

Joint Women Against Violence Europe (WAVE) and EuroCentralAsian Lesbian* Community (EL*C) reaction to the adoption of the EU Directive on combating violence against women and domestic violence 2022/0066 (COD)

7 May 2024

Today, the Council of the EU officially adopted the EU Directive on combating violence against women and domestic violence. The EuroCentralAsian Lesbian* Community (EL*C)¹ and Women Against Violence Europe (WAVE) Network² as feminist civil society organisations (CSOs) which advocate for human rights, gender equality, and the right for all women to live free from violence, welcome this first-ever binding EU legislation on this issue as a groundbreaking step.

The Directive adopts a holistic approach to combat violence against women and domestic violence, incorporating measures relating to prevention, protection, support for victims, access to justice and prosecution of perpetrators. This achievement is the result of long-term advocacy by feminist CSOs and Members of the European Parliament championing the European Commission's ambitious proposal. We extend our gratitude to everyone involved in making this Directive as strong as possible.

We applaud the fact that the Directive recognizes the perpetration of female genital mutilation, forced marriage and certain forms of online violence as crimes. Unfortunately, other forms of gender-based violence were ultimately not criminalised, including intersex genital mutilation and forced sterilisation. Moreover, the proposal failed to acknowledge femicide, the deliberate killing of a woman because she is a woman, citing a lack of EU legal basis. This glaring omission starkly illustrates the systemic disregard for the unique harm inflicted upon women and it perpetuates a culture of impunity and erasure, undermining the urgent need for gender-specific protections and justice. Likewise, we deeply regret that some Member States managed to derail the unprecedented opportunity to criminalise rape with a consent-based definition at the EU level. Sexual violence against women is endemic across the EU, with widespread impunity. Consent-based definitions of rape allow for all cases of rape to be included and strengthen protection and access to justice for women victims/survivors of rape. We continue to call on all Member States who have not yet done so, to move towards adopting consent-based laws on the national level.

Crucially, the Directive will require Member States to do more to prevent rape, by raising public awareness of the fact that sex without consent is a crime, through awareness-raising programmes and educational materials. We encourage Member States to embrace the

¹ Representing more than 130 organisations lead and focusing on LGBTIQ women and non-binary persons.

² Representing more than 1,600 women's organisations, primary prevention services, and Women Specialist Services (WSS) through 178 members based in 46 European countries:

comprehensive prevention approach outlined in the Directive, in particular primary prevention initiatives, and to provide mandatory comprehensive sexuality education, which includes consent education and challenges harmful gender norms.

The Directive ensures comprehensive support for women survivors of violence against women and domestic violence, encompassing access to both general and specialist support services, shelters, and comprehensive medical care, including sexual and reproductive health services. However, we regret the absence of recognition regarding the connection between domestic violence and violence against children within the context of domestic violence. This oversight is particularly critical as it impacts child custody proceedings, where understanding the continuum of violence from violence against women to violence against children is essential for safeguarding the rights of both children and their mothers. Additionally, we strongly critique the exclusion of women's specialist services from the directive's articles. The assumption that specialist services can be seamlessly integrated into general victim support services overlooks the nuanced and specialised care needed by women survivors of violence against women and domestic violence. This overlooks the unique expertise and tailored support required to address the complex needs of women who survive this type of violence.

This is the first time that EU law imposes explicit obligations on Member States to provide access to this essential medical care for women survivors of sexual violence. Member States will also have to provide training for professionals likely to come into contact with women survivors, on how to provide this support.

The Directive recognises that women survivors of violence against women and domestic violence who experience intersectional discrimination are at a heightened risk of violence, and obliges Member States to meet their specific needs. Targeting a public figure, a human rights defender, or someone for their personal characteristics will constitute an aggravating circumstance. In the implementation of the Directive, Member States must ensure that all victims and survivors of gender-based violence are protected, no matter their sexual orientation, gender identity, gender expression or sex characteristics, with specific attention to the needs and realities of LGBTI women.

However, EU lawmakers yet again silenced women impacted by EU migration policies. The only concrete step forward for migrant women is that the text requires Member States to make shelters available to all women experiencing domestic abuse, regardless of their residence status. Nonetheless, we condemn that the final text does not retain provisions on protecting undocumented women's personal data from being transmitted to immigration authorities (neither in the context of accessing shelters nor in terms of accessing justice). Member States must ensure that women are not deterred from going to the police, and hence compromising their safety or even lives, because of their residence status, by including access to safe reporting in the ongoing revision of the Victims' Rights Directive.

We call on the European Commission to provide guidelines and training to Member States, based on international standards and in consultation with civil society organisations. We urge Member States to fully implement the Directive as soon as possible while emphasising that the implementation of this Directive shall not constitute grounds for justifying a reduction in the level of protection of victims. Recalling that the Directive sets minimum standards, we further call on Member States to go beyond these and to realize the highest standards across the EU, including regarding women at heightened risk of violence.

We call on the European Commission to review the Directive in the next five years and to work towards comprehensive and inclusive measures to address all forms of sexual and gender-based violence against women in all their diversity and without discrimination, in line with the provision contained in Article 4 of the Istanbul Convention.

We, together with our members across Europe, are committed to providing our expertise and look forward to supporting a strong implementation of the Directive, to progress towards a Europe where everyone is safe from gender-based violence against women.

The EuroCentralAsian Lesbian* Community

The WAVE Network