically is a person known to the *victim*, whom *the victim* would expect to be able to trust. Such violence can take on various forms, including physical, sexual, psychological and economic. Domestic violence may occur whether or not the offender shares or has shared a household with the victim.

Amendment 12

Proposal for a directive Recital 9

Text proposed by the Commission

(9) In light of the specificities related to these types of crime it is necessary to lay down a comprehensive set of rules, which addresses the persisting problem of violence *against women* and domestic violence in a targeted manner and caters to the specific needs of victims of such violence. The existing provisions at Union and national levels have proven to be insufficient to effectively combat and prevent violence *against women* and domestic violence. In particular, Directives 2011/36/EU and 2011/93/EU concentrate on specific forms of such violence, while Directive 2012/29/EU of the European Parliament and of the Council³⁸ lays down the general framework for victims of crime. While providing some safeguards for victims of violence *against women* and domestic violence, it is not set out to address their specific needs.

³⁸ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision

Amendment

(9) In light of the specificities related to these types of crime it is necessary to lay down a comprehensive set of rules, which addresses the persisting problem of *gender-based* violence and domestic violence in a targeted manner and caters to the specific needs of victims of such violence *in an inter-sectional and gender-sensitive manner*. The existing provisions at Union and national levels have proven to be insufficient to effectively combat and prevent *gender-based* violence and domestic violence. In particular, Directives 2011/36/EU and 2011/93/EU concentrate on specific forms of such violence, while Directive 2012/29/EU of the European Parliament and of the Council³⁸ lays down the general framework for victims of crime. While providing some safeguards for victims of *gender-based* violence and domestic violence, it is not set out to address their specific needs.

³⁸ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision

Amendment 13

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) This Directive supports the international commitments the Member States have undertaken to combat and prevent violence against women and domestic violence, in particular the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)³⁹ and, *where relevant*, the Council of Europe Convention on preventing and combating violence against women and domestic violence (‘Istanbul Convention’)⁴⁰ and the International Labour Organization’s *Convention concerning the elimination of violence and harassment in the world of work, signed on 21 June 2019 in Geneva*.

³⁹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA, 1979.

⁴⁰ Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Council of Europe, 2011.

Amendment 14

Proposal for a directive

Recital 11

Amendment

(10) This Directive supports the international commitments the Member States have undertaken to combat and prevent violence against women and domestic violence, in particular the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)³⁹, *the United Nations Convention on the Rights of Persons with Disabilities (CRPD)* and the Council of Europe Convention on preventing and combating violence against women and domestic violence (‘Istanbul Convention’)⁴⁰ and the International Labour Organization’s *Violence and Harassment Convention, 2019 (No 190), the International Labour Organization’s Discrimination (Employment and Occupation) Convention, 1958 (No 111) and the International Labour Organization’s Domestic Workers Convention, 2012 (No 189)*.

³⁹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNGA, 1979.

⁴⁰ Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Council of Europe, 2011.

Text proposed by the Commission

(11) Violence **against women** and domestic violence can be exacerbated where it intersects with discrimination based on sex and other grounds of discrimination prohibited by Union law, namely nationality, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age **or** sexual orientation. Member States should therefore pay due regard to victims affected by such intersectional discrimination, through providing specific measures where intersecting forms of discrimination are present. In particular, lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) **women**, **women** with disabilities and **women** with a minority racial or ethnic background are at a heightened risk of experiencing gender-based violence.

Amendment

(11) **Gender-based** violence and domestic violence can be exacerbated where it intersects with discrimination based on sex and other grounds of discrimination prohibited by Union law, namely nationality, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation, **gender identity, gender expression and sex characteristics**. Member States should therefore pay due regard to victims affected by such intersectional discrimination **and violence**, through providing specific measures where intersecting forms of discrimination are present. In particular, lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) **persons**, **persons** with disabilities and **persons** with a minority racial or ethnic background are at a heightened risk of experiencing gender-based violence **and domestic violence. Acts of gender-based violence which seek to punish victims for their sexual orientation, gender expression, gender identity or sex characteristics such as so-called corrective rape, should, inter alia, be given particular attention.**

Amendment 15

**Proposal for a directive
Recital 12**

Text proposed by the Commission

(12) Victims of violence **against women** and domestic violence are at an increased risk of intimidation, retaliation, secondary and repeat victimisation. Particular attention should thus be paid to **these** risks and to the need to protect the dignity and

Amendment

(12) Victims of **gender-based** violence and domestic violence are at an increased risk of intimidation, retaliation, secondary and repeat victimisation. Particular attention should thus be paid to **those** risks and to the need to protect the dignity and physical **and mental** integrity of such

physical integrity of such victims.

victims. ***Encounters with specialised support services should ensure that victims are treated in a humane way and should avoid re-traumatisation.***

Amendment 16

Proposal for a directive Recital 13

Text proposed by the Commission

(13) Rape is one of the most serious offences breaching a person's sexual integrity and is a crime that disproportionately affects women. It entails a power imbalance between the offender and the victim, which allows the offender to sexually exploit the victim for purposes such as personal gratification, asserting domination, gaining social recognition, advancement or possibly financial gain. Many Member States still require the use of force, threats or coercion for the crime of rape. Other Member States solely rely on the condition that the victim has not consented to the sexual act. Only the latter approach achieves the full protection of the sexual integrity of victims. Therefore, it is necessary to ensure equal protection throughout the Union by providing the constitutive elements of the crime of rape of women.

Amendment

(13) Rape is one of the most serious offences breaching a person's sexual integrity and is a crime that disproportionately affects women ***and girls***. It entails a power imbalance between the offender and the victim, which allows the offender to sexually exploit the victim for purposes such as personal gratification, asserting domination, gaining social recognition, advancement or possibly financial gain. Many Member States still require the use of force, threats or coercion for the crime of rape. Other Member States solely rely on the condition that the victim has not consented to the sexual act. Only the latter approach achieves the full protection of the sexual integrity of victims. Therefore, it is necessary to ensure equal protection throughout the Union by providing the constitutive elements of the crime of rape of women.

Amendment 17

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Forced and coerced sterilisation is a harmful and exploitative practice that removes the capacity of sexual reproduction of the victims and that is performed for the purpose of exerting

social control over the victims. It is rooted in eugenicist assumptions about the value of the lives of the persons at stake and stereotypes concerning their capacity to be parents. Women and girls of ethnic and racial minority backgrounds, in particular Roma, women and girls from poor socio-economic backgrounds and women and girls with disabilities, especially those with intellectual and psychosocial disabilities as well as those living in institutions, are particularly at risk of such practices. To combat such widespread and ongoing practices in the Union, which perpetuate discrimination, stereotypes, violence and control over another person's body, forced sterilisation should be specifically and adequately addressed in criminal law.

Amendment 18

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) It is necessary to provide for harmonised definitions of offences and penalties regarding certain forms of cyber violence. Cyber violence particularly targets and **impacts** women politicians, journalists **and** human rights defenders. It can have the effect of silencing women and hindering their societal participation on an equal footing with men. Cyber violence also disproportionately affects women and girls in educational settings, such as schools and universities, with detrimental consequences to their further education and to their mental health, which may, in extreme cases, lead to suicide.

Amendment

(17) It is necessary to provide for harmonised definitions of offences and penalties regarding certain forms of cyber violence. Cyber violence particularly targets and **has an impact on** women **in the world of work and in public life, particularly female** politicians, journalists, human rights defenders, **and persons who are part of marginalised communities**. It can have the effect of silencing women and hindering their societal **and professional** participation on an equal footing with men. Cyber violence also disproportionately affects women and girls in educational settings, such as schools and universities, with detrimental consequences to their further education, **career prospects** and to their mental health, which may, in extreme cases, lead to suicide. **The increased use of information and communication technologies at work has led to increased cyber violence against women requiring**

particular attention on preventative and protective measures in the context of work^{1a}. Women and girls who are exposed to discrimination and violence on the basis of a combination of their sex and other grounds are disproportionately affected by cyber violence, including cyber harassment and cyber incitement to violence or hatred.

^{1a} *EESC opinion on ‘Teleworking and gender equality’, (2021/C 220/02)
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020AE5159&rid=4> ; ILO Violence and harassment at work
https://www.ilo.org/global/docs/WCMS_839676/lang--en/index.htm*

Amendment 19

Proposal for a directive Recital 19

Text proposed by the Commission

(19) Especially due to its tendency for easy, swift and broad distribution and perpetration, as well as its intimate nature, the non-consensual making accessible of intimate images or videos and material that depict sexual activities, to **a multitude of** end-users, by means of information and communication technologies, can be **very** harmful for the victims. The offence provided for in this Directive should cover all types of such material, such as images, photographs and videos, including sexualized images, audio clips and video clips. It should relate to situations where the making accessible of the material to **a multitude of** end-users, through information and communication technologies, occurs without the victim’s consent, irrespective of whether the victim consented to the generation of such material or may have transmitted it to a

Amendment

(19) Especially due to its tendency for easy, swift and broad distribution and perpetration, as well as its intimate nature, the non-consensual making accessible of intimate images or videos and material that depict sexual activities, to **other** end-users, by means of information and communication technologies, can be **extremely** harmful for the victims. The offence provided for in this Directive should cover all types of such material, such as images, photographs and videos, including sexualized images, audio clips and video clips. It should relate to situations where the making accessible of the material to **other** end-users, through information and communication technologies, occurs without the victim’s consent, irrespective of whether the victim consented to the generation of such material or may have transmitted it to a

particular person. The offence should also include the non-consensual production or manipulation, for instance by image editing, of material that makes it appear as though another person is engaged in sexual activities, insofar as the material is subsequently made accessible to **a multitude of** end-users, through information and communication technologies, without the consent of that person. Such production or manipulation should include the fabrication of ‘deepfakes’, where the material appreciably resembles an existing person, objects, places or other entities or events, depicting sexual activities of another person, and would falsely appear to others to be authentic or truthful. In the interest of effectively protecting victims of such conduct, threatening to engage in such conduct should be covered as well.

particular person. The offence should also include the non-consensual production or manipulation, for instance by image editing, **including by means of artificial intelligence**, of material that makes it appear as though another person is engaged in sexual activities, insofar as the material is subsequently made accessible to **other** end-users, through information and communication technologies, without the consent of that person. Such production or manipulation should include the fabrication of ‘deepfakes’, where the material appreciably resembles an existing person, objects, places or other entities or events, depicting sexual activities of another person, and would falsely appear to others to be authentic or truthful. In the interest of effectively protecting victims of such conduct, threatening to engage in such conduct should be covered as well.

