

Violence against women and domestic violence: a first step towards a Europe free of male violence against women and girls

EWL response to the Proposal for a DIRECTIVE on combating violence against women and domestic violence

1. Introduction

The European Women's Lobby (EWL) welcomes the proposal for a [Directive on Violence against Women and Domestic Violence](#) and believes that the proposed Directive fills significant gaps on violence against women and girls (VAWG) across the European Union. Violence against women and girls threatens the security of more than half of the population in the EU, affecting over 250 million women and girls. 1 in 3 of women in Europe are affected by physical and/or sexual violence and 1 in 2 women in the EU have experienced sexual harassment since the age of 15 with intersecting forms of discrimination severely increasing the risk of VAWG¹.

After decades of advocacy from EWL and other women's rights organisations and activists on the ground and in the third year of the Covid-19 pandemic with devastating effects on gender equality and an historic spike in VAWG and especially domestic violence², this proposal historically recognises VAWG as a systemic problem at the EU level and does not diminish it to the private sphere. Furthermore, with the [EU accession to the Istanbul Convention on hold](#) and current backlashes on women's rights in certain member states, it is more than timely for the Commission to deliver one of their [political priorities](#).

¹ Fundamental Rights Agency, Violence against women: an EU-wide survey, 2014: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf.

² European Institute for Gender Equality, 2021: [The Covid-19 pandemic and intimate partner violence against women in the EU | European Institute for Gender Equality \(europa.eu\)](#).

This Directive is an essential first step in the direction of an harmonised approach to violence against women and girls in the EU, and especially necessary for Member States that have not ratified the Istanbul Convention. By proposing definitions of five forms of violence and establishing minimum standards for prevention, prosecution, protection and integrated policies to fight VAWG, this Directive is a groundbreaking instrument which will help greatly improve national legal systems across Member States in the EU³.

EWL calls on the European Parliament and the European Council to build from those historic dispositions and take a step further by ensuring a true and full harmonisation of EU legislations to combat ALL forms of violence against women and girls. Through the inclusion of “VAWG” among EU crimes at article 83(1) of the Treaties, the EU will pave the way for strong legal action on VAWG as part of the same phenomenon and of the continuum of violence. Such bold approach would allow the Directive to also cover serious offences violating women’s sexual and reproductive rights and help combat sexual exploitation of women.

In the following analysis of the proposal EWL will pinpoint the highlights of the proposal as well as identify the key concerns and room for improvement through amendments.

2. A stronger legislative framework to tackle VAWG in the EU

The proposed Directive has the potential to bring significant progress in many areas aimed at preventing and combating violence against women and girls in the EU. For the first time, an EU Directive recognises some forms of violence against women and girls as subject for EU legislation. In addition, the proposed Directive establishes a very strong basis of minimum rules to be followed by Member States to reach harmonisation and better protection of women and girls against VAWG in the EU.

³ See EWL’s [Recommendations on the 4 P’s of the IC](#), (2022).

In particular, the current legislative proposal brings forward the **legal definition of rape close to the Istanbul Convention**, the recognition of female genital mutilation as a criminal offence and the prosecution of key forms of online violence. It also seeks to bring harmonisation in penalties, limitation periods for the prosecution and decision on the covered forms of violence, access to justice and support services to women and girls throughout the EU. It is also promising great progress on the collection of data.

2.1 Key forms of VAWG

The EWL welcomes the definition of *rape* close to the text of the Istanbul Convention. It is an important step to ensure that all legislation in the EU will include the notion of “consent” within their definition of rape. This is a great improvement toward a “yes means yes” approach. The proposed **definition goes even further and includes a dis/ability-sensitive approach**⁴.

EWL welcomes the **criminalisation of Female Genital Mutilation (FGM)** in the article 6 of the proposal. The definition is under the same scope as the one in the Istanbul Convention. FGM is a human rights’ violation targeting specifically women and girls, affecting their wellbeing, their physical and their mental health. The organisation End FGM estimates that over 600.000 women are living with the consequences of FGM in Europe and that a further 190.000 girls and women are at risk of undergoing the harmful practice in 17 European countries alone.

