

January 2023



EWL position to Draft report 2022/0066(COD)  
and further amendments to the Proposal for a Directive  
on Violence against women and domestic violence

The EWL highly welcomes the draft report 2022/0066 (COD) tabled on 13/12/2022 by the two co-rapporteurs MEP Frances Fitzgerald (EPP, Ireland) and MEP Evelyn Incir (S&D, Sweden). They have made a remarkable effort to enhance the proposal of the European Commission for a Directive on combating violence against women and domestic violence, which meet many of EWL demands.

Concretely, **the EWL highly supports the following amendments** introduced by the co-rapporteurs in the draft report, **and recommends the following additions:**

**I. Define violence against women as a violation of human rights (amendment 4) (which should be also included in the article 4)**

**II. Enhance and enlarge the definition of offences as follows.**

**The EWL supports the following amendments introduced by the co-rapporteurs and has a set of additional proposals:**

- Include other forms of sexual violence that can be comparable to rape (amendment 9 and 59).

- Enhance the definition of consent (amendment 10, 61 and 62)– EWL has a set of proposals to complete even more the definition to ensure the largest protection of victims and avoid re-victimising experiences during proceedings.
- Add the crime of sexual exploitation through the prostitution of others and discouraging the demand by criminalising the purchase of a sexual act (amendment 15, 19, 65 and 66, 33 and 143).
- Replacing the terminology “sex workers” by “women in prostitution” in accordance with UN and EU agreed language on the issue (amendments 2, 43 and 154).
- Add the crime of forced sterilisation (amendment 14, 64 and 142).
- Enlarge the definitions related to cyberviolence (Amendments 67, 68, 69 and 70 ) – EWL has a set of proposals to extend the scope of these forms of violence to include image-based sexual abuse, creepshots, and cyberflashing.
- Add a reference to harassment and sexual harassment as human rights violations (Amendment 38)
- Add a definition of sexual exploitation in the recitals, including reproductive exploitation
- Add a reference to institutional violence in the recitals to, including obstetric violence, the denial of sexual and reproductive health and rights forced pregnancy, and as forms of institutional violence against women.
- Refer to the “unacceptable justifications for crimes; including crimes committed in the name of so-called “honour”; instead of adding a definition of the so-called “honour” crimes

### **III. Ensure an adequate gender sensitive perspective and a feminist perspective is taken the implementation of the Directive, and concretely on the protection of women and their children**

- Following article 6 of the Istanbul Convention, there is a need to include a gender perspective in the implementation and evaluation of the impact of the provisions in the Directive. We propose to include a definition of gender sensitive perspective and specialised services in the recitals and articulate.
- Ensure that services to victims are provided with a gender-sensitive perspective and not a gender neutral approach; considered essential and not put at the same level or in competition with services for perpetrators
- Add reference to compensation from the State, as per the standards of the Istanbul Convention
- Ensure that provisions with regards to children safety and custody and visitation rights meet the standards of the Istanbul Convention
- Include provisions as per the ILO Recommendations 206 on eliminating violence and harassment in the world of work and concretely the measures to mitigate the impact of domestic violence in the world of work.

### **IV. EWL calls to establish an EU Coordinator on violence against women and girls**

You can find a detailed set of priority amendments next pages of this paper and the complete list of proposed amendments in this document:

<https://docs.google.com/document/d/1jDT3vqIzrM1RpJIt7GE8TMTqrltBkUJK/edit#>

The EWL highly welcomes the draft report 2022/0066 (COD) tabled on 13/12/2022 by the two co-rapporteurs MEP Frances Fitzgerald (EPP, Ireland) and MEP Evelyn Incir (S&D, Sweden). They have made a remarkable effort to enhance the proposal of the European Commission for a Directive on combating violence against women and domestic violence, which meet many of EWL demands.

Concretely, **the EWL highly supports the following amendments** introduced by the co-rapporteurs in the draft report:

### I. Define violence against women as a violation of human rights (Amendment 4)

EWL supports this amendment introduced by the co-rapporteurs as it is essential to recognise that violence against women is a human rights violation, as per the agreements in the Council of Europe Convention on preventing and combatting violence against women and domestic violence, the Istanbul Convention, and the Beijing Declaration. Victims of human rights violations get access to remedies and the State is due diligent to act for reparation and provide access to justice.

#### Amendment 4 – Recital 7 EWL proposal highlighted in yellow

(7) Violence against women *is understood to be a violation of human rights and* 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'. **It is one of the crucial social mechanisms by which women are forced into a subordinate position compared to men perpetuating inequality between women and men.**

The EWL considers that the definition of violence against woman as a human rights violation and as a form of discrimination needs to be included in the Articulate of the Directive and not only in the recitals, following the definition in the articulate. EWL proposes to add the following amendment:

#### EWL proposal for a new amendment to Article 4 on Definitions (compared to the text of the EC proposal)- highlighted in yellow.

“violence against women” **is understood as a violation of human rights and a form of discrimination against women and shall means-all acts of** gender-based violence that are directed against a woman or a girl because she is a woman or a girl or that affects women or girls disproportionately, including all acts of such violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

### II. Enhance and enlarge the definition of offences of sexual violence and cyberviolence:

The EWL supports the following amendments introduced by the co-rapporteurs and proposes to extend the scope of sexual violence and cyberviolence as follows:

## 1. EWL agrees to include other forms of sexual violence that can be comparable to rape

Amendments 9 in the recitals and Amendment 59 in the articulate.

EWL supports the proposal of the rapporteurs and calls on the European Parliament to extend the scope of the definition of rape to include other forms of sexual violence that can be comparable to penetration.

EWL considers that stealthing should be referenced in both the recitals and the definition of the offence in article 5.