Amendment 20

Proposal for a directive Recital 20

Text proposed by the Commission

(20) Cyber stalking is a modern form of violence which is often perpetrated against family members or persons living in the same household, but also perpetrated by ex-partners or acquaintances. Typically, technology is misused by the offender to proceed to intensify coercive and controlling behaviour, manipulation and surveillance, thereby increasing the victim’s fear, anxiety and gradual isolation from friends **and** family. Therefore, minimum rules on cyber stalking should be established. The offence of cyber stalking should cover the continuous surveillance of the victim without their consent or legal authorisation by means of information and communication technologies. This might be enabled by processing the victim’s personal data, such as through identity theft

Amendment

(20) Cyber stalking is a modern form of violence which is often perpetrated against family members or persons living in the same household, but also perpetrated by ex-partners or acquaintances. Typically, technology is misused by the offender to proceed to intensify coercive and controlling behaviour, manipulation and surveillance, thereby increasing the victim’s fear, anxiety and gradual isolation from friends, family **and work**. Therefore, minimum rules on cyber stalking should be established. The offence of cyber stalking should cover the continuous surveillance of the victim without their consent or legal authorisation by means of information and communication technologies. This might be enabled by processing the victim’s personal data, such as through identity theft

or the spying out of such data on their various social media or messaging platforms, their emails and phone, stealing passwords or hacking their devices to access their private spaces, via the installation of geo-localisation apps, including stalkerware, or via stealing their devices. Furthermore, stalking should cover the monitoring of victims, without that person's consent or authorisation, via technology devices connected through the Internet of Things, such as smart home appliances.

Amendment 21

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) Minimum rules concerning the offence of cyber harassment should be laid down to counter initiating an attack with third parties or participating in such an attack directed at another person, by making threatening or insulting material accessible to *a multitude of* end-users. Such broad attacks, including coordinated online mob attacks, may morph into offline assault or cause significant psychological injury and in extreme cases lead to suicide of the victim. They often target prominent (female) politicians, journalists or otherwise well-known persons, but they can also occur in different contexts, for instance on campuses or in schools. Such online violence should be addressed especially where the attacks occur on a wide-scale, for example in the form of pile-on harassment by a significant amount of people.

Amendment 22

Proposal for a directive

or the spying out of such data on their various social media or messaging platforms, their emails and phone, stealing passwords or hacking their devices to access their private spaces, via the installation of geo-localisation apps, including stalkerware, or via stealing their devices. Furthermore, stalking should cover the monitoring of victims, without that person's consent or authorisation, via technology devices connected through the Internet of Things, such as smart home appliances.

Amendment

(21) Minimum rules concerning the offence of cyber harassment should be laid down to counter initiating an attack with third parties or participating in such an attack directed at another person, by making threatening or insulting material accessible to *other* end-users. Such broad attacks, including coordinated online mob attacks, may morph into offline assault or cause significant psychological injury and in extreme cases lead to suicide of the victim. They often target prominent (female) politicians, journalists or otherwise well-known persons, but they can also occur in different contexts, for instance on campuses or in schools. Such online violence should be addressed especially where the attacks occur on a wide-scale, for example in the form of pile-on harassment by a significant amount of people.

Recital 22

Text proposed by the Commission

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

Amendment

(22) The increase in internet and social media usage has led to a sharp rise in public incitement to violence and hatred, including based on sex or gender, over the past years. The easy, fast and broad sharing of hate speech through the digital word is reinforced by the online disinhibition effect, as the presumed anonymity on the internet and sense of impunity reduce people's inhibition to engage in such speech. ***Often, perpetrators of such incitement online are public figures who, due to a presumed impunity, have the effect of legitimising and emboldening acts of violence offline.*** Women are often the target of sexist and misogynous hate online, which can escalate into hate crime offline. ***Children and young people can also be the target of such incitement (cyber violence), on the basis of personal characteristics such as disability, racial or ethnic origin, sexual orientation, gender identity, gender expression, sex characteristics or other grounds which, if left unaddressed, may cause social exclusion, anxiety, an inducement to self-harm and, in extreme situations, suicide ideation, suicide attempts or actual suicide. It is essential that such incitement to violence or cyber violence is*** intercepted at an early stage. The language used in this type of incitement does not always directly refer to the sex or gender of the targeted ***persons***, but the biased motivation can be inferred from the overall content or context of the incitement.

Amendment 23

Proposal for a directive

Recital 24

Text proposed by the Commission

Amendment

(24) Victims should be able to report crimes of violence *against women* or domestic violence easily without being subject to secondary or repeat victimisation. To this end, Member States should provide the possibility to submit complaints online or through other information and communication technologies for the reporting of such crimes. Victims of cyber violence should be able to upload materials relating to their report, such as screenshots of the alleged violent behaviour.

(24) Victims should be able to report crimes of *gender-based* violence or domestic violence easily without being subject to secondary or repeat victimisation. To this end, Member States should provide the possibility to submit complaints online or through other information and communication technologies for the reporting of such crimes. Victims of cyber violence should be able to upload materials relating to their report, such as screenshots of the alleged violent behaviour. ***Complaint mechanisms should be accessible to victims without digital skills, victims living in remote or rural areas with a difficult access to digital tools and internet as well as to persons with disabilities.***

Amendment 24

Proposal for a directive Recital 25

Text proposed by the Commission

(25) In the case of domestic violence and violence *against women*, especially when committed by close family members or intimate partners, victims may be under such duress by the offender that they fear to reach out to the competent authorities, even if their lives are in danger. Therefore, Member States should ensure their confidentiality rules do not constitute an obstacle for relevant professionals, such as healthcare professionals, to report to the competent authorities, where they have reasonable grounds to believe that the life of the victim is at an imminent risk of serious physical harm. Similarly, instances of domestic violence or violence *against women* affecting children are often only intercepted by third parties noticing irregular behaviour or physical harm to the child. Children need to be effectively protected from such forms of violence and adequate measures promptly taken.

Amendment

(25) In the case of domestic violence and *gender-based* violence, especially when committed by close family members or intimate partners, victims may be under such duress by the offender that they fear to reach out to the competent authorities, even if their lives are in danger. Therefore, Member States should ensure their confidentiality rules do not constitute an obstacle for relevant professionals, such as healthcare professionals, to report to the competent authorities, where they have reasonable grounds to believe that the life of the victim is at an imminent risk of serious physical harm. Similarly, instances of domestic violence or *gender-based* violence affecting children are often only intercepted by third parties noticing irregular behaviour or physical harm to the child. Children need to be effectively protected from such forms of violence and adequate measures promptly taken.

Therefore, relevant professionals coming in contact with child victims or potential child victims, including healthcare or education professionals, should equally not be constrained by confidentiality where they have reasonable grounds to believe that serious acts of violence under this Directive have been committed against the child or further serious acts are to be expected. Where professionals report such instances of violence, Member States should ensure that they are not held liable for breach of confidentiality.

Therefore, relevant professionals coming in contact with child victims or potential child victims, including healthcare or education professionals, should equally not be constrained by confidentiality where they have reasonable grounds to believe that serious acts of violence under this Directive have been committed against the child or further serious acts are to be expected. Where professionals report such instances of violence, Member States should ensure that they are not held liable for breach of confidentiality.

Amendment 25

Proposal for a directive Recital 26

Text proposed by the Commission

(26) In order to tackle underreporting in the cases when the victim is a child, safe and child-friendly reporting procedures should be established. This can include questioning by competent authorities in simple and accessible language.

Amendment

(26) In order to tackle underreporting in the cases when the victim is a child, safe and child-friendly reporting procedures should be established. This can include questioning by competent authorities in simple and accessible language ***and in a carefully selected environment. Member States should ensure sufficient training of professionals coming in contact with child victims or potential child victims.***

Amendment 26

Proposal for a directive Recital 27

Text proposed by the Commission

(27) Delays in processing complaints of violence ***against women*** and domestic violence can bear particular risks to victims thereof, given that they might still be in immediate danger given that offenders might often be close family members or spouses. Therefore, the competent authorities should have the sufficient

Amendment

(27) Delays in processing complaints of ***gender-based*** violence and domestic violence can bear particular risks to victims thereof, given that they might still be in immediate danger given that offenders might often be close family members or spouses. ***Such delays put victims at risk of physical, sexual, psychological or***

expertise and effective investigative tools to investigate and prosecute such crimes.

economic harm or suffering. Therefore, the competent authorities should have the sufficient expertise and effective investigative tools to investigate and prosecute such crimes. ***Victims should have the right to be free from undue consequences, such as termination of contract, when taking leave as a consequence of gender-based violence and sexual harassment.***

Amendment 27

Proposal for a directive Recital 28

Text proposed by the Commission

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

Amendment

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

Amendment 28

Proposal for a directive Recital 29

Text proposed by the Commission

(29) When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the victim's safety and providing tailored support, taking into account, among other

Amendment

(29) When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the victim's safety and providing tailored support, taking into account, among other

matters, the individual circumstances of the victim. Such circumstances requiring special attention could include the victim's pregnancy or the victim's dependence on or relationship to the offender.

matters, the individual circumstances, **specific needs and vulnerabilities** of the victim. Such circumstances requiring special attention could include the victim's pregnancy, **the recent birth of a child** or the victim's **living situation with**, dependence on, or relationship to, the offender.

Amendment 29

Proposal for a directive Recital 32

Text proposed by the Commission

(32) Victims of violence **against women** and domestic violence are often in need of specific support. To ensure they effectively receive offers of support, the competent authorities should refer victims to appropriate support services. This should in particular be the case where an individual assessment has found particular support needs of the victim. In that case, support services should be able to reach out to the victim even without the victim's consent. For the processing of related personal data by competent authorities, Member States should ensure that it is based on law, in accordance with Article 6(1)(c) read in conjunction with Article (6)(2) and (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council⁴¹. Such laws should include appropriate personal data safeguards that respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the individuals. Where competent authorities transfer victims' personal data to support services for victims' referral, they should ensure that the data transferred is limited to what is necessary to inform the services of the circumstances of the case, so that victims receive appropriate support and

Amendment

(32) Victims of **gender-based** violence and domestic violence are often in need of specific support. To ensure they effectively receive offers of support, the competent authorities should refer victims to appropriate **specialised** support services. This should in particular be the case where an individual assessment has found particular support needs of the victim. In that case, support services should be able to reach out to the victim even without the victim's consent. For the processing of related personal data by competent authorities, Member States should ensure that it is based on law, in accordance with Article 6(1), **point** (c), read in conjunction with Article (6)(2) and (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council⁴¹. Such laws should include appropriate personal data safeguards that respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the individuals. Where competent authorities transfer victims' personal data to support services for victims' referral, they should ensure that the data transferred is limited to what is necessary to inform the services of the circumstances of the case, so that victims receive appropriate

protection.