When it comes to the specialist support for victims of female genital mutilation as foreseen in article 29, a particular attention should be dedicated to refugee and migrant women

⁴See Chapter 2 Article 5 (2): “*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.*”

and girls in both information sharing and resourcing for service provision since they are more likely to be exposed to this threat.

Moreover, the EWL warns on the danger of other harmful practices that promote the normalisation of dangerous elective surgeries and the hypersexualisation of women and girls such as aesthetic vaginoplasties (“designer vaginas”) or labiaplasties, “virginity repair” surgery known as hymenoplasty, vaginal dilations, imposition of hormones etc. Women and girls should never be physically or mentally coerced to undertake such surgeries and must be informed of the risks deriving from these. This is why all forms of female genital mutilation and of related coercive harmful practices should be included in the final version of the Directive.

Across the EU there are significant gaps in legislation on **online VAWG**, so EWL supports the focus on combating and preventing online VAWG in the proposal. The dispositions of the proposal complement the [Istanbul Convention](#) which had not foreseen the apparition of online VAWG and the inclusion of manipulated material is a good step in the direction of preventing harmful practices such as deep fakes. Legislating at the European level is obviously necessary since most EU countries have not succeeded yet in implementing accountability mechanisms applicable both to social platforms in their duty of protecting their users and to the users per se, as these should not feel legally unreachable behind their screens. Indeed, the harm they produce digitally has consequences on the real life of victims of such practices and both perpetrators and platforms refusing to provide assistance to victims and to facilitate the work of justice in such cases should be held accountable for these acts of online violence.

The **criminalisation of non-consensual sharing of intimate material (Article 7)** is very much needed in a digital era where the use of “revenge porn” and the creation of “fisha” accounts got banalised and hardly punished. The criminalisation of **cyber stalking (Article 8)** and **cyber harassment (Article 9)** is another action to be welcomed. It harmonises the definitions across the EU and therefore closes possible gaps between

member states' legislation. However, EWL would like to stress that there is a strong connection between cyber stalking and harassment and offline stalking and harassment as 45% of domestic violence survivors have reported experiencing some form of abuse online during their relationship⁵. A broader approach to stalking and harassment, in its online and offline forms in this proposal would therefore be desirable.

The criminalisation of **Cyber incitement to violence or hatred (Article 10)** is a necessary step forming a connection with measures on sexist and misogynistic hate crime and hate speech and could work in unison once the initiative to extend the list of EU crimes to all forms of hate crime and hate speech⁶ has been successful.

Article 13 on aggravating circumstances is inclusive and specifically takes vulnerable groups of women and girls into account. The integration of “*(i) the offence resulted in the death or suicide of the victim or severe physical or psychological harm for the victim*” is supported by EWL and will improve legislation in many MS.

2.2 Improved protection of victims, access to justice and victim's support

The EWL generally supports the provisions on protections of victims and access to justice (**Chapter 3 - Protection of Victims and Access to Justice**) in the proposal and agrees that the proposed guidelines for enforcement and judicial authorities (**Article 23**) will help improve public authority investigation of crimes. In addition, the compensation from offenders (**Article 26**) is advanced and gives a good level of minimum standards for EU member states.

In regards to the prompt removal of **non-consensual sharing of intimate or manipulated material (Article 25)**, the proposed measures set a solid foundation and

⁵ Women's Aid survey (2017).

⁶See European Commission: [Extending EU crimes to hate speech and hate crime | European Commission \(europa.eu\)](https://ec.europa.eu/justice/anti-discrimination-law/anti-discrimination-law-2018-2019/)

will improve the situation of victims of those crimes immensely, if harmonisation with the Digital Services Act (DSA) can be achieved and implemented simultaneously.