### Amendment 9

and EWL amendment to Recital 14 (compared to the text of the EC proposal) – highlighted in yellow

(14) Rape should explicitly include all types of sexual penetration, with any bodily part or object. *In addition, any other non-consensual act of a sexual nature that, in view of the gravity of the act, is comparable to penetration should be equated with rape because the harm caused to the victim is comparable.* The lack of consent should be a central and constitutive element of the definition of rape, given that frequently no physical violence or use of force is involved in its perpetration.

*Stealthing should be considered as non-consensual act of a sexual nature comparable to penetration and therefore a form of rape that refers to intentionally and secretly ceasing to use any method of prophylaxis or reproductive control during a sexual act without the consent of the victim.*

### Amendment 59 to Article 5

and EWL amendment highlighted in yellow

(a) engaging with a woman in any non-consensual act of vaginal, anal or oral penetration of a sexual nature, with any bodily part or object, or engaging in any other non-consensual act of a sexual nature that is, in view of the gravity of the act, comparable to penetration. This includes intentionally and secretly ceasing to use any method of prophylaxis or reproductive control during a sexual act without the consent of the victim.

## 2. EWL calls to support the enhanced the definition of consent – Amendments 10 in the recitals and 61 and 62 in the articulate.

EWL supports the proposal of the co-rapporteurs to include a new recital on consent and to expand its definition highlighting that all surrounding circumstances must be taken into account when making the assessment and include situations where a woman cannot be regarded as having a free and genuine choice, or is unable to form, express and refuse or withdraw consent. Several proposals have been included below to ensure that the definition of consent refers to a situation of mutuality and autonomy and that all circumstances of vulnerability are covered included a possible situation of coercive control and a disability condition.

### Amendment 10 to Recital 14

EWL further proposals highlighted in yellow

(14a) Consent should always be given freely and voluntarily in a situation of mutuality and autonomy. Initial consent should be withdrawable at any given time during the act, in line with the sexual autonomy of the victim, and should not automatically imply consent for future acts. There are a number of situations in which a victim is unable to

*form or express a free will and offences committed under those circumstances should therefore be deemed to be non-consensual acts. While making an assessment of a particular situation, personal and external circumstances should be taken into account. In that context, fear is not limited to the threat of a criminal act. The lack of consent due to intoxication should also cover incapacitation caused by drugs, alcohol or other intoxicating substances. Particularly vulnerable situations refer to situations in which victims have clearly limited opportunities to defend their sexual and/or physical integrity and avoid an assault. A particularly vulnerable situation could also include situations of particularly serious power imbalance, including the existence of coercive control over the victim or of serious economic dependence, or the disability condition, in particular those with intellectual or psychosocial disabilities or living in institutions. Non-consensual sexual penetration or any other non-consensual act of a sexual nature that, in view of the gravity of the act, is comparable to penetration should constitute rape also when committed against a spouse or intimate partner. Consent cannot be bought in exchange of economic compensation.*

**Amendments 61 and 62 to Article 5**  
**EWL further proposals highlighted in yellow**

Member States shall ensure that a non-consensual act is understood as an act which is performed without the woman's consent given freely and voluntarily in a situation of mutuality and autonomy, 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 **fear, whether by coercion or intimidation**, unconsciousness, intoxication, sleep, illness, bodily injury, disability **or in an otherwise particularly vulnerable situation**.

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, past sexual conduct, **her attire, or existing or past relationship with the offender. Consent shall be assessed in the context of the surrounding circumstances. Consent cannot be bought in exchange of an economic compensation.**

When it comes to obstacles to access to justice and reporting it is important to note that victim blaming attitudes are still persistent in most EU countries, particularly in cases of sexual violence. In judicial proceedings evidence relating to the sexual history and sexual conduct of a victim is sometimes exploited in order to discredit the evidence presented by the victim. This leads to trauma and secondary victimisation of the victims<sup>1</sup>. The defence sometimes uses previous sexual behaviour evidence in order to challenge the respectability, the credibility and the lack of consent of victims. At court proceedings victims are still asked about their sexual preferences, sexual history, possible abortions, drug and alcohol use. Questions, enquiries and evidence concerning the conduct or attire of the victims in the moment when the sexual abuse happened are also frequent and should also be prohibited and the article on the protection of victim's private life should therefore be reinforced as follows.

**Amendment 29 to recital 37 on the protection of victim's private life -**  
**EWL proposals highlighted in yellow**

(37) **Victim blaming attitudes are one of the main obstacles to access justice for victims and should be prohibited.** Presenting evidence of past **or present** sexual behaviour, **the sexual preferences and the attire or outfit of the victim, that aim to** challenge the credibility and lack of consent of victims in sexual violence cases, especially rape cases, may reinforce the perpetuation of damaging stereotypes of victims and **may** lead to repeat or secondary victimisation, **including trauma**.

<sup>1</sup> European Women's Lobby (2021): "Towards a Europe free from male violence against women and girls: Recommendations from the European Women's Lobby to end violence against women and girls in Europe once and for all". Chapter II on Persisting obstacles in eliminating violence against women and girls. Available here: <https://www.womenlobby.org/IMG/pdf/ic-2.pdf>.

Therefore, without prejudice to the rights of defence, questions, enquiries and evidence concerning past sexual conduct of the victim **and her attire** should not be permitted in criminal investigations and court proceedings. **Furthermore, notes taken by counsellors or therapists in the course of their work should not be admissible as evidence in court proceedings, unless their inclusion is specifically requested by the victim, as it might lead to victims not using counselling and other similar services due to the fear of it being disclosed in future proceedings.**

**Amendment 114 to article 22 Protection of victim's private life -  
EWL proposals highlighted in yellow**

Without prejudice to the rights of defence, Member States shall ensure that, in criminal investigations and court proceedings, questions, enquiries and evidence concerning past **or present** sexual **history and** conduct of the victim, **her outfit or attire** or other aspects of the victim's private life related thereto, **including, where relevant, notes from counselling or therapy sessions**, are not permitted.