⁴¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), (OJ L 119, 4.5.2016, p. 1–88).

Amendment 30

Proposal for a directive Recital 33

Text proposed by the Commission

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

Amendment 31

Proposal for a directive Recital 38

Text proposed by the Commission

(38) Given the complexities and gravity of offences of violence **against women** and domestic violence and specific support needs of victims, Member States should ensure additional support and prevention of

support and protection.

⁴¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), (OJ L 119, 4.5.2016, p. 1–88).

Amendment

(33) Member States should take the necessary measures to ensure the availability of emergency barring, restraining and protection orders to ensure effective protection of victims and their dependants, ***in particular as regards the residence and the workplace of the victim. Member States should ensure that the length and enforcement of the protection orders is sufficient and effective, taking into account the time required to access administrative or judicial procedures in order to report a criminal offence or seek long-term protection.***

Amendment

(38) Given the complexities and gravity of offences of **gender-based** violence and domestic violence and specific support needs of victims, Member States should ensure additional support and prevention of

such offences is provided by designated bodies. Given their expertise in matters of discrimination on grounds of sex, national equality bodies, set up in accordance with Directives 2004/113/EC⁴², 2006/54/EC⁴³ and 2010/41/EU⁴⁴ of the European Parliament and of the Council, are well placed to fulfil these tasks. Such bodies should in addition have legal standing to act on behalf or in support of victims of all forms of violence *against women* or domestic violence in judicial proceedings, including for the application for compensation and removal of online illegal content, with the victims' approval. This should include the possibility of acting on behalf or in support of several victims together. To enable these bodies to effectively carry out their tasks, Member States should ensure that they are provided with sufficient human and financial resources.

⁴² Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, (OJ L 373, 21.12.2004, p. 37).

⁴³ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), (OJ L204, 26.7.2006, p. 23).

⁴⁴ Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, (OJ L 180, 15.7.2010, p. 1).

such offences is provided by designated bodies. Given their expertise in matters of discrimination on grounds of sex *or gender*, national equality bodies, set up in accordance with Directives 2004/113/EC⁴², 2006/54/EC⁴³ and 2010/41/EU⁴⁴ of the European Parliament and of the Council, are well placed to fulfil these tasks. Such bodies should in addition have legal standing to act on behalf or in support of victims of all forms of *gender-based* violence or domestic violence in judicial proceedings, including for the application for compensation and removal of online illegal content, with the victims' approval. This should include the possibility of acting on behalf or in support of several victims together. To enable these bodies to effectively carry out their tasks, Member States should ensure that they are provided with sufficient human and financial resources.

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⁴⁴ Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, (OJ L 180, 15.7.2010, p. 1).

Amendment 32

Proposal for a directive
Recital 39

Text proposed by the Commission

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

Amendment 33

Proposal for a directive
Recital 44

Text proposed by the Commission

(44) In order to avoid secondary victimisation, victims should be able to obtain compensation in the course of criminal proceedings. Compensation from the offender should be full and should not be restricted by a fixed upper limit. It should cover all harm and trauma experienced by victims and costs incurred

Amendment

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

Amendment

(44) In order to avoid secondary victimisation, victims should be able to obtain compensation in the course of criminal proceedings. Compensation from the offender should be full and should not be restricted by a fixed upper limit. It should cover all harm and trauma experienced by victims and costs incurred

to manage the damages, including among other things therapy costs, impact on the victim's employment situation, loss of earnings, psychological damages, and moral prejudice due to the violation of dignity. The amount of compensation should reflect that victims of domestic violence may have to uproot their lives in order to seek safety, entailing a possible change of employment or finding new schools for children or even creating a new identity.

to manage the damages, including among other things therapy costs, impact on the victim's employment situation, loss of earnings, psychological damages, and moral prejudice due to the violation of dignity. The amount of compensation should reflect ***the fact*** that victims of domestic violence ***or cyber incitement to violence or hatred*** may have to uproot their lives in order to seek safety, entailing a possible ***loss or*** change of employment or finding new schools for children or even creating a new identity.

Amendment 34

Proposal for a directive Recital 45

Text proposed by the Commission

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

Amendment

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

Amendment 35

Proposal for a directive Recital 46

Text proposed by the Commission

(46) Specialised support services should provide support to victims of all forms of violence ***against women*** and domestic violence, including sexual violence, female genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber

Amendment

(46) Specialised support services should provide support to victims of all forms of ***gender-based*** violence and domestic violence, including sexual violence, female genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment, and of various forms of cyber

violence.

violence.

Amendment 36

Proposal for a directive

Recital 47

Text proposed by the Commission

(47) Specialist support should offer victims support tailored to their specific needs, and irrespective of any official complaint. Such services could be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support. Specialist support may be provided by national authorities, victims' support organisations, or other non-governmental organisations. They should be granted sufficient human and financial resources and, where the services are provided by non-governmental organisations, Member States should ensure that they receive appropriate funds.

Amendment

(47) Specialist support should offer victims, ***as well as their dependants***, support tailored to their specific needs, and irrespective of any official complaint. Such services could be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support. Specialist support may be provided by national authorities, victims' support organisations, or other non-governmental organisations. They should ***include but not be limited to women's support services, women's shelters, helplines, rape crisis or sexual violence referral centres, as well as primary prevention services. Specialist support services should be*** granted sufficient human and financial resources and, where the services are provided by non-governmental organisations, Member States should ensure that they receive appropriate funds.

Amendment 37

Proposal for a directive

Recital 48

Text proposed by the Commission

(48) Victims of domestic violence and violence ***against women*** typically have multiple protection and support needs. In order to address these effectively, Member States should provide such services at the same premises, or have such services

Amendment

(48) Victims of domestic violence and ***gender-based*** violence typically have multiple protection and support needs. In order to address these effectively, Member States should provide such services at the same premises, or have such services

coordinated through a central contact point. To ensure also victims in remote areas or unable to physically reach such centres are reached, Member States should provide for online access to such services. This should entail setting up a single and updated website where all relevant information on and access to available support and protection services is provided (one-stop online access). The website should follow accessibility requirements for persons with disabilities.

Amendment 38

Proposal for a directive

Recital 49

Text proposed by the Commission

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

Amendment 39

Proposal for a directive

Recital 50

Text proposed by the Commission

(50) The traumatic nature of sexual violence, including rape, requires a particularly **sensitive** response by trained and specialised staff. Victims of this type of violence need immediate medical care and trauma support combined with immediate forensic examinations to collect the evidence needed for prosecution. Rape crisis centres or sexual violence referral centres should be available in sufficient numbers and adequately spread over the

coordinated through a central contact point. To ensure also victims in remote areas or unable to physically reach such centres are reached, Member States should provide for online access to such services. This should entail setting up a single and updated website where all relevant information on and access to available support and protection services is provided (one-stop online access). The website should follow accessibility requirements for persons with disabilities.

Amendment

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Amendment

(50) The traumatic nature of sexual violence, including rape, requires a particularly **gender-sensitive** response by trained and specialised staff. Victims of this type of violence need immediate medical care and trauma support combined with immediate forensic examinations to collect the evidence needed for prosecution. Rape crisis centres or sexual violence referral centres should be available in sufficient numbers and

territory of each Member State. Similarly, victims of female genital mutilation, who are often girls, typically are in need of targeted support. Therefore, Member States should ensure they provide dedicated support tailored to these victims.

adequately spread over the territory of each Member State. Similarly, victims of female genital mutilation, who are often girls, typically are in need of targeted support. Therefore, Member States should ensure they provide dedicated support tailored to these victims.

Amendment 40

Proposal for a directive

Recital 50 a (new)

Text proposed by the Commission

Amendment

(50a) Violence and harassment in the world of work is unacceptable and incompatible with decent work. It affects persons' psychological, physical and sexual health, dignity, and family and social environment, as well as the quality of public and private services. In particular, it can prevent persons, particularly women, from accessing, and remaining and advancing in the labour market and is therefore a threat to equal opportunities. It also negatively affects the organisation of work, workplace relations, worker engagement, enterprise reputation and productivity.

Amendment 41

Proposal for a directive

Recital 51

Text proposed by the Commission

Amendment

(51) Harassment ***at*** work is considered as discrimination on grounds of sex by Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. ***Given that sexual*** harassment at work ***has significant negative consequences both for the victims and the employers, advice on adequately addressing such instances at the***

(51) Harassment ***in the world of*** work is considered as discrimination on grounds of sex by Directives 2004/113/EC, 2006/54/EC and 2010/41/EU. ***ILO Convention No 190 applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work. According to Article 3***

workplace, on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of early conciliation, if the victim so wishes, should be provided by external counselling services to both victims and employers.

of the Convention, the Convention applies to the workplace, including the places where the worker is paid, takes a break, or uses sanitary facilities, during work-related trips, , engages in work-related communication, when commuting to and from work or staying in accommodation provided by employer. The Convention thus recognises the fact that violence in the course of employment can take place away from the traditional place of work, and can relate to the spill-over of domestic violence at work.

Amendment 42

Proposal for a directive Recital 51 a (new)

Text proposed by the Commission

Amendment

(51a) Given that gender-based violence and harassment, in particular harassment in the world of work, have significant negative consequences for everyone in the world of work, with an impact, in particular, on the labour market participation of women, workplace relations, increased absenteeism, long-term sick leave and productivity, and consequently loss of income or future opportunities, advice should be provided by external, specialised counselling services to both workers and employers on adequately preventing and addressing such instances in the world of work, including through social dialogue, and on legal remedies available to the victims, including on options and remedies for employers to remove the offender from the workplace and to provide the possibility of early conciliation, if the victim so wishes. Such support should be specialised, gender-sensitive, free of charge and confidential. The social partners play a critical role in preventing, identifying and tackling gender-based violence in the world of work, as well as

providing support to victims. In order to protect workers and to address fear of victimisation in case of violence arising at the workplace, they should be able to be represented by a trade union or another workers' representative.

