



INFO DOCUMENT FROM THE EUROPEAN UNION
EU LAWS AND INITIATIVES TO COMBAT VIOLENCE AGAINST WOMEN
AND
INTERNATIONAL CHILD ABDUCTION

VIOLENCE AGAINST WOMEN

1. On 13 June 2024 the first ever EU rules on combating violence against women and domestic violence¹ entered into force. Violence against women and domestic violence affect an estimated one in three of the 228 million women in the EU. By criminalising certain forms of violence against women across the EU, including online, and strengthening victims' access to justice, protection and support, the Directive aims to ensure the fundamental rights of equal treatment and non-discrimination between women and men.
2. The Directive builds on the standards of the Istanbul Convention and criminalises certain forms of violence against women across the EU, both offline and online.
3. The new rules are decisive against gender-based violence, and ban female genital mutilation, forced marriage and the most widespread forms of cyber violence, such as the non-consensual sharing of intimate images (including deepfakes), cyber stalking and cyber harassment (including cyber flashing). Cyber violence is an urgent issue to address, given the exponential spread and dramatic impact of violence online. The new EU rules will help victims of cyber violence in Member States that did not yet criminalise these acts.
4. The Directive applies to all victims of violence against women and domestic violence, regardless of their age. However, the Directive recognizes the negative consequences for and the need to protect children in a situation of domestic violence and imposes several obligations to meet these needs. For example, reporting procedures need to be accessible in a child-friendly manner and the child will be assisted by a trained

¹ Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence, *OJ L*, 2024/1385, 24.5.2024. <https://eur-lex.europa.eu/eli/dir/2024/1385>

professional, children shall as a priority be placed together with other family members, in particular with a non-violent parent or holder of parental responsibility, in permanent or temporary housing equipped with support services and Member States will establish safe places which allow safe contact between a child and a holder of parental responsibility who is an offender or suspect of violence against women or domestic violence.

5. EU Member States² have until 14 June 2027 to transpose the Directive into their national law. More information is available [here](#).

ISTANBUL CONVENTION

6. In 2023, the EU became the 38th Party to the Council of Europe Convention on preventing and combating violence against women and domestic violence (**‘the Istanbul Convention’**). The EU has acceded to the Convention as regards matters falling within its exclusive competence, namely with regard to matters related to institutions and public administration of the Union³ and with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement⁴. The EU is now bound by ambitious and comprehensive standards to prevent and combat violence against women and domestic violence, within these areas. This includes funding, policy and legislative measures. This was recently confirmed by the Court of Justice of the European Union in its judgment of 16 January 2024⁵, which states that areas of EU law which fall within the exclusive competence must be interpreted consistently with the Istanbul Convention by *all* EU Member States.

FINANCIAL SUPPORT

7. The Citizens, Equality, Rights and Values (**CERV**) programme, with its Daphne strand (actions preventing and combating gender-based violence and violence against children), provides EU funding for actions in the field. Every year an open call for

² For the purposes of the EU legislation mentioned in this info document, the EU Member States concerned are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. Denmark does not apply this legislation.

³ Council Decision (EU) 2023/1075 of 1 June 2023 on the conclusion on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union, OJ L 143 I, 2.6.2023, p. 1–3. [Decision - 2023/1075 - EN - EUR-Lex \(europa.eu\)](#)

⁴ Council Decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement, OJ L 143 I, 2.6.2023, p. 4–6. [Decision - 2023/1076 - EN - EUR-Lex \(europa.eu\)](#)

⁵ Judgment of 16 January 2024, WS, C-621/21, paragraph 46-47. <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CJ0621>

proposals is published, with a budget of 25-30 million EUR. About 40% of this budget is dedicated to actions targeting or involving children. Most recent priorities of Daphne calls dedicated to children concerned:

- targeted actions for the protection of and support for victims and survivors of domestic violence (which include children)
- targeted actions for the prevention of gender-based violence (this includes awareness-raising among children against prejudices, gender stereotypes and norms that contribute to the tolerance of gender-based violence)
- and targeted actions making integrated child protection systems work in practice (in reference to the Commission Recommendation on developing and strengthening integrated child protection systems in the best interests of the child adopted in 2024).