When it comes to victim support (**Chapter 4 - Victim Support**), the EWL welcomes the victim-centred approach and the proposal for a “one-stop-shop” for victims (**Article 27**), where specialised support is offered in-person and online. The focus on accessibility including for child victims (**article 33 & 34**) and victims with specific needs and groups at risk (**article 35**), e.g. considering the need for personal assistance, is much welcomed.

The establishment of a free of charge, 24/7 available and EU-wide helpline (**article 31**) specifically for victims of violence against women and domestic violence will probably lower the threshold of reporting and improve accessibility of services for such victims.

2.3 Increased focus on prevention and better coordination and cooperation

EWL welcomes the proposed measures to prevent VAWG (**Chapter 5 - Prevention**) as they are instrumental to protect women and girls from violence and the fear of it.

The EWL supports the initiative for more awareness raising campaigns (**Article 36**) as set in the Istanbul Convention and highlights the need for combating sexist and gender stereotypes through education and training as early as possible. EWL would suggest further development and clear indication in **Article 36** of the need for feminist sexuality education, including education on love and equal relationships, in education programmes to challenge harmful and sexist behaviour and sexist and gender stereotypes⁷. Male violence against women starts with boy’s violence against girls and has to be targeted comprehensively in a trauma-, child- and gender-sensitive manner⁸. The focus on preventive training (**Article 37**) can be assessed positively, however, a lack of gender-sensitivity in the proposed **preventive training and intervention programmes** can be observed.

⁷ See EWL’s report on [sexuality education](#).

⁸ See EWL’s report on [sexuality education](#).

The inclusion of common standards for data collection on violence against women and domestic violence to ensure visibility, comparability and map potential improvements or declines (**Article 44**) is highly encouraged by the EWL. Gender-segregated data on VAWG is scarce and this mechanism will improve the situation at the EU level notably.

Although the Directive proposal regulates the importance of cooperation with NGOs and funding 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 the work of NGOs dealing with VAWG in accordance to the **Article 9 of the Istanbul Convention**⁹. 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.

3. Areas to be strengthened to ensure the end of all forms of VAWG

Key aspects are missing in the proposal¹⁰ that include broadening the scope of the Directive by:

- A stronger gender-sensitive approach.
- Seeking the inclusion of VAWG **in the list of Eurocrimes** as underlined in a recent appeal by the EWL and the European Parliament;
- Ensuring that **all forms of violence** are legislated upon;
- Tackling **sexual exploitation** of women and integrating dispositions from the **Equality Model**.

⁹ See IC Article 9: *Non-governmental organisations and civil society Parties shall recognise, encourage and support, at all levels, the work of relevant nongovernmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations.*

¹⁰ See EWL's report on the need for a [horizontal directive on VAWG](#).

3.1 A stronger gender-sensitive approach

The Directive would benefit from a strong gender-sensitive approach, recognising that women and girls form the overwhelming majority of victims of violence, with women and girls affected by intersecting forms of discrimination, e.g. women and girls with disabilities, older women, asylum seeker women and girls, migrant women, women of colour, Roma women and girls, women with underlying health conditions, and women impacted by prostitution, even more severely impacted. VAWG is deeply rooted in our society and in the social construction around the roles which women and men should perform.

Male violence against women and girls is a long-term systemic problem in Europe that knows no geographical boundaries¹¹ and is a fundamental **human rights violation** in contravention of EU values under Article 2 of the TEU and Article 23 of the EU Charter of Fundamental Rights. It is a form of discrimination against women and girls and a huge obstacle to achieving equality between women and men¹² which goes against the core objectives of the EU as recalled in the European Commission's Gender Equality Strategy.