Amendment 43

Proposal for a directive Recital 51 b (new)

Text proposed by the Commission

Amendment

(51b) Women active in public life such as politicians, journalists, human rights defenders and those active in civil society and in other areas of public life are often victims of targeted violence and harassment, which risks silencing them and hindering their societal participation, consequently undermining the principle of democracy^{1a}. Female members of parliament active in the fight against gender inequality and gender-based violence are often singled out for attack.

*^{1a} See, for instance, a study commissioned by the Inter-Parliamentary Union:
<http://www.assembly.coe.int/LifeRay/EGA/WomenFFViolence/2018/20181016-WomenParliamentIssues-EN.pdf>*

Amendment 44

Proposal for a directive Recital 51 c (new)

Text proposed by the Commission

Amendment

(51c) In addition to the severe consequences and trauma for victims personally, domestic violence can also affect employment, productivity, and health and safety. As part of other

measures, the social partners play a key role and help to recognise, respond to and address the effects of gender-based violence and harassment in the world of work. In order to support victims through difficult transitions and help them to remain the workforce, thereby safeguarding their economic resources and financial independence, Member States should provide workers with the right to paid leave of appropriate duration.

Amendment 45

Proposal for a directive Recital 51 d (new)

Text proposed by the Commission

Amendment

(51d) In order to support workers who are victims of gender-based violence and harassment and domestic violence to remain in the work force, Member States should ensure that such workers have the right to request short-term flexible working arrangements to adjust their working patterns, including, where possible, through the use of remote working arrangements or transfer of working location, flexible working schedules, or a reduction in working hours. The duration and other aspects such flexible working arrangements should be determined by the Member States.

Amendment 46

Proposal for a directive Recital 51 e (new)

Text proposed by the Commission

Amendment

(51e) Workers who are victims of violence should be able to find support

and legal advice at the workplace, with due consideration of the employer's size. While domestic abuse can affect daily work or safety at work and lead to violence, harassment, stalking and assault in the workplace, work can also be a preventive and protective factor in the lives of victims, by providing protection from the violence and abuse, and a safe place to seek help. Workplaces may be key in raising awareness on gender-based violence, in identifying it and in supporting victims.

Amendment 47

Proposal for a directive Recital 51 f (new)

Text proposed by the Commission

Amendment

(51f) Member States should ensure that employers, in consultation with workers' representatives, in particular trade unions, and commensurate with their remit, take appropriate measures to prevent and address instances of violence and harassment in the world of work, including cyber violence, and to identify and provide adequate support to victims of violence. Victims should have access to legal remedies, information and a right to receive support from worker representatives, including trade unions, if requested.

Amendment 48

Proposal for a directive Recital 51 g (new)

Text proposed by the Commission

Amendment

(51g) The social partners can play a key role in addressing harassment in the world of work as well as domestic

violence, through relevant measures. With the increasing availability of home-based telework, the site of domestic violence can in fact be the workplace of the victim. Employers and trade unions can also contribute to the identification of instances of domestic violence, to support victims and to address the impacts of domestic violence on professional life. There are already many examples of good practices and agreements on workplace policies that give support to victims of domestic violence, enabling them to continue working safely.

Amendment 49

Proposal for a directive Recital 51 h (new)

Text proposed by the Commission

Amendment

(51h) Member States should ensure that the social partners are able to bargain collectively on workplace measures to prevent and address harassment and cyber violence in the world of work, and to identify and support victims of domestic violence. Member States should take measures to promote collective bargaining on workplace practices concerning prevention and addressing instances of harassment, cyber violence and domestic violence, including through awareness-raising campaigns and training of employers and workers, workers' representatives including trade unions and workplace health and safety representatives.

Amendment 50

Proposal for a directive Recital 51 i (new)

Text proposed by the Commission

Amendment

(51i) Member States should improve the functioning of labour inspectorates with necessary funds, resources, staff and training to ensure effective, proportionate and non-discriminatory controls and field inspections, including routine and unannounced visits, in order to detect cases of gender-based violence, sexual harassment and cyber violence in the world of at work and strengthen the protection of workers. Member States should also ensure that organisations representing workers, in particular trade unions, have access to the workplace and, with the agreement of workers, to workers' data.

Amendment 51

Proposal for a directive Recital 52

Text proposed by the Commission

Amendment

(52) Member States should ensure that national helplines are operated under the EU-harmonised number [116016] and this number is widely advertised as a public number, free of charge and available round-the-clock. The support provided should include crisis counselling and should be able to refer to face-to-face services, such as shelters, counselling centres or the police.

(52) Member States should ensure that national helplines are operated under the EU-harmonised number [116016] and this number is widely advertised as a public number, free of charge and available round-the-clock. The support provided should ***be accessible to persons with disabilities, should*** include crisis counselling and should be able to refer to face-to-face services, such as shelters, counselling centres or the police.

Amendment 52

Proposal for a directive Recital 53

Text proposed by the Commission

Amendment

(53) Shelters play a vital role in

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protecting victims from acts of violence. Beyond providing a safe place to stay, shelters should provide the necessary support concerning interlocking problems related to victims' health, financial situation and the well-being of their children, ultimately preparing victims for an autonomous life.

protecting victims from acts of violence. Beyond providing a safe place to stay, shelters should provide the necessary support concerning interlocking problems related to victims' health, financial **and employment** situation and the well-being of their children, ultimately preparing victims for an autonomous life. ***Shelters and other appropriate interim accommodation should be made available to accommodate the specific needs of victims with disabilities.***

Amendment 53

Proposal for a directive Recital 56

Text proposed by the Commission

(56) Victims with specific needs and groups at risk of violence ***against women*** or domestic violence, such as ***women*** with disabilities, ***women*** with dependant residence status or permit, undocumented ***migrant women***, ***women*** applicants for international protection, ***women*** fleeing armed conflict, ***women*** affected by homelessness, with a minority racial or ethnic background, living in rural areas, ***women*** sex workers, detainees, ***or*** older ***women***, should receive specific protection and support.

Amendment

(56) Victims with specific needs and groups at risk of ***gender-based*** violence or domestic violence, such as ***persons*** with disabilities, ***persons*** with dependant residence status or permit, undocumented ***migrants***, applicants for international protection, ***persons*** fleeing armed conflict, ***persons*** affected by homelessness, with a minority racial or ethnic background, ***LGBTIQ+ people, expectant and new mothers, persons*** living in rural areas, ***persons living in institutions***, sex workers, detainees, older ***persons, children, victims of so-called "honour crimes"***, should receive specific protection and support.

Amendment 54

Proposal for a directive Recital 57

Text proposed by the Commission

(57) Women ***with disability*** disproportionately experience violence ***against women*** and domestic violence ***and***

Amendment

(57) Women ***and girls with disabilities, including victims of forced sterilisation,*** disproportionately experience ***all forms of***

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

gender-based violence and domestic violence ***both within and outside their home***. Due to ***a lack of accessible protection and support measures, victims with disabilities*** often have difficulties in ***advocating for themselves, being heard and believed and*** accessing such protection and support measures. ***The process for reporting violence is often inaccessible because of inadequate policies and standards, negative attitudes, physical barriers, scarce information and communication, a lack of service provision, inadequate funding and a failure to involve victims with disabilities in decisions that directly affect their lives***. Therefore, Member States should ***adapt their support services accordingly, provide relevant actors with adequate training and*** ensure ***that victims with disabilities*** can benefit fully from the rights set out in this Directive, on an equal basis with others, while paying due attention to the particular vulnerability of such victims and their likely difficulties ***in being able*** to reach out for, ***or receive***, help.

Amendment 55

Proposal for a directive Recital 58

Text proposed by the Commission

(58) Member States should ensure that preventive measures, such as awareness-raising campaigns, are taken to counter violence ***against women and*** domestic violence. Prevention should also take place in formal education, in particular, through strengthening sexuality education and socio-emotional competencies, empathy and developing healthy and respectful relationships.

Amendment

(58) Member States should ensure that preventive measures, such as awareness-raising campaigns, are taken to counter ***gender-based*** violence. ***Special awareness should be paid to awareness-raising campaigns for women experiencing discrimination and violence on the basis of the combination of their sex and other grounds, and for victims at an increased risk of domestic violence and the associated stigma, and inform all persons, including victims themselves, of the signs of violence and abuse***. Prevention should also take place in formal education, in

particular, through strengthening **comprehensive and inclusive** sexuality education and socio-emotional competencies, empathy and developing healthy and respectful relationships **with a particular focus on addressing boys and young men**.

Amendment 56

Proposal for a directive

Recital 59

Text proposed by the Commission

(59) Member States should take measures to prevent the cultivation of harmful gender stereotypes to eradicate the idea of the inferiority of women or stereotyped roles of women and men. This could also include measures aimed at ensuring that culture, custom, religion, tradition or honour **is not** perceived as a justification for, or a more lenient treatment of, offences of violence **against women** or domestic violence. Considering that from a very young age onwards, children are exposed to gender roles that shape their self-perception and influence their academic and professional choices as well as expectations of their roles as women and men throughout their life, it is crucial to address gender stereotypes as of early-childhood education and care.

Amendment

(59) Member States should take measures to prevent the cultivation of, **and dismantle existing**, harmful gender stereotypes **in order** to eradicate the idea of the inferiority of women or stereotyped roles of women and men. This could also include measures aimed at ensuring that culture, custom, religion, tradition or honour **can never be** perceived **or used** as a justification for, or a more lenient treatment of, offences of **gender-based** violence or domestic violence. Considering that from a very young age onwards, children are exposed to gender roles that shape their self-perception and influence their academic and professional choices as well as expectations of their roles as women and men throughout their life, it is crucial to address gender stereotypes **and respect for explicit consent and bodily autonomy** as of early-childhood education and care. **At the workplace, training and awareness-raising programmes can play a crucial role in challenging stereotypes and transforming culture inside and outside work. Member States should also take measures to prevent the gender-based violence and harassment at work on grounds of pregnancy or recent parenthood.**

Amendment 57

Proposal for a directive Recital 60

Text proposed by the Commission

(60) In order to ensure victims of violence **against women** and domestic violence are identified and receive appropriate support, Member States should ensure that professionals likely to come into contact with victims receive training and targeted information. **Trainings** should cover the risk and prevention of intimidation, repeat and secondary victimisation and the availability of protection and support measures for victims. To prevent and appropriately address instances of sexual harassment **at work**, persons with supervisory functions should also receive training. **These trainings** should also cover assessments regarding sexual harassment **at work** and associated psychosocial safety and health risks as referred to under Directive 89/391/EEC of the European Parliament and of the Council⁴⁵. Training activities should also cover the risk of third party violence. Third party violence refers to violence which staff may suffer at the workplace, not at the hands of a co-worker, and includes cases, such as nurses sexually harassed by a patient.