CHILDREN VICTIMS OF CRIME

8. When children fall **victims of crime**, it is essential to ensure that they can rely on all available support and protection measures.
9. The **Victims' Rights Directive**⁶ adopted in 2012 recognizes the special needs for support and protection of child victims. Under the Directive, where the victim is a child, the child' best interests shall be a primary consideration.
10. On 12 July 2023, the Commission adopted a **proposal for the revision of the Victims' Rights Directive**⁷. The proposal will further strengthen the rights of victims of crime in the EU, including the rights of the most vulnerable victims, such as child victims. In particular, with the proposed amendments, the Commission aims to ensure that child victims are better supported and protected – via improved access to integrated and multidisciplinary support and protection services.
11. In addition, under the **EU Strategy on victims' rights (2020 – 2025)**⁸, the Commission is working on non-legislative actions to improve the rights of child victims in the EU. Such actions include creation of child-friendly conditions in the aftermath of crime, promotion of structures providing for targeted and integrated support and protection

⁶ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, *OJ L 315*, 14.11.2012, p. 57–73. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0029>

⁷ Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, *COM/2023/424 final*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0424>

⁸ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS: EU Strategy on victims' rights (2020-2025), *COM/2020/258 final*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0258>

services for child victims, implementation of the EU campaign on victims' rights with a focus on child victimisation.

INTERNATIONAL CHILD ABDUCTION

12. Since 2003⁹, the EU has adopted legislation to fight against child abduction among Member States and strengthen the rules of the 1980 Hague Convention on International Child Abduction.
13. The 1980 Hague Convention has been ratified by all the EU Member States and continues to apply in relation to cases of child abduction between Member States. However, the 1980 Hague Convention is complemented by certain provisions of the Regulation, which come into play in such cases. Thus, as regards the operation of the 1980 Hague Convention in relations between Member States, the rules of the Regulation prevail over the rules of the 1980 Hague Convention in so far as it concerns matters governed by the Brussels IIb Regulation¹⁰.
14. The Brussels IIb Regulation has been recently revised and it became applicable as from 1 August 2022.
15. The new Regulation focuses on enhancing efficiency of the cross-border proceedings in parental responsibility and abduction proceedings. This has been done either by clarifying the current provisions or introducing new elements which will render the procedures faster, in particular:
 - the full abolition of declaration of enforceability for all decisions in matters of parental responsibility ensuring free circulation of judgments and speedier proceedings – this also includes the possibility for return decisions 1980 proceedings to circulate in case of re-abduction of the child to another Member State;
 - clearer rules on the opportunity for the child to express his/her views with the introduction of an obligation to give the child a genuine and effective opportunity to express his/her views; and
 - enhanced effectiveness of the return procedures which will be achieved through clear deadlines for the child's return procedure and a minimum harmonisation of the refusal/suspension grounds for enforcement.
16. Particularities of intra-EU return procedures:

⁹ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, *OJ L 338*, 23.12.2003, p. 1–29. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32003R2201&qid=1718623901124>

¹⁰ Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast), *OJ L 178*, 2.7.2019, p. 1–115. <https://eur-lex.europa.eu/eli/reg/2019/1111/oj>

- expeditious proceedings for Central Authorities, courts and competent enforcement authorities;
- each court instance needs to give its decision no later than 6 weeks after it is seised or relevant procedural steps have been taken to allow the court to examine the appeal;
- as early as possible and at any stage of the proceedings, the parties shall be invited to consider whether they are willing to engage in mediation or other means of alternative dispute resolution, unless this is contrary to the best interests of the child, it is not appropriate in the particular case or would unduly delay the proceedings;
- a court cannot refuse to return a child unless the person seeking the return of the child has been given an opportunity to be heard;
- at any stage of the proceedings the court may examine whether contact between the child and the person seeking the return of the child should be ensured, taking into account the best interests of the child;
- where a court considers refusing to return a child solely on the basis of point (b) of Article 13(1) of the 1980 Hague Convention, it shall not refuse to return the child if the party seeking the return of the child satisfies the court by providing sufficient evidence, or the court is otherwise satisfied, that adequate arrangements have been made to secure the protection of the child after his or her return;
- where the court orders the return of the child, the court may, where appropriate, take provisional, including protective, measures in order to protect the child from the grave risk referred to in point (b) of Article 13(1) of the 1980 Hague Convention, provided that the examining and taking of such measures would not unduly delay the return proceedings;
- if a return decision has not been enforced within six weeks of the date when the enforcement proceedings were initiated, the party seeking enforcement or the Central Authority of the Member State of enforcement shall have the right to request a statement of the reasons for the delay from the authority competent for enforcement;
- if the return has been refused solely on point (b) of Article 13(1), or on Article 13(2), of the 1980 Hague Convention and the court of the Member State where the child was habitually resident immediately before the wrongful removal or retention has given a decision on the substance of rights of custody that entails the return of the child, this decision is enforceable in another Member State as a privileged decision.