

**An open letter to negotiators in the European Commission, the Belgian Presidency of the Council of the European Union, Member States, and the European Parliament ahead of the final negotiations of this mandate on the Directive on Combating Violence against Women and Domestic Violence (COM (2022) 105 final, 8 March 2022)**

As vehement advocates for women's rights, the **Women Against Violence Europe (WAVE) Network**, representing more than 1,600 women's organisations and Women Specialist Services (WSS) through 170 members based in 46 European countries, and the **EuroCentralAsian Lesbian\* Community (EL\*C)** representing more than 100 organisations led by and focusing on LGBTIQ women and non-binary persons, we are writing to voice our concern about the current state of the negotiations on the Directive on combating violence against women (VAW) and domestic violence (DV) (COM (2022) 105 final, 8 March 2022).

As the window for interinstitutional negotiations on this file closes, we strongly encourage Member States to agree on a comprehensive directive. This directive should effectively tackle violence against women (VAW) and domestic violence (DV) within the European Union, without compromising the long-standing efforts to create a Directive that addresses these issues in depth. The need for a robust Directive is both critical and urgent to equip Member States with the necessary tools to effectively combat VAW and DV. According to statistics from the Fundamental Rights Agency, 1 in 3 women in Europe has been a victim of physical and/or sexual violence since the age of 15, which equates to about 62 million women. A strong directive is vital not only to deter potential offenders but also to ensure that victims have adequate access to protection and justice.

The results of the last trilogue, and the failure of Member States to agree to endorse crucial measures supported by the European Commission and the European Parliament, signal a crucial juncture, underscoring the urgent need to adopt minimum standards for the protection of women's rights in this much-needed European Directive on VAW and DV. **We are deeply concerned by the inclination of certain Member States to discard the historic chance to legally define and criminalize rape within this Directive.** Disregarding the pervasive issue of rape across the EU, whilst citing narrow legal interpretations of EU competencies, puts millions of women and girls in Member States at continued and increased risk of rape. The prevalence of sexual violence and the current culture of impunity in many member countries necessitates consent-based definitions of rape, which have shown to significantly enhance protection and access to justice for women, resulting in higher rates of reporting and prosecution.

European governments must act under their international and regional human rights obligations, particularly under the Istanbul Convention, and adopt a robust Directive that guarantees the execution of the Convention's holistic approach, encompassing effective Prevention, Protection, Prosecution, and integrated Policies, as well as the anti-discrimination principle of the Convention. The current lack of political resolve to forge a consensus is jeopardizing the protection of women in the EU from gender-based and domestic violence. The time to act is now, to avoid the risk of the proposal being further diluted or not being adopted at all in the next European Parliament mandate.

As the largest network of Women Specialist Services in Europe, exclusively dedicated to supporting women victims of VAW and DV, and the only European network of organisations led by and focused on LGBTIQ women non-binary persons, **we call upon Member States to ensure the Directive criminalizes rape based on consent**, as well as other crimes such as female and intersex genital mutilation, forced sterilization, forced marriage, and sexual harassment in the workplace. The Directive should address violence based on sex and gender, and tackle intersectional discrimination, particularly against LGBTIQ+ women, and women who are undocumented or have precarious residency statuses.

We demand reinforced protection and access to justice for victims, including avenues for compensation and secure reporting mechanisms. This necessitates establishing firm barriers between immigration and other authorities to ensure that survivors are not dissuaded from reporting violence due to their residency status. The Directive must also ensure comprehensive support for victims, including access to both general and specialized services, with particular focus on Women Specialist Services (WSS). This includes clinical management of rape and extensive sexual and reproductive healthcare for victims of sexual violence, as well as support for child victims. Moreover, the adoption of effective primary preventive measures is crucial, including access to primary prevention services and a definitive obligation to provide comprehensive sexuality education.

It is essential to emphasize the importance of integrating Women Specialist Services (WSS) explicitly within the Directive's provisions. The hesitations regarding the inclusion of WSS might arise from a lack of recognition of the unique challenges faced by women victims of gender-based violence. Neglecting these specific needs could result in approaches that are less effective in safeguarding and promoting women's rights. Additionally, we reiterate the need to effectively include LGBTIQ+ women in the Directive, including in its binding parts, with a clear reference to the women of the LGBTIQ+ community and not broader references to LGBTIQ+ persons that will risk making the implementation of this directive imprecise and ineffective.

For more detailed recommendations, we refer to our [joint position](#) published in 2023.

In moments like these, political choices hold the power to profoundly impact the lives of millions. We find ourselves at such a crossroads. Member States now have the chance to pass a Directive that could be a catalyst for transformative change. It is crucial to remember that women across Europe are closely monitoring your decisions, and they are prepared to make their voices heard, both at the polls in EU and national elections and on the streets. The fight for gender equality will prevail, and your actions, or lack thereof, especially regarding victims of VAW and DV, will not go unnoticed.

Sincerely,

The EuroCentralAsian Lesbian\* Community

The WAVE Network