Amendment

(60) In order to ensure victims of **gender-based** violence and domestic violence are identified and receive appropriate support, Member States should ensure that professionals **in the public, private and civil society sector, including the social partners**, likely to come into contact with victims receive **regular and mandatory** training and targeted information, **particularly taking into account the needs of victims with disabilities**. **Training should be gender- and disability-sensitive and** cover the risk and prevention of intimidation, repeat and secondary victimisation and the availability of protection and support measures for victims. **They should also include prevention and identification of violence, cyber violence and harassment in the world of work and identification of the most vulnerable and disadvantaged groups that might often be the less believed when reporting, such as such as migrants, LGBTIQ+ or persons with disabilities**. To prevent and appropriately address instances of sexual harassment, **cyber violence in the world of work, and to identify and address instances of domestic violence and its consequences on workers**, persons with supervisory functions **and workers representatives** should also receive training. **Such training** should also cover assessments regarding sexual harassment, **cyber violence and domestic violence in the world of work**, and associated psychosocial safety and health risks as referred to under Directive 89/391/EEC of the European Parliament and of the Council⁴⁵. Training activities should also cover the risk of third party violence. Third party violence refers to violence which staff may suffer at the

workplace, not at the hands of a co-worker, and includes cases, such as nurses sexually harassed by a patient.

⁴⁵ Council Directive 89/391/EEC of the European Parliament and of the Council of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

⁴⁵ Council Directive 89/391/EEC of the European Parliament and of the Council of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

Amendment 58

Proposal for a directive Recital 60 a (new)

Text proposed by the Commission

Amendment

(60a) Employers should ensure a culture based on mutual respect and dignity to prevent violence and harassment in the world of work commensurate with their remit including by adopting and implementing an inclusive and gender-responsive workplace policy on gender-based violence and harassment in consultation with workers and their representatives, appointing a designated confidential counsellor, ensuring no adverse treatment or consequences in the workplace for victims of gender-based violence and harassment, taking into account gender-based violence and harassment in the management and risk-assessment of occupational safety and health and providing all workers and their representatives with regular information and training on the identified hazards and risks of violence and harassment.

Amendment 59

Proposal for a directive Recital 60 b (new)

(60b) This Directive should ensure that preventative and protective measures aiming to combat violence, discrimination and harassment at work, including third-party violence and harassment by customers, clients, visitors, patients, as applicable, should apply and should not be limited to particular cases on discriminatory grounds. Member States, in consultation with the social partners, should provide for effective protective measures.

Amendment 60

Proposal for a directive Recital 61

Text proposed by the Commission

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

Amendment

(61) In order to counteract underreporting, Member States should also liaise with law enforcement authorities in the development of ***training***, in particular regarding harmful gender stereotypes ***and prejudices, including multiple discrimination grounds***, but also in the prevention of offences, given their typical close contact with groups at risk of violence and victims. ***Member States should recognise women's civil society organisations, including organisations working with women at a heightened risk of experiencing gender-based violence, as partners in policy development and implementation and should, where relevant, include them in the work of government bodies and committees working to combat gender-based violence and domestic violence. In addition, other relevant stakeholders should be consulted on relevant issues, such as the social partners in relation to gender-based violence and sexual harassment at work.***

Amendment 61

Proposal for a directive Recital 62

Text proposed by the Commission

(62) Intervention programmes should be set up to prevent and minimise the risk of **(repeated)** offences of violence **against women** or domestic violence. The programmes should specifically aim at teaching offenders or those at risk of offending how to adopt non-violent behaviour in interpersonal relationships and how to counter violent behavioural patterns. Programmes should encourage offenders to take responsibility for their actions and examine their attitudes and beliefs towards **women**.

Amendment

(62) **Early** intervention programmes should be set up to prevent and minimise the risk of offences of **gender-based** violence or domestic violence, **including the risk of repetition of such offences**. The programmes should specifically aim at teaching offenders or those at risk of offending how to adopt non-violent behaviour in interpersonal relationships and how to counter violent behavioural patterns. Programmes should encourage offenders to take responsibility for their actions and examine their attitudes and beliefs towards **the victims**.

Amendment 62

Proposal for a directive Recital 64

Text proposed by the Commission

(64) Policies to adequately tackle violence **against women** and domestic violence can only be formulated on the basis of comprehensive and comparable disaggregated data. In order to effectively monitor developments in the Member States and fill the gaps of comparable data, Member States should regularly conduct surveys using the harmonised methodology of the Commission (Eurostat) to gather data and transmit **these** data to the Commission (Eurostat).

Amendment

(64) Policies to adequately tackle **gender-based** violence and domestic violence can only be formulated on the basis of comprehensive and comparable disaggregated data. In order to effectively monitor developments in the Member States and fill the gaps of comparable data, Member States should regularly conduct surveys using the harmonised methodology of the Commission (Eurostat) to gather data and transmit **those** data to the Commission (Eurostat).

Amendment 63

Proposal for a directive Recital 65

Text proposed by the Commission

(65) Member States should ensure that the data collected are limited to what is strictly necessary in relation to supporting the monitoring of the prevalence and trends of violence *against women* and domestic violence and design new policy strategies in this field. When sharing the data collected, no personal data should be included.

Amendment

(65) Member States should ensure that the data collected are limited to what is strictly necessary in relation to supporting the monitoring of the prevalence and trends of *gender-based* violence and domestic violence and design new policy strategies in this field. ***Data collected should include the context in which the offence took place, such as at home, at the workplace or online, as well as information about whether a victim is at a heightened risk of experiencing gender-based violence, as such information could inform future targeted policy actions. It should also include whether violence was committed against victims affected by intersectional discrimination.*** When sharing the data collected, no personal data should be included.

Amendment 64

**Proposal for a directive
Recital 68**

Text proposed by the Commission

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

Amendment

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

Amendment 65

Proposal for a directive

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

This Directive lays down rules to prevent and combat **gender-based** violence and domestic violence. It establishes minimum rules concerning:

Amendment 66

Proposal for a directive

Article 1 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) the rights of victims of all forms of **gender-based** violence or domestic violence before, during **and** after criminal proceedings;

Amendment 67

Proposal for a directive

Article 1 – paragraph 1 – point c

Text proposed by the Commission

(c) **victims'** protection and **victims'** support.

Amendment

(c) **measures for the** protection and support **of the victims**;

Amendment 68

Proposal for a directive

Article 1 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the establishment and development of preventive measures.

Amendment 69

Proposal for a directive Article 2 – paragraph 1

Text proposed by the Commission

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).

Amendment

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, **gender** and other grounds, **as well as other victims at an increased risk of domestic violence**, so as to cater to their enhanced protection and support needs, as set out in Article 18(4), Article 27(5), **Article 35(1)** and Article 37(7).

Amendment 70

Proposal for a directive Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) acts of violence **against women** or domestic violence as criminalised under other instruments of Union law;

Amendment

(b) acts of **gender-based** violence or domestic violence as criminalised under other instruments of Union law;

Amendment 71

Proposal for a directive Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) any other acts of violence **against women** or domestic violence as criminalised under national law.

Amendment

(c) any other acts of **gender-based** violence or domestic violence as criminalised under national law.

Amendment 72

Proposal for a directive Article 4 – paragraph 1 – point a a (new)

(aa) “gender-based violence” means violence, or threats of violence, that is directed against a person because of that person's gender, gender identity, gender expression or sex characteristics;

Amendment 73

Proposal for a directive Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) “domestic violence” means all acts of violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, that occur within the family or domestic unit, irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a residence with the victim;

(b) “domestic violence” means all acts 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, ***including acts that occur within a family or domestic unit which prevent a person from entering or remaining in the labour market;***

Amendment 74

Proposal for a directive Article 4 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) “the world of work” means in the course of, linked with or arising out of work in the workplace, including public and private spaces where they are a place of work; in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities; during work-related trips, travel, training, events or social activities; through work-related communications, including those

enabled by information and communication technologies; in employer-provided accommodation; and when commuting to and from work;

Amendment 75

Proposal for a directive Article 4 – paragraph 1 – point g

Text proposed by the Commission

(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;

Amendment

(g) “harassment ***in the world of work***” means any form of ***violence, harassment or other forms of physical or psychological violence, directed at persons because of their sex or gender, in particular affecting women disproportionately, including sexual harassment which is expressed by any*** 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 ***job seeking, training including interns and apprentices,*** employment, occupation and self-employment ***including informal work, in both the public and private sector,*** with the purpose or effect of violating the dignity of the victim, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, ***including where a person’s rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for job-related decisions;***

Amendment 76

Proposal for a directive Article 5 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the ***woman’s***

Amendment

2. Member States shall ensure that a non-consensual act is understood as an act which is performed without the ***person’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.

consent given voluntarily or where the **person** is unable to form a free will due to **the person's** physical or mental condition, thereby exploiting her **or his** incapacity to form a free will, such as in a state of unconsciousness, intoxication, sleep, illness, bodily injury or disability. **An act shall be considered to be consensual where it is based on voluntary consent as the consequence of the exercise of free will on the part of the person concerned.**

Amendment 77

Proposal for a directive Article 5 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Consent **is required for each separate act and** can be withdrawn at any moment during the act. The absence of consent cannot be refuted exclusively by the **person's** silence, verbal or physical non-resistance or past sexual conduct, **or existing or previous relationship with the offender.**

Amendment 78

Proposal for a directive Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Forced sterilisation

1. **Member States shall ensure that the intentional conduct of performing surgery which has the purpose or effect of terminating a person's capacity to naturally reproduce without that person's prior and informed consent or understanding of the procedure is punishable as a criminal offence.**

2. *Member States shall ensure that the prior and informed consent of the person to undergo through the surgery referred to in paragraph 1 cannot be replaced by the consent of a parent, a legal guardian or a court's decision.*

Amendment 79

Proposal for a directive Article 7 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) making intimate images, or videos or other material, **including those** depicting sexual activities, of another person without that person's consent accessible to **other** end-users by means of information and communication technologies;

Amendment 80

Proposal for a directive Article 7 – paragraph 1 – point b

Text proposed by the Commission

(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;

Amendment

(b) producing or manipulating and subsequently making accessible to **other** 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;

Amendment 81

Proposal for a directive Article 8 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) persistently engaging in threatening, **coercing** 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 **others, such as** dependants, **relatives or partners, in particular in the home environment**;

Amendment 82

Proposal for a directive

Article 8 – paragraph 1 – point b

Text proposed by the Commission

(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;

Amendment

(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, **including in the context of the world of work**;

Amendment 83

Proposal for a directive

Article 8 – paragraph 1 – point c

Text proposed by the Commission

(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.