**3. EWL and Brussels Call urges to support the proposal to add the crime of sexual exploitation through the prostitution of others and discouraging the demand by criminalising the purchase of a sexual act (Amendments 15, 19, 65 and 66).**

The EWL together with the Brussels Call<sup>2</sup>, grassroots experts and survivors, urge the Members of the European Parliament to support these amendments and recalls that prostitution and trafficking for sexual exploitation are systems that disproportionately impact women and girls. They particularly affect women and girls from the most marginalised groups. In the EU territory, 70% of prostituted persons are migrant women. The shortcomings and negligence of the current EU legislation on these crimes have today become obvious. The fight against the systems of prostitution and trafficking can only be efficient through an approach protecting its victims and tackling the demand for prostitution.

In the **Honeyball resolution** of 2014<sup>3</sup>, the European Parliament underlined that **prostitution was a violation of human dignity and was contrary to the Charter of Fundamental Rights** of the EU. It underlined the Nordic Model – also called the Equality Model - targeting the purchase of a sexual act and decriminalising prostituted persons as an effective mean to tackle trafficking in the EU. In 2021, the European Parliament recalled that the prostitution market fuels trafficking and the legal obligation for Member States to discourage the demand<sup>4</sup>. More recently in 2022, the European Parliament qualified prostitution as a *“serious form of violence and exploitation affecting mostly women and children”*.<sup>5</sup>

<sup>2</sup> The Brussels Call is a collaboration of more than 200 grassroots, survivor-led organisations working together to combat violence against women and girls especially those impacted by prostitution and trafficking for sexual exploitation. These organisations are committed to work at the international, European and Member State level to end prostitution and sexual exploitation while ensuring accountability of procurers and sex buyers and effective supports and alternatives are provided to those directly affected.

<sup>3</sup> (§1) European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality (2013/2103(INI)) – “Honeyball resolution” available [here](#)

<sup>4</sup> (§K) European Parliament resolution of 21 January 2021 on the EU Strategy for Gender Equality (2019/2169(INI)) available [here](#) and (§21) European Parliament resolution of 10 February 2021 on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (2020/2029(INI)) available [here](#)

<sup>5</sup> (§29) REPORT on women's poverty in Europe, 24 June 2022 - (2021/2170(INI)) available [here](#)

The provisions put forward by the two co-rapporteurs are rooted in International<sup>6</sup> and European law<sup>7</sup> and form a holistic approach to protect women in prostitution and put an end to the impunity of perpetrators. Furthermore, taking into account the legal basis of this Directive - the reference to sexual exploitation of women in ART 83.1 TFEU-, this provisions help to fill in a crucial gap in the Commission's proposal for a Directive, which should have included provisions on sexual exploitation through the prostitution of others as this is an essential component of the crime.

Find here relevant information on the reality of prostitution in the EU and the importance of the Equality model to combat sexual exploitation, with data and statistics:

[herfutureisequal 2022 web artwork v1 2 very final.pdf \(womenlobby.org\)](#)

[brussels call brochure 8 pages.pdf \(womenlobby.org\)](#)

**Amendment 15 – Recital 16 b (new):**

*(16b) "Sexual exploitation through the prostitution of others is a form of sexual exploitation which has already been recognised as an offence in legal acts of the Union, namely Directives 2011/36/EU and 2011/93/EU. Sexual exploitation through the prostitution of others is a gross violation of a person's right to bodily integrity and implies that both a person and their consent to sexual activity can be purchased for a given sum. Considering the prevalence of prostitution in our societies, fuelled by the trafficking trade, and the difference in law between the Member States, the offence of sexual exploitation through the prostitution of others has a clear cross border dimension, resulting in a need to combat that widespread violence against women on a common basis, which will ensure equal protection throughout the Union."*

**Amendment 19 – Recital 23 a (new):**

*(23a) Member States should ensure that the fact that an offence is committed with the intention of bringing profit or gain or that an offence actually brought profit or gain, for example through blackmail in the case of cyber violence, prostitution of another person for profit or by earning income through perpetrating female genital mutilation or forced sterilisation, is considered to be an aggravating circumstance because profit or gain proves that there was a systematic and methodical approach to the crime, thus highlighting its gravity.*

**Amendment 65 - Article 6 b (new)**

*Sexual exploitation through the prostitution of others*

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

- (a) procuring, hiring, or enticing another person for the purposes of prostitution;*
- (b) obtaining any profit from the prostitution of another person.*

<sup>6</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations - Convention against Transnational Organized Crime 2000:

<https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

Convention of the United Nations for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949):

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx>

Convention on the Elimination of All Forms of Discrimination against Women:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

<sup>7</sup> 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, and replacing Council Framework Decision 2002/629/JHA : <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32011L0036>

Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0093>

European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality (2013/2103(INI)) – "Honeyball resolution" available [here](#)

European Parliament resolution of 21 January 2021 on the EU Strategy for Gender Equality (2019/2169(INI)) : [TA MEF \(europa.eu\)](#)

European Parliament resolution of 10 February 2021 on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (2020/2029(INI)) : [TA MEF \(europa.eu\)](#)

**Amendment 66 - Article 6 c (new)**

*Purchase of sexual acts*

*Member States shall ensure that it is punishable as a criminal offence to intentionally solicit, accept or obtain a sexual act from a person, in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such a benefit.*

**4. EWL and Brussels Call agrees to replace the terminology “sex workers” by “women in prostitution” in accordance with UN and EU agreed language on the issue (Amendments 43 and 154)**

**Amendment 43 - Recital 56**

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 in prostitution**, detainees, or older women, LGBTIQ+ women should receive specific protection, medical care and support.*

**Amendment 154**

**Article 34 – paragraph 1**

1. *Member States shall ensure the provision of specific support to victims at an increased risk of violence against women or domestic violence by virtue of intersectional characteristics, 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, LGBTIQ+ women, **women in prostitution**, victims of so-called “honour crimes”, women detainees, or older women.*

EWL and Brussels calls **express our concerns about the popularisation of a dangerous discourse trivialising the violence of prostitution and promoting it as “sex work”**. Europol reports establish that where prostitution is legal, trafficking in human beings and violence perpetrated against its victims and prostituted persons increases tenfold as perpetrators can hide behind legal structures. The proposal on updating the Anti-Trafficking Directive and its related documents released in December 2022 also support these facts as among the member states registering the highest numbers of female victims of sexual exploitation, we can find the Netherlands, Germany, and Austria, countries that not only legalise prostitution but also brothels.