All forms of male violence are linked to a continuum of violence¹³ that aims to silence women and force them into a subordinate position: from the most obvious human rights violations such as femicide, to other subtle forms of abuse and control over women's lives, bodies and sexuality. Male VAWG is the cause and consequence of historical and structural patriarchal societies, and is grounded in sexist and gender stereotypes that are assigned to women and men in society.¹⁴ It originates from the patriarchal culture of

¹¹ See EWL's position paper "[Towards a Europe Free from all forms of violence against women](#)", (2010).

¹² See CEDAW General Recommendation No. 19 (1992) paragraph 1; CEDAW General Recommendation No. 35 (2017), paragraph 10.

¹³ Professor Liz Kelly established the concept of a 'continuum of violence' in her book "Surviving Sexual Violence", (1998).

¹⁴ Article 3(c) of the Istanbul Convention defines 'gender' as 'the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men'.

sexism in our societies that includes gendered myths and stereotypes, and the objectification and sexualisation of women and girls. Simply put, it is the manifestation of the persistent and unequal power relations and inequalities between women and men. That is why the EWL recommends to amend the proposal and include the gender-sensitive definition of VAWG drawn from the Istanbul Convention under Article 3(a).¹⁵

3.2 The inclusion of VAWG in the list of Art. 83(1) Eurocrimes

Criminalising all forms of male VAWG and their root causes is not explicitly established in EU law. While the implementation of the Istanbul Convention would allow this criminalisation and a better answer to the phenomenon, current political opposition prevents the Convention's full transposition across all EU Member States. As a complementary action to the EU ratification of the Istanbul Convention, EWL has been calling for expanding the list of Eurocrimes under Article 83(1) of the TFEU to 'violence against women and girls' (thereby activating the passerelle clause). EWL believes that the proposed Directive can be strengthened by seeking the inclusion of VAWG **in the list of Eurocrimes** as underlined also in a 2021 report from the European Parliament. This would ensure a much stronger legal basis and allow for provisions on all forms of VAWG.

We find strongly that the requirements for this as per Article 83(1) of the TFEU, are met. In addressing these criteria, firstly, the **seriousness of VAWG** is clear, given the arguments provided already in international practices, and existing data provided at national, EU and international level. Secondly, with regard to the cross-border dimension of VAWG, we recognise that Article 83(1) of the TFEU speaks about the need for harmonising crimes that have a cross-border dimension "resulting from the need to combat them on a 'common basis'". This is further justified in looking at the transposition

¹⁵ Under the Convention, 'violence against women' is defined as a 'violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.'

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 **the need for EU member states to address this phenomenon on a 'common basis'. Women and girls should benefit from the same rights and level of protection regardless of the place they live in the EU.**

The inclusion of VAWG among EU crimes would allow the EU legislator to adopt a comprehensive approach to VAWG, recognising all forms of VAWG are part of the same continuum of violence, deeply rooted in discrimination and sexism. This recognition would be instrumental in proposing a comprehensive and firm answer to all forms of VAWG.

3.3 The addition of, if not all, other critical forms of VAWG in the list of offences

Unfortunately, the EWL has identified that due to a lack of legal basis or "added value", many forms of VAWG remain uncovered in the proposal for a Directive.

All forms of VAWG being deeply rooted in the same stereotypes against women and girls, EWL has been calling for a comprehensive and gender-sensitive approach. The inclusion of all forms of VAWG in the Directive would greatly improve its comprehensiveness and the situation of women and girls in the EU, e.g. femicide, stalking (as the Directive only covers cyber stalking), sexual harassment and many others.

In the [EWL Glossary on forms of VAWG](#)¹⁶ EWL has listed most of the forms of VAWG to date and notes regrettably that the vast majority of them is not recognised in the Directive.

The EWL notes in particular that **domestic violence** is not included and defined as one of the forms of VAWG the Directive legislates about, even though it is mentioned in the title of the Directive. Additionally, under the scope of the crime of sexual exploitation in article 83(1) as defined in the explanatory memorandum of the Directive, there would be room for criminalisation of **forced abortion and forced sterilisation** as forms of oppression and subordination.