Amendment

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

Amendment 84

Proposal for a directive Article 9 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) initiating an attack **publicly or** with third parties directed at another person, by making threatening or insulting material accessible to **other** end-users, by means of information and communication technologies, with the effect of causing psychological **and economic** harm to the attacked person, **including in the context of the world of work**;

Amendment 85

Proposal for a directive Article 10 – paragraph 1

Text proposed by the Commission

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.

Amendment

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, **or other protected groups under Union law, as referred to in Article 2**, by disseminating to the public material containing such incitement **to violence or hatred** by means of information and communication technologies is punishable as a criminal offence.

Amendment 86

Proposal for a directive Article 12 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Member States shall ensure that the criminal **offences** referred to in **Articles 6 and 6a** are punishable by a maximum

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.

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.

Amendment 87

Proposal for a directive Article 13 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) the offence, or another criminal offence of ***gender-based*** violence or domestic violence, was committed repeatedly;

Amendment 88

Proposal for a directive Article 13 – paragraph 1 – point b

Text proposed by the Commission

(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;

Amendment

(b) the offence was committed against a person made vulnerable by particular circumstances, such as ***due to the person's residence status, age***, a situation of dependence ***including economic dependence, precarious working arrangements*** or a state of physical, mental, intellectual or sensory disability ***or distress*** or living in institutions;

Amendment 89

Proposal for a directive Article 13 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the offence was committed against a woman who exercises a function in political or public life;

Amendment 90

Proposal for a directive Article 13 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

(d) the offence was committed in the presence of a child ***or another dependent or vulnerable person***;

Amendment 91

Proposal for a directive Article 13 – paragraph 1 – point m

Text proposed by the Commission

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

Amendment

(m) the offence was committed by abusing a recognised position of trust, ***hierarchy*** authority or influence, ***such as an employment relationship***;

Amendment 92

Proposal for a directive Article 15 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in ***Articles 6 and 6a*** of at least 10 years from the time when the offence was committed.

Amendment 93

Proposal for a directive Article 16 – title

Text proposed by the Commission

Reporting of violence ***against women*** or

Amendment

Reporting of ***gender-based*** violence or

domestic violence

domestic violence

Amendment 94

Proposal for a directive Article 16 – paragraph 1

Text proposed by the Commission

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.

Amendment

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, **including persons with disabilities or living in institutions**, can report criminal offences of **gender-based** violence or domestic violence to the competent authorities in an easy and accessible manner, **including through the use of Braille and sign language**. This shall include the possibility of reporting criminal offences online or through other **accessible** information and communication technologies, including the possibility to submit evidence, in particular concerning reporting of criminal offences of cyber violence. **Complaint mechanisms shall also be accessible to victims without digital skills and victims living in remote or rural areas with difficult access to digital tools and the internet as well as for persons with disabilities.**

Amendment 95

Proposal for a directive Article 16 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that offences of **gender-based** violence or domestic violence have occurred, or that further acts of violence are to be expected, to report this to the

competent authorities.

competent authorities *without fear of reprisals or negative consequences*.

Amendment 96

Proposal for a directive Article 16 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. Where children report criminal offences of *gender-based* violence 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.

Amendment 97

Proposal for a directive Article 16 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. Member States shall ensure that the competent authorities coming in contact with a victim reporting offences of *gender-based* violence 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.

Amendment 98

Proposal for a directive Article 16 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall ensure effective reporting mechanisms and follow up procedures and investigative mechanisms in cases of violence and harassment in the world of work. Member States and employers shall take the necessary measures to ensure protection against the victimisation of, or adverse consequences against, complainants, victims, witnesses and whistle-blowers and ensure the protection of those individuals' privacy as well as confidentiality, while preventing misuse of relevant requirements for privacy and confidentiality.

Member States and employers shall ensure that providing evidence does not represent a burden for the victims or contribute to further victimisation.

Amendment 99

Proposal for a directive Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that persons, units or services investigating and prosecuting violence ***against women*** or domestic violence have sufficient expertise and effective investigative tools to effectively investigate and prosecute such crimes, especially to gather, analyse and secure electronic evidence in cases of cyber violence.

1. Member States shall ensure that persons, units or services investigating and prosecuting ***gender-based*** violence or domestic violence have sufficient expertise, ***capacity*** and effective investigative tools to effectively investigate and prosecute such crimes, especially to gather, analyse and secure electronic evidence in cases of cyber violence.

Amendment 100

Proposal for a directive Article 17 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. Member States shall ensure that reported offences of **gender-based** violence or domestic violence are processed and transferred without delay to the competent authorities for prosecution and investigation.

Amendment 101

**Proposal for a directive
Article 17 – paragraph 3**

Text proposed by the Commission

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.

Amendment

3. The competent authorities shall promptly and effectively record and investigate allegations of **gender-based** violence or domestic violence and ensure that an official complaint is filed in all cases.

Amendment 102

**Proposal for a directive
Article 18 – paragraph 4**

Text proposed by the Commission

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

Amendment

4. The assessment shall take into account the victim's individual circumstances, including whether they experience discrimination based on a combination of sex, **gender** 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.

Amendment 103

Proposal for a directive
Article 18 – paragraph 6

Text proposed by the Commission

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.

Amendment

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 ***civil society organisations***, victim protection centres and women’s shelters, social services and healthcare professionals ***as well as the social partners if the victim's experience occurs in the context of the world of work.***

Amendment 104

Proposal for a directive
Article 18 – paragraph 7

Text proposed by the Commission

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.

Amendment

7. Competent authorities shall update the individual assessment at regular intervals to ensure the protection measures ***effectively and sufficiently address*** the victim’s current situation ***and needs***. This shall include an assessment of whether protection measures, in particular under Article 21, need to be adapted or taken.

Amendment 105

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission

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.

Amendment

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 ***specialised*** support services contact victims to offer support.

Amendment 106

Proposal for a directive Article 21 – paragraph 1

Text proposed by the Commission

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.

Amendment

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 **or contact** 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.

Amendment 107

Proposal for a directive Article 23 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

Member States shall issue guidelines for the competent authorities acting in criminal proceedings, including prosecutorial and judicial guidelines, concerning cases of **gender-based** violence or domestic violence. Those guidelines shall include guidance on:

Amendment 108

Proposal for a directive Article 23 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(aa) how to apply a gender-responsive and intersectional approach in all actions and measures;

Amendment 109

Proposal for a directive Article 23 – paragraph 1 – point c

Text proposed by the Commission

(c) how to treat victims in a trauma-, gender- and child-sensitive manner;

Amendment

(c) how to treat victims in a trauma-, ***disability-, language-***, gender- and child-sensitive manner;

Amendment 110

Proposal for a directive Article 23 – paragraph 1 – point e

Text proposed by the Commission

(e) how to cater to the enhanced protection and support needs of victims experiencing discrimination based on a combination of sex and other grounds;

Amendment

(e) how to cater to the enhanced protection and support needs of victims experiencing discrimination based on a combination of sex, ***gender*** and other grounds;

Amendment 111

Proposal for a directive Article 23 – paragraph 1 – point f

Text proposed by the Commission

(f) how to avoid gender stereotypes;

Amendment

(f) how to avoid gender stereotypes ***and unconscious bias***;

Amendment 112

Proposal for a directive Article 23 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) how to refer victims to support services, to ensure the appropriate treatment of victims and handling of cases of violence **against women** or domestic violence.

(g) how to refer victims to **appropriate, timely and accessible** support services, to ensure the appropriate treatment of victims and handling of cases of **gender-based** violence or domestic violence.

Amendment 113

Proposal for a directive

Article 24 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) provide independent assistance and advice to victims of violence **against women** and domestic violence;

Amendment

(a) provide independent assistance and advice to victims of **gender-based** violence and domestic violence **and witnesses**;

Amendment 114

Proposal for a directive

Article 24 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the bodies referred to in paragraph 1 can act on behalf or in support of one or several victims of violence **against women** or domestic violence in judicial proceedings, including for the application for compensation referred to in Article 26 and removal of online content referred to in Article 25, with the victims' approval.

Amendment

2. Member States shall ensure that the bodies referred to in paragraph 1 can act on behalf or in support of one or several victims of **gender-based** violence or domestic violence in judicial proceedings, including for the application for compensation referred to in Article 26 and removal of online content referred to in Article 25, with the victims' approval.

Amendment 115

Proposal for a directive

Article 26 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall ensure that victims have the right to claim full compensation from offenders for damages resulting from all forms of **gender-based**

against women or domestic violence.

violence or domestic violence.

Amendment 116

Proposal for a directive Article 26 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. The damage shall include costs for healthcare services, support services, rehabilitation, loss of income, **employment related benefits and opportunities** and other 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.

Amendment 117

Proposal for a directive Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

1. Member States shall ensure that **free of charge and confidential** specialist support services referred to in **Article 8(3) and** Article 9(3) of Directive 2012/29/EU are available for victims of acts of violence covered by this Directive. **Member States shall ensure that the specialist support services be made available to accommodate persons with disabilities.** The specialist support services shall provide:

Amendment 118

Proposal for a directive Article 27 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) **support, information and** advice on any relevant legal or practical matters arising as a result of the crime, including on access to **decent, accessible** housing, education, training and assistance to remain in or find **quality** employment;

Amendment 119

**Proposal for a directive
Article 27 – paragraph 2**

Text proposed by the Commission

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.