**5. EWL and Brussels call supports the new provisions on specialised support services to women in prostitution.**

Amendments 33 and 143

**Amendment 33 - Recital 46**

46) *Specialised support services should provide support to victims of all forms of violence against women and domestic violence, including sexual violence, sexual exploitation through the prostitution of others, the purchase of sexual acts, female genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence.*

**Amendment 143 - Article 29 b (new)**

*Specialist support for victims of sexual exploitation through prostitution and victims of purchase of sexual acts*

1. *Member States shall ensure that victims of prostitution are provided with effective and appropriate support, including rehabilitation, exit programmes, socio-economic integration and access to healthcare services such as sexual and reproductive healthcare, emergency contraception, and screening and post-exposure prophylaxis for sexually transmitted infections.*



2. Article 27(3) and (6) and Article 28(2) shall apply *mutatis mutandis* to the provision of support to victims of sexual exploitation through prostitution and victims of purchase of sexual acts referred

## 6. EWL and the European Disability Forum strongly support the inclusion of forced sterilisation as a criminal offence

Amendments 14, 64 and 142

EWL and the European Disability forum are happy to see the inclusion of forced sterilization in this draft resolution presented by the two rapporteurs. An additional sentence is proposed to ensure that the consent of the women prevails.

### *Amendment 14 to recital 16 (new)*

*(16a) Forced sterilisation is a harmful and exploitative practice that removes the ability of victims to sexually reproduce and that is performed for the purpose of exerting social control over victims. It is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over women's and girls' sexuality. Roma women and girls, women and girls with disabilities, including, in particular, intellectual and psychosocial disabilities, and women and girls living in institutions have been particularly at risk of forced sterilisation. The provision on forced sterilisation set out in this Directive does not cover medical interventions or surgical procedures which are carried out, for example, with the purpose of assisting a woman by saving her life.*

### *Amendment 64 to article 6a on Forced Sterilisation new*

#### *EDF and EWL proposal highlighted in yellow*

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

- (a) performing surgery which has the purpose or effect of terminating a woman or girl's ability to naturally reproduce without her prior and informed consent or understanding of the procedure;**
- (b) coercing or procuring a woman or a girl to undergo the surgery referred to in point (a).**

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

### *Amendment 142 to article 29a new*

#### *Specialist support for victims of forced sterilisation*

1. Member States shall ensure that victims of forced sterilisation are provided with effective support, including gynaecological, psychological and trauma care tailored to the specific needs of such victims, after the offence has been committed and for as long as necessary thereafter.
2. Article 27(3) and (6) and Article 28(2) shall apply *mutatis mutandis* to the provision of support to victims of forced sterilisation referred to in paragraph 1 of this Article.

## 7. EWL calls to ensure that harassment and sexual harassment is also considered as a violation of human rights.

EWL proposes to recognise harassment as a human rights violation that has significant consequences for the victims. We propose also to use the wording of the ILO Convention. Early conciliation is strongly discouraged intervention for victims of violence against women.

*Amendment 38 to recital 51- EWL proposal*

(51) Harassment ***in the world of work workplace*** 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 ***is a form of discrimination and a human's rights violation that*** has significant negative consequences ***both*** for the victims and, ***also***, the employers, advice on adequately addressing such instances at the workplace, on legal remedies available to the employer to remove the offender from the workplace and providing the possibility of ***dispute resolution mechanisms early conciliation***, if the victim so wishes, should be provided by external ***specialised*** counselling services to both victims and employers. ***Workplace harassment and violence should be tackled as part of social dialogue, through legal acts such as this Directive or through both means, taking into account all workplace locations as laid down by the International Labour Organization's Convention concerning the elimination of violence and harassment in the world of work.***

**8. EWL Supports the proposals to enhance the articles on cyberviolence against women and recommends key additions :**

(Amendments 67, 68, 69 and 70 )

EWL supports the co-rapporteurs suggestion to expand the proposal's scope of cybercrimes as per the amendments mentioned above. Indeed, as suggested in their amendments, the lack of consent and public exposure should constitute the offence in and of themselves without the need to assess whether material has been shared with a multitude of users or whether it was actually just shared with many or a small number of users.

Furthermore, the EWL considers crucial to cover more situations, such as:

- Non-consensual sharing of intimate material should be broadened to Producing and hosting these material without victim's consent.
- Intimate material It should not only refer to sexual acts but the non-consensual producing or distribution of images of nudity or intimate parts of the victim; and depicting acts of sexual violence.

Therefore, EWL calls on renaming the article to "Image-based sexual abuse: Non consensual Producing and/ or sharing of intimate or manipulated material without the victim's consent, and of materials depicting acts of sexual violence; and to cover two more offenses.

- o Creepshots; making and/or distributing photos or videos of women's nudity or private areas
- o Producing and/or sharing pornographic materials depicting acts of sexual exploitation or sexual violence.  
Actual exploitation of women and girls is found on pornographic websites, publicly broadcasting sexual assaults, rapes and acts of torture. It is often used as a means of grooming women for traditional prostitution and victims of sex trafficking are often filmed. Various testimonies coming from women previously exploited

in this “industry” confirm that they were very often coerced to do practices at the last moment, while the camera was already shooting and when the producers would not allow them to stop<sup>8</sup>.