It is also imperative that **violence resulting from violations of women's sexual and reproductive rights** are introduced in the Directive. Indeed, Sexual and Reproductive Health and Rights (SRHR) are an essential part of the physical, mental and social wellbeing of each individual and constitute a crucial part of the human right to health. Lately, more and more European texts have been recognising the importance of these rights¹⁷. Yet, depending on their place of residence, European women and girls do not benefit from these rights in the same way and denying them access to health services is an important form of violence that must be tackled through this proposal.

Concretely, although the European Women's Lobby welcomes the inclusion of the article 6 dedicated to combating female genital mutilation (FGM), the directive could be much more ambitious and could tackle other SRHR issues such as the ones already mentioned in the explanatory memorandum of the proposal, i.e. **forced abortions, forced marriages, and forced sterilisation**. Indeed, including these forms of violence against women into the proposal would align the text with the [Istanbul Convention](#) (article 37 and article 39) as well as with related human rights treaties. It is also crucial

¹⁶ See [EWL's Glossary on Forms of Violence Against Women and Girls](#), (2022).

¹⁷ By including related provisions such as the [2021-2027 EU4Health Programme Regulation](#) underlying the need for the EU to support Member States in promoting access to Sexual and Reproductive Healthcare or through the [EU Gender Equality Strategy 2020-2025](#) that acknowledges that exchanges of good practices in this field must be facilitated.

for consistency within the Directive that these additional dispositions would reflect the willingness to place consent as the cornerstone of these offences.

Forced abortions refer to the action of triggering an intentional termination of pregnancy without having informed and without having asked for the consent of the pregnant woman before practicing this termination. Women with disabilities, women from minority groups and adolescent girls are particularly exposed to this threat which constitutes a violation of their right to found a family as guaranteed in article 9¹⁸ of the [Charter of Fundamental Rights of the European Union](#). Pressuring or coercing women and girls into abortions against their will should be criminalised.

Forced marriages - including child marriage - is a marriage in which one or both parties have not given free and/or full consent and which disproportionately affects women and girls. It is a violation of the [Universal Declaration of Rights \(1948\)](#) in which it is stated that "Marriage shall be entered into only with the free and full consent of the intending spouses" (article 16)¹⁹ and it is a form of domestic violence according to the [European Agency for Fundamental Rights](#)²⁰.

As regards **forced sterilisation** which refers to the action of performing an intervention in order to end a woman's capacity to reproduction without her consent and/or without having informed her before the intervention, the [General Recommendation n°19](#) of the CEDAW mentions that "compulsory sterilisation adversely affects women's physical and mental health, and infringes the right of women to decide on the number and spacing of their children"²¹. [General Recommendation n°24](#)²² further states that it violates women's rights to informed consent and dignity. The proposal should highlight the need to dedicate particular attention and support to women with disabilities and minoritised

¹⁸ [EUR-Lex - 12012P/TXT - EN - EUR-Lex \(europa.eu\)](#)

¹⁹ [udhr.pdf \(un.org\)](#)

²⁰ [Addressing forced marriage in the EU: legal provisions and promising practices \(europa.eu\)](#)

²¹ [Refworld | CEDAW General Recommendation No. 19: Violence against women](#)

²² [INT_CEDAW_GEC_4738_E.pdf \(ohchr.org\)](#)

groups like Roma and Traveller women who face higher risk of suffering from this kind of violence.

Considering the comprehensive scope of the Directive and its recognition of the central importance of consent in its definition of rape, not including these forms of violence would constitute a gap and a missed opportunity.