Amendment

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 **gender-based** violence and domestic violence, **including those of disadvantaged or diverse background, such as migrants or persons with disabilities or those living in institutions.**

Amendment 120

**Proposal for a directive
Article 27 – paragraph 3**

Text proposed by the Commission

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.

Amendment

3. Member States shall ensure sufficient human and financial resources to provide the services referred to in paragraph 1, especially those referred to in **points (a) and** (c) of that paragraph, including where such services are provided by non-governmental organisations, **such as women's organisations, organisations of charity nature as well as other organisations providing legal aid,**

Amendment 121

Proposal for a directive Article 27 – paragraph 4

Text proposed by the Commission

4. Member States shall provide the protection and specialist support services necessary to comprehensively address the multiple needs of victims at the same premises, or have such services coordinated through a central contact point, or through one-stop online access to such services. Such combined offering of services shall include at least first hand medical care and social services, psychosocial support, legal, and police services.

Amendment

4. Member States shall provide the protection and specialist support services necessary to comprehensively address the multiple needs of victims at the same premises, or have such services coordinated through a central contact point, or through one-stop online access to such services. Such combined offering of services shall include at least first hand medical care and social services, psychosocial support, legal, and police services, ***and shall be available and accessible to victims with disabilities and those with a migrant background.***

Amendment 122

Proposal for a directive Article 27 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. Member States shall issue guidelines and protocols for healthcare and social service professionals, ***the social partners, labour inspectors and other competent bodies responsible for the monitoring and enforcement of employment and social legislation*** on identifying and providing appropriate support to victims of all forms of ***gender-based*** violence 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, **gender** and other grounds of discrimination.

Amendment 123

Proposal for a directive Article 27 – paragraph 6

Text proposed by the Commission

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.

Amendment

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

Amendment 124

Proposal for a directive Article 28 – paragraph 1

Text proposed by the Commission

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.

Amendment

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. **Such centres shall be tasked with identifying whether the motive for the sexual violence were related to the sex, gender or other personal characteristics of the victim.** 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.

Amendment 125

Proposal for a directive Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29a

Specialist support for victims of forced sterilisation

- 1. Member States shall, in accordance with national law and practice, ensure effective accessible support to the victims of forced sterilisation, taking account any disability that they may have, including by providing gynaecological, 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.*
- 2. Article 27(3) and (6) and Article 28(2) shall apply to the provision of support for victims of forced sterilisation mutatis mutandis.*

Amendment 126

Proposal for a directive Article 30 – title

Text proposed by the Commission

Amendment

Specialist support for victims of **sexual** harassment **at work**

Specialist support for victims of **violence and** harassment, **including cyber violence and third-party violence in the world of work, as well as domestic violence**

Amendment 127

Proposal for a directive Article 30 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure external

- 1. Member States shall, **in***

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.

consultation with the social partners, take measures to ensure that external, specialised and confidential counselling and legal services are available to victims, whether they are workers or employers, in cases of violence and harassment in the world of work. Such services shall be free of charge at least for victims without sufficient means. These services shall include advice on adequately addressing such *cases* at the workplace, on legal remedies available to the employer to remove the offender from the workplace and *shall provide* the possibility of early conciliation, if the victim so wishes.

Member States shall ensure that those services and support are offered online and offline in order to be accessible for all, including for elderly persons and persons with disabilities, to ensure that no one is left behind.

2. *Workers shall have the right to receive support and representation from their trade union, to have access to information on available legal remedies as well as access to such remedies. Trade union representatives shall be able to support workers in any relevant proceedings.*

3. *Member States shall ensure that employers have the obligation to inform their workers, at the start of their contract, on anti-harassment policies, training and procedures in place, such as rights of workers who are victims of violence in the workplace including access to external counselling services as referred to in paragraph 1.*

Member States shall also ensure that there is no adverse treatment or consequences in the workplace for victims of gender-based violence. They shall, in particular, ensure that there is no direct and indirect discrimination of workers on the basis that they have exercised their rights under this Directive, have made a claim to that end, or have been proved to

be a victim of gender-based violence.

Amendment 128

Proposal for a directive Article 30 a (new)

Text proposed by the Commission

Amendment

Article 30a

Paid leave

- 1. Member States shall ensure that victims of gender-based violence, domestic violence, harassment in the world of work, including sexual harassment, cyber violence and third-party violence, shall be entitled to paid leave. Member States may determine the scope, duration and conditions of such leave in accordance with national law or practice.***
- 2. Member States shall take measures to support self-employed victims who have to cease their activity for safety reasons or to exercise their rights as victims.***

Amendment 129

Proposal for a directive Article 30 b (new)

Text proposed by the Commission

Amendment

Article 30b

Flexible working arrangements

Member States shall take the necessary measures to ensure that workers experiencing gender-based violence or domestic violence, have the right to request short-term flexible working arrangements, the duration of and arrangements for which shall be determined by the Member States.

Amendment 130

Proposal for a directive Article 30 c (new)

Text proposed by the Commission

Amendment

Article 30c

Collective bargaining on preventing and addressing gender-based violence

Member States shall ensure that the social partners are able to bargain collectively on workplace measures to prevent and address all forms of gender-based violence in the world of work and to assist in identifying and supporting victims of such violence, in particular on matters referred to in Articles 36, 36a and 37. Member States shall take measures to promote such collective bargaining including through awareness-raising campaigns and training of the social partners and workplace health and safety representatives.

Amendment 131

Proposal for a directive Article 31 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. Member States shall set up state-wide round-the-clock (24/7) telephone helplines, free of charge, to provide advice for victims of ***gender-based*** violence 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.

Amendment 132

Proposal for a directive
Article 31 – paragraph 4

Text proposed by the Commission

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.]

Amendment

4. [Member States shall ensure that the service under paragraph 1 for victims of **gender-based** violence is operated under the harmonised number at **Union** level “116 016” and that the end-users are adequately informed of the existence and use of such number.]

Amendment 133

Proposal for a directive
Article 32 – paragraph 2

Text proposed by the Commission

2. **The** shelters and other appropriate interim **accommodations** shall be equipped to accommodate the specific needs of children, including child victims.

Amendment

2. **Member States shall ensure that** shelters and other appropriate interim **accommodation** shall be **made available and accessible and** equipped to accommodate the specific needs of children, including child victims, **victims with disabilities or with different language and cultural backgrounds as well as the specific needs of single parent families. Member States shall take into consideration language barriers and provide services accessible in more languages than in the official language of the Member State concerned, where necessary.**

Amendment 134

Proposal for a directive
Article 33 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that children are provided specific adequate support as soon as the competent authorities have reasonable grounds to

Amendment

1. Member States shall ensure that children are provided specific adequate support as soon as the competent authorities have reasonable grounds to

believe that the children might have been subject to, including having witnessed, violence **against women** or domestic violence. Support to children shall be specialised and age-appropriate, respecting the best interests of the child.

believe that the children might have been subject to, including having witnessed, **gender-based** violence or domestic violence. Support to children shall be specialised and age-appropriate, respecting the best interests of the child.

Amendment 135

Proposal for a directive Article 34 – paragraph 1

Text proposed by the Commission

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.

Amendment

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 **gender-based** violence 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.

Amendment 136

Proposal for a directive Article 35 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Member States shall ensure the provision of specific support to victims at an increased risk of **gender-based** violence 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, **LBTIQ+ women, pregnant women and new mothers**, women sex workers, women detainees, or older women **and other LBTIQ people subject to**

gender-based violence.

Amendment 137

Proposal for a directive Article 35 – paragraph 2

Text proposed by the Commission

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.

Amendment

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

Amendment 138

Proposal for a directive Article 35 – paragraph 3

Text proposed by the Commission

3. The support services shall be available for third-country nationals who are victims of violence ***against women*** and domestic violence, including for applicants for international protection, for undocumented persons and for persons subject of return procedures in detention. Member States shall ensure that victims who request so may be kept separately from persons of the other sex in detention facilities for third-country nationals subject of return procedures, or accommodated separately in reception centres for applicants for international protection.

Amendment

3. The support services shall be available for third-country nationals who are victims of ***gender-based*** violence and domestic violence, including for applicants for international protection, for undocumented persons and for persons subject of return procedures in detention. Member States shall ensure that victims who request so may be kept separately from persons of the other sex in detention facilities for third-country nationals subject of return procedures, or accommodated separately in reception centres for applicants for international protection.

Amendment 139

Proposal for a directive Article 35 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that

Amendment

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.

persons can report occurrences of **gender-based** violence 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 *Articles* 18, 19 and 20.

Amendment 140

Proposal for a directive Article 36 – paragraph 1

Text proposed by the Commission

1. Member States shall take appropriate actions to prevent violence **against women** and domestic violence.

Amendment

1. Member States shall take appropriate actions to prevent **gender-based** violence and domestic violence.

Amendment 141

Proposal for a directive Article 36 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. Preventive measures shall include awareness-raising campaigns, **in particular campaigns aiming to tackle the stigma surrounding domestic and gender-based violence, informing victims of available supports and educating people on recognising signs of violence and how to support victims safely**, research and education programmes, where appropriate, developed in cooperation with relevant civil society organisations, **the** social partners, **the** communities **impacted** and other stakeholders.

Amendment 142

Proposal for a directive Article 36 – paragraph 3

Text proposed by the Commission

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.

Amendment

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, ***taking into account cultural and language barriers, and in formats accessible to persons with disabilities.***

Amendment 143

**Proposal for a directive
Article 36 – paragraph 4**

Text proposed by the Commission

4. Targeted action shall be addressed to groups at risk, including children, according to their age and maturity, ***and*** persons with disabilities, taking into consideration language barriers and different levels of literacy and abilities. Information for children shall be formulated in a child-friendly way.

Amendment

4. Targeted action shall be addressed to groups at risk, including children, according to their age and maturity, ***older persons, persons with disabilities and persons belonging to any other vulnerable and disadvantaged group,*** taking into consideration language ***and cultural*** barriers and different levels of literacy and abilities. Information for children shall be formulated in a child-friendly way.

Amendment 144

**Proposal for a directive
Article 36 – paragraph 5**

Text proposed by the Commission

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.