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

- cyber flashing needs to be considered also in the framework of cyberharassment: the sending of unsolicited sexual images via communication or information technologies ;

**EWL supports amendments 67 and 68 on article 7 and has further proposals to enhance its content and title**

**Image-based sexual abuse: ~~Non-consensual~~ Producing and/ or sharing of intimate or manipulated material without the victim’s consent, and of materials depicting acts of sexual violence**

- a) **(new) Producing and taking intimate images, videos or material depicting sexual activities, nudity or intimate areas of another person without that person consent, by means of information and communication technologies.**
- b) making intimate images or videos **or material of another person; and/ or making images, videos or material depicting sexual activities involving another person, the nudity or intimate areas of another person** without that person’s consent accessible **to other** end-users by means of information and communication technologies, **including through hosting and re-sharing;**
- c) **(new) producing, filming and making accessible to other end-users by means of information and communication technologies images, videos or material depicting non-simulated acts of sexual violence and exploitation as per the definitions in the articles in this Directive, including through hosting and re-sharing.**
- d) 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, or as though another person is nude, without that person’s consent;
- e) threatening to engage in the conduct referred to in points (a),(b) and (d) **in order to coerce another person to do, acquiesce or refrain from a certain act**

**Amendment 70 to article 9 on cyberharassment and EWL proposal**

<sup>8</sup> Women in pornography have also been denouncing the frequent use of drugs or alcohol that is encouraged to overcome the trauma caused by the scenes they had to shoot and the times they were blackmailed to not be paid if they refused an act. Extremely affected physically these women and girls are also more prone to experience mental issues than the rest of the population. Lately, we could also observe an increase of suicides among women exploited in the pornographic field. It is especially worrying since young people tend to use pornography as a form of sexual education, particularly when comprehensive sexual education is not provided in their country and/or when sexuality cannot be discussed at home, meaning that they are more likely to reproduce these kinds of abusive and discriminating behaviours during their own sexual encounters.

See the information report on the pornography industry elaborated by the French Senate Delegation of women’s rights and equal opportunities between men and women on and issued in September 2022:

[http://www.senat.fr/fileadmin/Fichiers/Images/delegation/femmes/L\\_Essentiel\\_Porno\\_ENGLISH.pdf](http://www.senat.fr/fileadmin/Fichiers/Images/delegation/femmes/L_Essentiel_Porno_ENGLISH.pdf)

<https://www.senat.fr/rap/r21-900-1/r21-900-11.pdf>

a) initiating an attack ~~with third parties~~ directed at another person, by making **defamatory**, threatening or insulting material **potentially** accessible to **other** end-users, by means of information and communication technologies, with the effect of causing psychological harm to the attacked person;

**(b) (new) cyber flashing: the sending of unsolicited sexual images via information or communication technologies and social media platforms;**

Preventative measures should refer to the effects of pornography in the perpetuation of harmful gender stereotypes, banalization of violence and commodification of women's bodies; and aim at discouraging and banning content that represents pornographic acts of sexual violence (see our further proposal for amendment to recital 59, and article 36 on preventative measures, and recital 19 on cyber violence).

**Amendment 159 to article 36 on prevention - EWL amendment new**

*Preventative practices should aim at banning and discouraging the pornography industry, meaning the commercial exploitation of the explicit representation of non-simulated sexual practices. Member States shall ban all content that represent non-simulated acts of sexual violence which are an offence as per this article 7 of this Directive. Member States shall ban the production, dissemination and hosting of all content that represent non-simulated acts of sexual violence which are an offence as per this article 7 of this Directive.*

## 9. EWL suggests adding a definition of sexual exploitation in the recitals, that includes reproductive exploitation

EWL notes with concern the draft resolution nor the proposal for a Directive do not actually contain a definition of "sexual exploitation of women," while this form of violence is precisely the one listed in the Eurocrimes and the legal basis of this proposal. EWL proposes a comprehensive definition below based on the definition of sexual exploitation used in the European Commission in the Explanatory Memorandum of the Directive, which follows the precedent of Directive 11/93/EU on the sexual exploitation of children and child abuse.

**EWL proposal for Amendment- highlighted in yellow (NEW Recital 12b)**

b) (New) **For the purpose of this Directive, sexual exploitation of women, including reproductive exploitation, is understood as any actual or attempted abuse of a position of vulnerability, differential power or trust, including, but not limited to, profiting monetarily, socially or politically from sexual acts with another person and from the reproductive exploitation and commercialisation of a woman's body. The exploitative element refers to the achievement of power or domination over another person for the purpose of: sexual gratification, financial gain or advancement, and preserving and asserting domination to exert social or financial control over girls' and women's sexuality and their reproductive health.**

EWL together with the European Network of Migrant Women, Coalition for Abolition of Prostitution (CAP) and ICASM (International Commission for the abolition of surrogate motherhood) call on the European Parliament to include the crime of reproductive exploitation of women in all their legislative initiatives as violence against women<sup>9</sup>.

Reproductive exploitation is a fast growing global multi-million industry and a form of violence against women rooted in inequality between women and men and a manifestation of structural discrimination against women where they are subjected to physical, economic, medical and psychological violence which has been widely documented. Women's reproductive capacity should only serve their own parental projects, not that of others, which is exploitative.

*EWL proposal for Amendment- highlighted in yellow (NEW Recital 12c)*

***c) (New) "reproductive exploitation" means abuse of someone's position of vulnerability, dependance, differential power or trust, to dictate their reproductive behavior.***

In this regard, the EWL welcomes the inclusion of forced marriage in the European Commission's proposal to review of the Directive on trafficking in human beings.