Additionally, to these topics, the directive should strive for the most comprehensive text possible when it comes to SRHR and include the **denial of access to SRHR, including forced pregnancies, as a form of VAWG**. The denial of access to SRHR has been already recognised as a form of gender-based violence by the European Parliament through the adoption of the [resolution](#) on SRHR in the EU in the frame of women's health in June 2021²³. In September 2021, in this [resolution](#)²⁴, the European Parliament recognised that “reproductive coercion and the **denial of safe and legal abortion care** is also a form of gender-based violence”. This point was reiterated in November 2021, at the occasion of the adoption of the [resolution](#) on the first anniversary of the *de facto* abortion ban in Poland²⁵, in which Members of the European Parliament reaffirmed that “denying access to abortion constitutes a form of gender-based violence” and that “the Commission should propose a comprehensive directive on preventing and combating gender-based violence in all its forms, including violations of SRHR”.

Therefore, the denial of abortion care should be acknowledged as form of VAWG that has already jeopardised the life of at least two women in Poland in 2021.

²³ Resolution on sexual and reproductive health and rights in the EU in the frame of women's health in June 2021 - https://www.europarl.europa.eu/doceo/document/TA-9-2021-0314_EN.html

²⁴ Resolution with recommendations to the Commission on identifying gender-based violence as a new area of crime listed in Article 83 (1) https://www.europarl.europa.eu/doceo/document/A-9-2021-0249_EN.html

²⁵ Resolution on the first anniversary of the *de facto* abortion ban in Poland - https://www.europarl.europa.eu/doceo/document/TA-9-2021-0455_EN.html

3.4 The definition of sexual exploitation and integration of the equality model

As stated in article 1 of the Directive, it establishes minimum rules concerning offences “in the areas of sexual exploitation of women and computer crime”. These EU crimes in article 83(1) of the Treaties are therefore used as legal basis for parts of the dispositions in the Directive. Chapter 2 on “Offences concerning sexual exploitation of women and children and computer crime” is confirming this approach. Yet, the crime of “sexual exploitation of women” is absent from the list of offences and is consequently not legislated upon.

This constitutes a surprising and concerning gap in the Directive. Instead of bridging the persistent legislative gap on sexual exploitation of women in EU law, the Directive is perpetuating it. EWL sees it as a lost opportunity to create a strong legislative framework protecting women from exploitation in the EU. As we see women and children fleeing Ukraine left at the hand of traffickers and pimps, we must act to ensure prevention of this crime and the tackling of trafficking, sexual exploitation and prostitution in the EU.

EWL calls for the inclusion of this crime among offences in Chapter 2, by building from the definition in the Explanatory Memorandum to the Directive.²⁶ To this definition must be added that **sexual exploitation of women and girls** is a form of VAWG deeply rooted in stereotypes and patriarchy. Therefore, the definition of sexual exploitation should clarify that it is **recognised as a form of VAWG and sexual violence**. It must also be made clear that the absence of consent of the victim is recognised.

²⁶ It defines the EU crime of “sexual exploitation” as per article 83(1) in the following way:
“The term ‘sexual exploitation’ in Article 83(1) TFEU can be 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 a sexual act with another person. The exploitative element can refer to the achievement of power or domination over another person for the purpose of sexual gratification, financial gain and/or advancement.”

In addition, it should be explained that, as per this definition, the commercialisation of a woman's body for obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual (or re-productive) services, including pornographic acts or the production of pornographic materials is a form of sexual exploitation.

To ensure harmonisation with existing EU legislative instruments already mentioned above, the EWL recommends that the Directive includes an **end-demand approach at its core** as per [Directive 2011/36/EU](#) on preventing and combating trafficking in human beings and protecting its victims²⁷. In particular, the Anti-Trafficking Directive states that “Member States shall take appropriate measures, such as education and training, **to discourage and reduce the demand that fosters all forms of exploitation** related to trafficking in human beings” (Article 18.1) and that “in such initiatives, **Member States should adopt a gender perspective and a child-rights approach**” (paragraph 25). These elements can also be found in the [Directive 2011/93/EU](#) on combating the sexual abuse and sexual exploitation of children and child pornography where it is also mentioned that “Member States shall take appropriate measures, such as education and training, **to discourage and reduce the demand that fosters all forms of sexual exploitation of children**” (Article 23).