Amendment

5. Preventive measures shall in particular aim at challenging ***and dismantling*** harmful gender stereotypes, promoting equality between women and men ***as well as respect of consent*** encouraging all ***persons,*** including men and boys, to act as positive role models ***in combatting gender-based violence and domestic violence in order*** to support

corresponding behaviour changes across society as a whole in line with the objectives of this Directive.

Amendment 145

Proposal for a directive Article 36 – paragraph 6

Text proposed by the Commission

6. Preventive measures shall develop and/or increase sensitivity about the harmful practice of female genital mutilation.

Amendment

6. Preventive measures shall develop and increase sensitivity about the harmful practice of female genital mutilation **and forced sterilisation**.

Amendment 146

Proposal for a directive Article 36 – paragraph 8

Text proposed by the Commission

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.

Amendment

8. Member States, **in consultation with the social partners**, shall ensure that **violence in the world of work as well as domestic violence are defined, prohibited and** addressed in relevant national **laws and** policies. Those national policies shall identify and establish targeted actions referred to in paragraph 2 for sectors where workers are most exposed. **The social partners as well as the labour inspectorates in the Member States shall also be involved in the implementation of those policies at a workplace level.**

Amendment 147

Proposal for a directive Article 36 a (new)

Text proposed by the Commission

Amendment

Article 36a

Specific preventive measures in the world of work

1. Member States shall ensure that employers take appropriate measures commensurate with their remit to prevent gender-based violence and harassment in the world of work and in particular to:

(a) adopt and implement, in consultation with workers and their representatives, an inclusive and gender-responsive workplace policy on gender-based violence and anti-harassment;

(b) appoint a designated confidential counsellor to provide support and informal advice for victims of gender-based violence and harassment, whether perpetrated by a colleague or a third party;

(c) take into account gender-based violence and harassment and associated psychosocial risks in the management and risk-assessment of occupational safety and health.

2. Member States shall ensure that employers, in cooperation with trade unions and workers representatives, take appropriate measures to provide a safe working environment and to support victims of gender-based violence. Workers shall have the right to receive support from a trade union, as well as the health and safety representative at the workplace.

Amendment 148

**Proposal for a directive
Article 37 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that professionals likely to come into contact with victims, including law enforcement authorities, court staff, judges and

Amendment

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.

prosecutors, lawyers, providers of victim support, **including in civil society organisations**, and restorative justice services, healthcare professionals, social services, educational and other relevant staff, **including the social partners and workplace health and safety representatives, labour inspectors**, 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 **gender-based** violence or domestic violence, **avoid further violence or revictimisation** and to treat victims in a trauma-, gender-, **disability-** and child-sensitive manner, **taking into consideration any cultural and language barriers**.

Amendment 149

Proposal for a directive Article 37 – paragraph 2

Text proposed by the Commission

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.

Amendment

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 **and forced sterilisation**.

Amendment 150

Proposal for a directive Article 37 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Persons with supervisory functions in the workplace, **as well as workers' representatives, in particular trade unions and workplace health and safety**

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.

representatives, in both the public and private sectors, shall receive *specific training, in accessible formats as appropriate, implemented in cooperation with trade unions and health and safety representatives*, on how to recognise, prevent and address sexual harassment, including on *gender responsive* risk assessments concerning occupational safety and health risks, *in particular identified hazards and risks of violence and harassment from third parties in the world of work and risks of domestic violence, and their reporting obligations*, to provide support to victims affected thereby *and witnesses*, and respond in an adequate manner. *in particular as regards appropriate specialised support services to refer victims to and the rights set out in this Directive, as well as protection measures, including on the rights and responsibilities of workers*. Those persons and employers shall receive information about the effects of violence and domestic violence on work and the risk of third party violence. *They shall also receive training on how to recognise instances of domestic violence and provide support to victims and ensure that victims are able to continue working in a safe environment. Member States shall ensure that employers shall provide training to all workers on a regular basis and free of charge, in particular upon entering a new workplace.*

Amendment 151

Proposal for a directive Article 37 – paragraph 4

Text proposed by the Commission

4. The training activities referred to in paragraphs 1 *and 2* shall include training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of

Amendment

4. The training activities referred to in paragraphs 1, *2 and 3* shall include training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of

violence *against women* or domestic violence.

gender-based violence or domestic violence.

Amendment 152

Proposal for a directive Article 37 – paragraph 6

Text proposed by the Commission

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.

Amendment

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 from victims from vulnerable and disadvantaged groups, in particular with regard to persons with disabilities.*

Amendment 153

Proposal for a directive Article 37 – paragraph 7

Text proposed by the Commission

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.

Amendment

7. Training activities referred to in paragraphs 1, *2, 3 and 6* shall be regular and mandatory, including on cyber violence, and built on the specificities of *gender-based* violence 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, *gender* and other grounds.

Amendment 154

Proposal for a directive Article 38 – title

Text proposed by the Commission

Intervention programmes

Amendment

Early intervention programmes

Amendment 155

Proposal for a directive Article 38 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall take the necessary measures to ensure that targeted and effective intervention programmes are established to prevent and minimise the risk of committing offences of **gender-based** violence or domestic violence, or reoffending.

Amendment 156

Proposal for a directive Article 38 – paragraph 2

Text proposed by the Commission

2. The intervention programmes shall be made available for participation including to persons who fear they might commit any offence of violence **against women** or domestic violence.

Amendment

2. The intervention programmes shall be made available for participation including to persons who fear they might commit any offence of **gender-based** violence or domestic violence.

Amendment 157

Proposal for a directive Article 39 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 158

Proposal for a directive Article 40 – paragraph 1

Text proposed by the Commission

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.

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, **labour inspectorates**, support service providers as well as non-governmental organisations, social services, including child protection or welfare authorities, education and healthcare providers, **the** social partners, without prejudice to their autonomy, and other relevant organisations and entities.

Amendment 159

Proposal for a directive Article 41 – paragraph 1

Text proposed by the Commission

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.

Amendment

Member States shall cooperate with and consult civil society organisations, including non-governmental organisations working with victims of **gender-based** violence or domestic violence, **or specialised non-governmental organisations working with vulnerable women and victims at a heightened risk of violence, as well as the social partners**, 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.

Amendment 160

Proposal for a directive Article 43 – paragraph 1 – point c

Text proposed by the Commission

(c) providing assistance to Union networks working on matters directly relevant to violence ***against women*** and domestic violence.

Amendment

(c) providing assistance to Union networks working on matters directly relevant to ***gender-based*** violence and domestic violence.

Amendment 161

Proposal for a directive Article 44 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Member States shall have a system in place for the collection, development, production and dissemination of statistics on ***gender-based*** violence or domestic violence, including the forms of violence referred to in Articles 5 to 10.

Amendment 162

Proposal for a directive Article 44 – paragraph 2 – introductory part

Text proposed by the Commission

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:

Amendment

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

Amendment 163

Proposal for a directive Article 44 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) the number of victims who experienced ***gender-based*** violence or domestic violence during the last 12 months, last five years and lifetime;

Amendment 164

Proposal for a directive

Article 44 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the number of victims who experienced violence, disaggregated by the ground or multiple grounds which motivated the offence.

Amendment 165

Proposal for a directive

Article 44 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall consult the social partners in the data collection process, in particular in the event of gender-based violence and sexual harassment at work.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Combating violence against women and domestic violence
References	COM(2022)0105 – C9-0058/2022 – 2022/0066(COD)
Committees responsible Date announced in plenary	LIBE FEMM 23.3.2022 23.3.2022
Opinion by Date announced in plenary	EMPL 23.3.2022
Associated committees - date announced in plenary	7.7.2022
Rapporteur for the opinion Date appointed	Rosa Estaràs Ferragut 8.9.2022
Rule 58 – Joint committee procedure Date announced in plenary	7.7.2022
Discussed in committee	24.1.2023
Date adopted	26.4.2023
Result of final vote	+: 34 –: 7 0: 3
Members present for the final vote	João Albuquerque, Atidzhe Alieva-Veli, Marc Angel, Dominique Bilde, Jordi Cañas, David Casa, Leila Chaibi, Ilan De Basso, Margarita de la Pisa Carrión, Jarosław Duda, Estrella Durá Ferrandis, Rosa Estaràs Ferragut, Cindy Franssen, Chiara Gemma, Helmut Geuking, Alicia Homs Ginel, Agnes Jongerius, Irena Joveva, Radan Kanev, Adam Kósa, Katrin Langensiepen, Elena Lizzi, Jörg Meuthen, Max Orville, Kira Marie Peter-Hansen, Dragoş Pîslaru, Dennis Radtke, Guido Reil, Daniela Rondinelli, Mounir Satouri, Monica Semedo, Nikolaj Villumsen, Marianne Vind, Maria Walsh, Tomáš Zdechovský
Substitutes present for the final vote	Gheorghe Falcă, José Gusmão, Lívia Járóka, Véronique Trillet-Lenoir, Anna Zalewska
Substitutes under Rule 209(7) present for the final vote	Marina Mesure, Vera Tax, Thomas Waitz, Lara Wolters

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

34	+
PPE	David Casa, Jarosław Duda, Rosa Estaràs Ferragut, Gheorghe Falcă, Cindy Franssen, Helmut Geuking, Radan Kanev, Dennis Radtke, Maria Walsh
Renew	Atidzhe Alieva-Veli, Jordi Cañas, Irena Joveva, Max Orville, Dragoş Pîslaru, Monica Semedo, Véronique Trillet-Lenoir
S&D	João Albuquerque, Marc Angel, Ilan De Basso, Estrella Durá Ferrandis, Alicia Homs Ginel, Agnes Jongerius, Daniela Rondinelli, Vera Tax, Marianne Vind, Lara Wolters
The Left	Leila Chaibi, José Gusmão, Marina Mesure, Nikolaj Villumsen
Verts/ALE	Katrin Langensiepen, Kira Marie Peter-Hansen, Mounir Satouri, Thomas Waitz

7	-
ECR	Margarita de la Pisa Carrión, Anna Zalewska
ID	Elena Lizzi, Guido Reil
NI	Lívía Járóka, Ádám Kósa, Jörg Meuthen

3	0
ECR	Chiara Gemma
ID	Dominique Bilde
PPE	Tomáš Zdechovský

Key to symbols:

+ : in favour

- : against

0 : abstention