There, EWL proposes to add definitions of forced abortion (as per the wording in the article 39 of the Istanbul Convention) and surrogacy as forms of reproductive exploitation that need to be covered in the Directive on combating violence against women and domestic violence, as follows:

*EWL proposal for Amendment- highlighted in yellow (NEW Article 6d and article 6e)*

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

***e) (new) procuring, hiring, recruiting or enticing a woman to gestate, give birth and give the child or children away- whether they are conceived with her own oocytes or not, in exchange for payment and/or through a contract, that entails renouncing to her parental rights to one or more people (called commissioners, clients or buyers).***

Forced abortions are a form of violence against women, defined as a criminal offense by the Istanbul Convention (article 39). They affect the physical integrity and psychological state of women while undermining their freedom of choice and their consent. It is also a violation of their right to found a family as guaranteed in article 9<sup>10</sup> of the [Charter of Fundamental Rights of the](#)

<sup>9</sup> <https://usercontent.one/wp/www.migrantwomennetwork.org/wp-content/uploads/Surrogacy-joint-Statement-25-Nov-2022.pdf>

<sup>10</sup> [EUR-Lex - 12012P/TXT - EN - EUR-Lex \(europa.eu\)](#)

[European Union](#). Women with disabilities, women from minority groups and adolescent girls are particularly exposed to this threat.

In surrogacy, the mothers exploited as “surrogates” relinquish all their rights throughout the process. Worldwide, the contract and/or regulation governing this practice disposes of human beings, both the mothers exploited as surrogates and the future child (making use of them depriving them of their freedoms and rights). In Europe, most countries aware of this violation of the fundamental human rights enshrined in the EU Charter, have outlawed this practice on their territory. However, these provisions are systematically undermined by the development of cross-border surrogacy. Legitimising or facilitating this practice is tantamount to fostering the demand for the exploitation of the most vulnerable by the most well-off social classes. The desire for a child cannot mean an exemption to human rights to the detriment of women, especially those from the most economically and socially vulnerable groups. The European Parliament has condemned surrogacy in multiple occasions, in 2015, 2017, 2021 and the most recent in 2022, where the EP qualified surrogacy as a violation of human dignity and a form of exploitation for reproductive purposes, which particularly affects the poorest and/or most vulnerable women <sup>11</sup>.

#### 10. EWL considers that institutional violence should be named as a form of violence against women:

Concrete forms of institutional violence must be named in the Directive as forms of violence against women and girls: obstetric violence, the denial of sexual and reproductive health and rights and forced pregnancy, and forced contact in cases of domestic violence or sexual violence which facilitate the perpetration of vicarious violence over the children of the victim.

##### *EWL proposal to Amendment 2 to Recital 4*

b) (new) ***Certain forms of institutional violence may be also specifically recognised under national law including in particular forms of violence such as obstetric violence, denial of sexual and reproductive health and rights including forced pregnancy, and forced contact or forced visitation when they allow revictimisation, continuation of domestic violence, sexual violence and/or vicarious violence over the children of the victim.***

#### 11. EWL considers that "crimes committed in the name of so-called “honour” should be referred to as per the Istanbul Convention

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<sup>11</sup> Latest resolution on “The impact of the war against Ukraine on women”, adopted by the European Parliament in May 2022 [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0206\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0206_EN.pdf)

EWL considers that the same approach as in the Istanbul Convention should be kept when it comes to "crimes committed in the name of so-called "honour"": to ban any attempts to justify criminal behaviour on the basis of culture, custom, religion, tradition or so-called "honour"; instead of defining a separate offence. Family or community members who kill, maim or injure a woman for her real or perceived transgression from cultural, religious or traditional norms can not invoke any of the above grounds in criminal proceedings (Article 42).

*Amendment 20 to recital 23 on so-called "honour" crimes.*

**Culture, custom, religion, tradition or so -called "honour crimes", and in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour, shall not be regarded in criminal proceedings as justification for any acts of violence against women or domestic violence, and in particular for any form of violence covered by this Directive. This covers, in particular, the supposed aim to restore the family "honour", the desire to be seen as respecting a perceived tradition or complying with the perceived religious, cultural or customary requirements of a particular community. These crimes put severe pressure on the victim, it can lead to violations of the victim's human rights and tend to affect the whole person's life thereby making these victims particularly vulnerable.**

**III. Reinforce a Gender Sensitive approach in the Directive and its implementation with regards to access to justice, protection measures and preventative measures.**

EWL calls to ensure an adequate gender sensitive perspective and a feminist perspective is taken the implementation of the Directive, and concretely on the protection of women and their children as per the standards in the Istanbul Convention.

**12. Add a definition of gender sensitive perspective and amend articles on protection and prevention to adopt this perspective**

On the basis of article 6 of the Istanbul Convention, we consider that there is a need to ensure this Directive is implemented and monitored with a gender approach. A gender sensitive perspective should be adopted in the provision of protection services, access to justice and preventative measures.

*NEW EWL proposal for amendment New recital 23 c*

**NEW** - A gender-sensitive perspective must be adopted for the implementation and evaluation of this Directive. A gender sensitive perspective means the structural understanding of the roots of violence against women and domestic violence, as a systemic phenomenon, and a result of pervasive inequality and discrimination against women which provides a breeding ground for tolerance towards violence against women. Any measures taken to prevent and combat violence against women need to promote equality between women and men as only substantive equality will prevent such violence in the future. Gender-sensitive policies, including gender-sensitive prevention programmes and protection services must to take into account the root causes of this type of violence and also the specific context in which it takes place: the perpetrator victim relationship, the role of (concealed) power, coercion and control throughout the process of violence, and the distinct consequences and impact of violence on women. This perspective should be incorporated in all protocols, guidelines and procedures system-wide for all frontline services. Specialist services referred hereafter are those that adopt and have expertise in applying this structural perspective. Gender-neutral approaches to preventing and combating violence against women and domestic violence must be avoided.

*EWL proposal for amendment new article in chapter 1 of general provisions*

**Article 5 (new)** Member States shall include a gender-sensitive perspective in the implementation and evaluation of this Directive. A gender sensitive perspective means the structural understanding of the roots of violence against women and domestic violence, as a systemic phenomenon, and a result of pervasive inequality and discrimination against women which provides a breeding ground for tolerance towards violence against women. Any measures taken to prevent and combat violence against women need to promote equality between women and men as only substantive equality will prevent such violence in the future.