Therefore, the legislation on sexual exploitation should act as ‘sister’ legislation to the Anti-Trafficking Directive and Directive on Child Exploitation, mirroring their provisions and approaches but **applying them to all women and girls affected by sexual exploitation to fully tackle this phenomenon**. It remains crucial to include the end-demand approach of the Anti-Trafficking Directive in the proposed Directive on

²⁷ This Directive is currently being updated by the European Commission and an updated text should be prepared by the fourth quarter of 2022. The European Women's Lobby took part in the consultation dedicated to this update and you can read a part of this feedback on the following link: [Feedback from: European Women's Lobby \(europa.eu\)](#). This feedback especially highlights the request to remove the need for the “buyer” to know that the woman sexually exploited is a victim of trafficking to increase levels of prosecution and social understanding of unseen exploitation and violence in the wider system of sexual exploitation.

VAWG, internationally recognised as key to ending the motivating factor for those who exploit women and girls in sexual exploitation systems.

To fully tackle sexual exploitation, Chapter 4 on Victim Support should include **support, exit programmes and health services for those affected by sexual exploitation, as per the Equality Model**. Additional specific exit programmes for women and girls in sexual exploitation, prostitution and trafficking (**Article 27(1)**) and specialist support and availabilities in women's shelters (**Article 32**) need to be guaranteed.

Criminal penalties for those who perpetuate the system, i.e., pimps and so-called 'buyers' are necessary. The duration of (minimum/maximum) penalties should be mirrored from legislation in Sweden or France. This is the only way to fully respond to the violence and power inequalities at the heart of the sexual exploitation system.

The European Women's Lobby strongly opposes the use of the expression "women sex workers" in the article 35 of the proposal when mentioning the victims with specific needs and groups at risk and calls for the use of the expression "**women victims of sexual exploitation**" or the terminology of "sexually exploited women and girls" as used in the General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration (CEDAW/C/GC/38)²⁸. Indeed, the choice of the wording is meaningful since sexual exploitation cannot be banalised through the use of the expression "sex work" as 9/10 women in prostitution would leave sex trade if they could. In addition, more than two-thirds of them reported trauma on par with soldiers returning from war and 62% of them have reported having been raped since entering prostitution. This is why, in line with the European Parliament resolution on sexual exploitation and prostitution and its impact on gender equality adopted in February 2014 and in line with the so-called "Equality model", the European Women's Lobby calls for including this position in the final

²⁸ See Brussels' Call statement [here](#).

text of the Directive so that efforts can be focused on criminalising the purchase of sexual “services” while helping women victims of sexual exploitation to escape from this through the implementation of exit programmes providing them with legal, health, housing and employment support.

4. Conclusion

To conclude, the proposal for a Directive on Violence against Women and Domestic Violence is an essential first step into the right direction and EWL is generally **advocating for its swift adoption and implementation**. It builds a solid foundation of legal definitions including, e.g. the criminalisation of rape and non-consensual sharing of intimate or manipulated material that can be strengthened even further through EWL’s proposal in chapter 3 of this analysis. EWL specifically welcomes that the proposal recognises the online space as a facilitator of violence against women and girls, and criminalise acts of violence explicitly perpetrated in the online space.

EWL is confident that with the recommendations for improvements in chapter 3 and proposals for amendments in the European Parliament, the text of the Directive will be even more inclusive and comprehensive.

EWL is calling for improvements to the proposal by including **EWL’s key asks:**

- 1.The adoption of more Gender-sensitive approach;**
- 2.The inclusion of VAWG in the list of Eurocrime;**
- 3.The coverage of all forms of VAWG;**
- 4.The tackling of all forms of sexual exploitation of women and girls.**

The inclusion of those key asks will enhance this Directive immensely and provide the tools to get closer to a **Europe free of male violence against women and girls**.