

EWL analysis of the agreed text of the Directive on Combating Violence Against Women and Domestic Violence

Almost thirty years ago, at the Beijing Platform for Action in 1995, the Member States of the EU as a single voice made commitments to put an end to violence against women as a structural issue in our societies. Since then, the European Women's Lobby has been calling for a comprehensive piece of legislation at the EU level. Thirty years later, [violence against women continues to be the most pervasive violation of women's human rights in Europe which has life-long implications for women's physical and mental health.](#)

The Directive on combating violence against women and domestic violence is an immense milestone for women's rights in the EU and a major step forward in the right direction: it sets minimum standards to prevent and combat violence against women and ensures that a minimum level of protection will be granted to all victims of violence against women and domestic violence all across the EU. It also brings a key opportunity: with this Directive, **the EU recognises for the first time that acting on a common basis to end violence against women is part of their remit and mandate to fulfil its obligations to achieve equality between women and girls.**

The Directive provides a pack of comprehensive measures that builds up and goes hand in hand with the standards of the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Istanbul Convention (ratified by the EU and 22 Member States).

Furthermore, the Directive brings a crucial layer of EU obligations to all and every single one of the Member States and accession countries. There are still five Member States (Bulgaria, Czech Republic, Hungary, Lithuania and Slovakia) that have not ratified the Istanbul Convention for which this Directive is an essential tool to comprehensively address VAW and DV. The impact of the Directive goes beyond that: every single one of the Member States will have to review and amend its legislation and policies to ensure they meet at least the minimum standards in the Directive and will have to inform the implementation to the European Commission, who can launch infringement procedures otherwise.

The Directive harmonises the definitions of seven forms of violence against women:

- Two forms of violence against women as per the definitions in the Istanbul Convention: **female genital mutilation (FGM) and forced marriage.**

The EWL deeply regrets and condemns the exclusion of the harmonised criminal definition of rape based on consent imposed by the Council of the EU (qualified majority of Member States), taken despite the [huge efforts and mobilisation](#) of women's organisations, survivors, lawyers and citizens. A definition of rape and consent have been however included in the prevention chapter as mentioned below. Forced sterilisation and sexual harassment have also inadmissibly been left out. **EWL will continue working relentlessly to ensure an adequate common approach to rape based on freely given consent - as per the standards of the Istanbul Convention - prevails in Europe to put an end to the disgraceful culture of impunity and to ensure that survivors feel safe to seek for justice and reparation.** Furthermore, the EWL will rise and campaign to ensure that the scope of the Directive is soon extended to address all forms of sexual and reproductive exploitation, including those above mentioned.

- Five forms of online violence against women, namely: **non-consensual sharing of intimate or manipulated material; cyberstalking; cyber-harassment; including, unsolicited receipt of sexually explicit material (cyberflashing), and cyber incitement to hatred.**

This is the first international comprehensive legal framework that provides definitions of key forms of cyberviolence that were not defined in the Istanbul Convention. A decade ago, it was unimaginable that the exponential explosion of online violence would become an everyday reality for millions of women and girls in Europe. The Directive contains provisions to grant Member State powers to issue orders to hosting or intermediary services for the removal of content.

The Directive also brings a key additional layer of obligations on top of the Victim's Rights Directive (VRD), which has a horizontal approach to all victims of crimes and is currently under review. The Directive on VAW and DV mandates a **gender-sensitive approach for its implementation**: it is also a fundamental specific instrument to address the particular concrete needs and challenges faced by victims of violence against women and domestic violence; the coercion and intimidation they suffer; the high risk of secondary or repeated victimisation and the threat to their lives. In addition to the provisions in the VRD, the Directive offers a specific package of rights to victims of all forms of violence against women and domestic violence (as per national definitions) establishing minimum rules for reporting and access to justice, early intervention, protection and support to victims.

The Directive contains measures to enhance the **early identification of victims and early intervention** and to ensure **accessible channels for reporting to all victims**. It obliges Member States to adopt key protection mechanisms (like emergency barring orders, restraining and protection orders) to ensure the safety of victims from immediate danger. The Directive sets standards for specialised support services like 24/7 helplines and shelters that should be accessible to all women victims and their children, including women with disabilities and third-country nationals. It also obliges Member States to set up rape crisis centres to provide counselling and medical, psychological and trauma care, SRHR services to victims of sexual violence and rape, and also specialist support for victims of FGM and sexual harassment at work.

It also mandates Member States to have a **victim-centred and intersectional approach** and set up **targeted support for victims with intersectional needs and groups at risk**. The Directive recognises that **women's specialist services and women's organisations** can play crucial roles in providing advice and support for victims of violence against women and domestic violence, including women's support centres, women's shelters, helplines, rape crisis, sexual violence referral centres, and primary prevention services.

The negotiating team of the European Parliament managed to **reinforce the provisions on prevention of violence against women, including a new provision to prevent rape and sexual violence and specific measures to prevent FGM, forced marriage and cybercrimes**. Member States commit to taking adequate measures aimed at challenging harmful stereotypes and addressing the root causes of violence, in particular in the context of sexual relationships. These measures should be developed in cooperation with NGOs and especially women's organisations. Member States commit to promote the central role of consent, given voluntarily as a result of free will, mutual respect, right of sexual integrity and bodily autonomy; and will have to act to increase the knowledge of the fact that sexual acts without consent are a criminal offence. The Member States should take into account language barriers and also develop targeted actions for groups at heightened risks including "children, taking into account their age and maturity, persons with disabilities, persons with alcohol and drug use disorders, and lesbian, gay, bisexual, trans or intersex persons".

All the standards of the Istanbul Convention, including the consent-based definition of rape based on free will in the surrounding circumstances, remain valid for those Member States that have ratified and the EWL and its members will continue to monitor closely its implementation together with the new obligations acquired in the Directive. As per the non-regression clause of the Directive, EU Member States cannot use the Directive as a ground to reduce the level of protection to victims.

The EWL will continue to push at the national level for adequate changes in the legislation and will be calling for the extension of the scope of this Directive to ensure that there is a harmonised definition of rape at the EU level that coherently defines this offence based on freely given consent in circumstances of autonomy and mutuality.

Furthermore, the EWL calls on all Member States in the EU and beyond to **ratify the International Labour Organisation Convention on violence and harassment in the world of work** (Convention 190) and its recommendations n°206, which provide labour standards and a common framework to prevent, remedy and eliminate violence and harassment in the world of work and support its victims, including victims of intimate partner violence and harassment. The European Parliament recently gave the green light to the Council decision inviting Member States to ratify the ILO Convention 190.

Finally, the EWL calls for [violence against women to be added to the list of Eurocrimes](#) in the Treaty of Functioning of the EU (article 83.1) to extend the EU legal basis. This will allow the expansion of the scope of the Directive to include criminal definitions of all other forms of male violence against women comprehensively.