Gender-sensitive policies, including gender-sensitive prevention programmes and protection services must take into account the root causes of this type of violence and also the specific context in which it takes place: the perpetrator victim relationship, the role of power, coercion and control throughout the process of violence, and the distinct consequences and impact of violence on women. This perspective should be incorporated in all protocols, guidelines, trainings and procedures system-wide for all frontline services. Specialist services referred hereafter are those that adopt and have expertise in applying this structural perspective.

*EWL further proposals to amendment 23 – to recital 27*

(27) Delays in processing complaints of violence against women and domestic violence can bear particular risks to victims thereof, given that they might still be in immediate danger given that offenders might often be close family members or spouses. Therefore, the competent authorities should have the sufficient expertise and effective investigative tools to investigate and prosecute such crimes. **Member States should ensure that the offences of violence against women and domestic violence, including the ones provided for in this Directive are thoroughly investigated and that adequate protection mechanisms for victims are put in place because the continuum of violence means that even those offences which are perceived to be least damaging can be the first such offence in escalating seriousness.**

*EWL further proposals to amendment 24 – to recital 28*

Delays in processing complaints of violence against women and domestic violence can bear particular risks to victims thereof, given that they might still be in immediate danger given that offenders might often be close family members or spouses. Therefore, the competent authorities should have the sufficient expertise and effective investigative tools to investigate and prosecute such crimes. **Member States should ensure that the offences of violence against women and domestic violence, including the ones provided for in this Directive are thoroughly investigated and that adequate protection mechanisms for victims are put in place because the continuum of violence means that even those offences which are perceived to be least damaging can be the first such offence in escalating seriousness.**

*EWL further proposals to amendment 26 to recital 30*

(30) In order to ensure comprehensive support and protection to victims, all competent authorities and relevant bodies, not limited to law enforcement and judicial authorities, should be involved in assessing the risks for victims and appropriate support **and protection** measures. This **should only be done** on the basis of **clear and gender-sensitive** guidelines issued by the Member States, **developed in cooperation with women's specialist services**. Such guidelines should include factors to be taken into consideration when assessing the risk emanating from **the specificities of the forms of violence covered in this Directive, including coercive control mechanisms and**, the offender or suspect, including the consideration that suspects charged with minor offences are as likely to be dangerous as those charged with more severe offences, especially in cases of domestic violence, **harassment**, and stalking. **The assessment should be revised at important junctures in the process, such as the commencement of a court case, the handing down of a judgment or discussions as to the revision of custody arrangements.**

The EWL Considers that Essential services in times of crises should be limited to specialist support services for victims.



*Amendment 36 to Recital 49*

(49) Specialist support services **for victims**, including shelters and rape crisis centres, **women's advice centres, helplines, programmes addressing the rehabilitation of perpetrators of violence and the clinical management of rape** 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. **These services should be appropriate and fully accessible for girls and women with disabilities. Specialised court accompaniment and legal assistance must be available and offered to all victims during criminal and civil proceedings.**

### 13. Ensure that the work of women's organisations and women's specialist services is be recognised and adequately funded

Although the Directive proposal regulates the importance of cooperation with NGOs of services provided by NGOs (Article 41), it is important to include a provision which regulates the obligation of EU member states to encourage and support and adequately fund the work of NGOs dealing with VAWG in accordance to the Article 9 of the Istanbul Convention. It is very important to bind member states to support the NGO sector, especially during this time of spreading backlash towards women's rights in many EU countries, since the support of NGOs goes beyond cooperation and funding. EWL suggests adding the obligation to justify the decision of governments to disregard opinions of NGOs due to the frequent dismissal of the opinions of women's rights organisations in the consultation process.

*Amendment 49 to recital 61 a.*

(61a) *Member States should recognise women's civil society organisations as partners in policy development and implementation, and should, where relevant, include them in the work of government bodies and committees working to combat violence against women and domestic violence. In addition, other relevant stakeholders should be consulted on relevant issues, such as the social partners in relation to sexual harassment at the workplace. **The work of women's civil society organisations of protection of violence against women and domestic violence, protection and support to victims should be adequately funded. If a government of a Member State decides to disregard the opinions of the specified non-governmental organisations, the former shall be obligated to justify this dismissal.***

*Amendment 168 to article 41*

Member States shall cooperate with, **provide adequate funding**, and consult civil society organisations, including non-governmental organisations working with victims of violence against women or domestic violence, in particular **women's civil society organisations, in particular** in providing support to victims **and to those who work to rehabilitate offenders**, concerning **the design and implementation of** policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims.

*Member States shall recognise women's civil society organisations working on violence against women as equal partners in policy development and implementation and include women's civil society experts in the work of government bodies/committees dealing with violence against women and girls.*

#### 14. Ensure that Compensation rights are aligned with standards in the Istanbul Convention article 30.

##### *EWL proposal – new- on compensation from the state*

*Recital 44 new and new paragraph to article 26 on compensations ~~from offenders~~*

*Adequate state compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, and to orphans from victims, to the extent that the damage is not covered by other sources, such as the perpetrator. Member States are not precluded from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety.*

#### 15. Ensure that the articles regarding children's safety and custody and visitation rights are aligned with the Istanbul Convention

##### *Amendment 42 to recital 55- EWL further proposals*

*Member states shall take measures to ensure that, in determination of custody and contact or visitation rights of children, judicial authorities take into account incidents of violence against women and domestic violence and the results of the risk assessments concerning the non-abusive parent and the child victim, including child witnesses and orphans. Member States shall put in place measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.*

*Where there is a reasonable doubt concerning safe contact with the child from both a physical and emotional perspective, visiting and custody rights of the abusive parent shall be suspended. The interest of the child, their right not to be victimised and children's views should be of primary consideration and prevail over any perpetrators' or suspects rights and also over any visiting rights of other persons having ties with the children. Specialised experts with proven experience in violence against women and risk assessment for victims and their children should be involved in the decision.*

*In cases of visitations rights of a suspect who is a holder of parental responsibility with rights of access, only when visits are considered to be adequate and in the interest of the child and* in order to ensure the safety of children and victims during possible visits with an offender or suspect who is a holder of parental responsibility with rights of access, Member States should ensure that supervised neutral places, including child protection or welfare offices, are made available so that such visits can take place there in the best interests of the child. *Supervised neutral places for visits with a suspectn offender should ensure the safety of both the child and the non-abusive holder of parental responsibility where relevant.* If needed, the visits should take place in the presence of child protection or welfare officials.

Where it is necessary to provide for interim accommodation, children should as a priority be accommodated together with the holder of parental responsibility who is not the offender or suspect, such as the child's mother. The best interest of the child should be always taken into account. *Appropriate referrals for offenders and suspects should be ensured both to address the violence towards their family members and to improve parenting as appropriate, while respecting the best interests of the child. Evaluation of change should be taken into account when considering visitation rights.*

*Where necessary, Member States shall ensure that judicial authorities act to remove visiting rights permanently from perpetrators that continue to offend or do not engage in long term meaningful parenting programmes leading to improved outcomes for children.*

*Amendment 154 to article 34 – EWL in support of this amendment and further proposal*

*Member States shall ensure that the best interests of the child take precedence over the rights of access of an offender or suspect of violence against women or domestic violence. Member States shall ensure that the views of the child are given due weight when it comes to such rights of access. Member states shall aim at prohibiting mandatory shared custody and/or visiting rights in cases of violence or suspected violence; and prohibit the use of so-called "parental alienation" or any related concept when determining custody and visitation rights in cases of violence or suspected violence.*

**16. Include provisions as per the ILO Recommendations 206 on eliminating violence and harassment in the world of work:**

EWL calls to enhance the proposal for a Directive as per the standards in the Istanbul Convention.

**EWL proposal – New in Recitals and Articulate on protection:**

**Member states shall adopt appropriate measures to mitigate the impacts of domestic violence in the world of work that can include:**

- (a) leave for victims of domestic violence;
- (b) flexible work arrangements and protection for victims of domestic violence;
- (c) temporary protection against dismissal for victims of domestic violence, as appropriate, except on grounds unrelated to domestic violence and its consequences;
- (d) the inclusion of domestic violence in workplace risk assessments;
- (e) a referral system to public mitigation measures for domestic violence, where they exist; and
- (f) awareness-raising about the effects of domestic violence.

#### IV. EWL calls to appoint an EU Coordinator on violence against women

The EU Coordinator on violence against women should have a strong political mandate, with adequate resources and responsibility to coordinate the coherent implementation of the Directive on combatting violence against women and domestic violence together with all the different pieces of legislation referred to VAWG<sup>12</sup> and have a vision on the further policy and legislative development, including the proposal to include violence against women in the list of Eurocrimes Art. 83(1)<sup>13</sup> (thereby activating the passerelle clause), as requested by the European Parliament on many different occasions and as indicated in the European Commission Gender Equality Strategy 2022-2025.

The EU Coordinator should monitor the adequate implementation of the Istanbul Convention on preventing and combating violence against women and domestic violence. The Coordinator should pursue the adoption of necessary policy and legislative measures to reach a comprehensive EU legislative framework where all forms of violence are legislated upon. The Coordinator should work in alignment with national coordinating bodies per Member State and have a structured engagement with civil society organisations and specialist women's organisations.

#### Article-45 new EWL proposal

##### EU Coordinator on ending violence against women

Member States should facilitate the tasks of an EU coordinator, which may include for example improving coordination and coherent approach in the implementation of the different legislative tools on violence against women, avoiding duplication of effort, between Union institutions and EU agencies, including EIGE, FRA, Eurostat, as well as between Member States and international actors, contributing to the development of existing or new

<sup>12</sup> Including: the Directive 2012/29/EU on common minimum standards on the rights, support and protection of victims; the Directive 2006/54/EC on the principle of equal treatment for women and men, and the definition of harassment and sexual harassment as a form of violence against women; the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims; the Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography; Directive 2011/99/EU on the European protection order; Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters

<sup>13</sup> EWL find strongly that the requirements for this as per Article 83(1) of the TFEU, are met. In addressing these criteria, first, the **seriousness of VAWG** is clear, given the arguments already collected through international practice and data provided at a national, EU, and international level. Second, with regard to the cross-border dimension of VAWG we recognise that Article 83(1) of the TFEU speaks about the need for harmonising legislation pertaining to crimes that have a cross-border dimension "resulting from the need to combat them on a 'common basis'". This is further justified when looking at the transposition of trafficking in human beings and sexual exploitation of women and children as a crime under Article 83(1) into legislation. Indeed, the Council of Europe Convention on Action against Trafficking in Human Beings applies to 'all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime'. Similarly, in Directive No. 2011/36 on preventing and combating trafficking in human beings and protecting its victims, no reference is made to the cross-border dimension of the crime. Therefore, we recognise that the cross-border requirement can be overcome through **EU Member States addressing this phenomenon on a 'common basis'**. **Women and girls should benefit from the same rights and level of protection regardless of where they live in the EU.**

The inclusion of VAWG among EU crimes would allow the EU legislator to continue adopting legislative measures that create a comprehensive approach to VAWG that recognises that all forms of VAWG are part of the same continuum of violence, deeply rooted in discrimination and sexism. This recognition would be instrumental in relation to proposing a comprehensive and firm response to all forms of VAWG.

Union policies and strategies relevant to ending the continuum of violence against women and girls or reporting to the Union or international institutions. The coordinator will have a structured engagement with civil society organisations and specialist women's organisations.



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