

Final compromise amendments by the co-rapporteurs

LIBE/FEMM Legislative Initiative Procedure Report on Combatting Gender based Violence: Cyber violence

2020/2035(INL) - CJ01/9/0262

Rapporteurs: Sylwia SPUREK (LIBE - Greens/EFA); Elissavet VOZEMBERG (FEMM - EPP)

CITATIONS

1) COMP on Citations

Covers: AM 1 (The Left), AM 2 (RE), AM 3 (The Left), AM 4 (Greens/EFA), AM 5 (Greens/EFA), AM 6 (IG), AM 8 (EPP), AM 9 (S&D), AM 10 (Greens/EFA), AM 11 (EPP), AM 12 (EPP), AM 14 (EPP), AM 15 (EPP), AM 17 (RE), AM 18 (Greens/EFA), AM 19 (IG), AM 20 (Greens/EFA), AM 21 (RE), AM 22 (RE), AM 23 (RE), AM 24 (RE), AM 25 (RE), AM 26 (RE), AM 27 (RE), AM 28 (The Left), AM 29 (The Left), AM 30 (The Left), AM 31 (The Left), AM 32 (The Left), AM 33 (The Left), AM 34 (The Left), AM 35 (The Left), AM 36 (Greens/EFA), AM 37 (RE), AM 38 (Greens/EFA), AM 39 (EPP), AM 40 (The Left), AM 41 (S&D), AM 42 (S&D), AM 43 (EPP), AM 44 (S&D), AM 45 (EPP), AM 47 (S&D), AM 48 (S&D), AM 49 (RE), AM 50 (S&D), AM 51 (ECR), AM 52 (RE), AM 53 (RE), AM 54 (ECR), AM 55 (S&D), AM 56 (S&D), AM 57 (S&D), AM 58 (S&D), AM 59 (IG),

Falls: AM 7 (ECR), AM 16 (ECR),

Vote separately: AM 13 (EPP), AM 46 (EPP),

- having regard to Articles 8 (**AM 1**), 83(1), 84 (**AM 2**) and 225 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 2 and 3(3) of the Treaty on European Union (TEU),
- having regard to the Charter of Fundamental Rights of the European Union, and in particular its Articles 7, 8, 10, 11, 12, 21, 23, 24, 25, 26 and 47,
- having regard to the Commission communication ‘A Union of Equality: Gender Equality Strategy 2020-2025’, *in particular its first target on freeing women and girls from violence and stereotypes*, (**AM 3**)
- *having regard to the Commission communication of 12 November 2020 entitled ‘LGBTIQ Equality Strategy (2020-2025)’*, (**AM 4**, **AM 6**, **AM 48**)
- having regard to the Commission communication ‘EU Strategy on victims’ rights 2020-2025’,
- *having regard to the European commission proposal on the Digital Services Act COM 2020(0825)*, (**AM 45**, **AM 51**)
- *having regard to the Commission’s Code of Conduct on Countering Illegal Hate Speech Online, launched in May 2016 and to its fifth evaluation round, resulting in the document ‘Factsheet – 5th monitoring round of the Code of Conduct’*, (**AM 5**, **AM 12**)

- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence, *which opened for signature in Istanbul on 11 May 2011 (hereinafter the ‘Istanbul Convention’)*, (AM 8, AM 9)
- *having regard to the Council of Europe Convention of 23 November 2001 on Cybercrime*, (AM 11)
- *having regard to its resolution of 10 June 2021 on promoting equality in science, technology, engineering and mathematics (STEM) education and careers*, (AM 10)

- having regard to its resolution of 21 January 2021 on the EU Strategy for Gender Equality,
- *having regard to its resolution of 11 March 2021 on the declaration of the EU as an LGBTIQ Freedom Zone¹*, (AM 18, AM 19)
- *having regard to its resolution of 1 February 2021 on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and to the European Commission's Strategy on Combatting Trafficking in Human Beings (2021-2025)*, (AM 22)
- *having regard to its resolution of 3 February 2021 on challenges ahead for women's rights in Europe: more than 25 years after the Beijing Declaration and Platform for Action*, (AM 17, AM 50)
- *having regard to its resolution of 21 January 2021 on the gender perspective in the COVID-19 crisis and post-crisis period*, (AM 21)
- *having regards to its resolution of 21 January 2021 on closing the digital gender gap: women's participation in the digital economy*, (AM 44)
- *having regard to the European Parliament resolution of 25 November 2020 on Strengthening Media Freedom: the Protection of Journalists in Europe, Hate Speech, Disinformation and the Role of Platforms*, (AM 39)
- *having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences*, (AM 52)
- *having regard to its resolution of 28 November 2019 on the EU's accession to the Istanbul Convention and other measures to combat gender-based violence²* (AM 24, AM 55)
- *having regard to its resolution of 13 February 2019 on experiencing a backlash in women's rights and gender equality in the EU*, (AM 56)
- *having regard to its resolution of 11 September 2018 on measures to prevent and combat mobbing and sexual harassment at workplace, in public spaces, and political life in the EU*, (AM 23, AM 57)
- *having regard to its resolution of 17 April 2018 on empowering women and girls through the digital sector*, (AM 25)
- *having regard to its resolution of 26 October 2017 on combating sexual harassment and abuse in the EU*, (AM 26, AM 58)

¹ P9_TA(2021)0089

² Texts adopted, P9_TA(2019)0080

- *having regard to its resolution of 3 October 2017 on the fight against cybercrime, (AM 27, 43)*
- *having regard to its resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence, (AM 20)*
- *having regard to the Commission proposal of 4 March 2016 for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence (COM(2016)0109), (AM 34)*
- *having regard to the provisions of the UN instruments in the sphere of human rights, in particular those concerning women’s **and children’s** rights, and to other UN instruments on violence against women **and children**, (AM 28)*
- *having regard to the UN General Assembly resolutions of 16 December 2020 entitled “Intensification of efforts to prevent and eliminate all forms of violence against women and girls” (A/RES/75/161) and “The right to privacy in the digital age” (A/RES/75/176),*
- *having regard to the UN Human Rights Council resolution of 2 July 2018 entitled “Accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in digital contexts” (A/HRC/38/L.6),*
- *having regard to the UN reports of Special Rapporteurs on violence against women, in particular the report of 18 June 2018 on online violence against women (A/HRC/38/47), the report of 6 May 2020 on combating violence against women journalists (A/HRC/44/52) and the report of 24 July 2020 on Intersection between the coronavirus disease (COVID-19) pandemic and the pandemic of gender-based violence against women, with a focus on domestic violence and the “peace in the home” initiative (A/75/144), (AM 36, AM 37)*
- *having regard to the United Nations Declaration on the Elimination of Violence against Women of 20 December 1993 (AM 35)*
- *having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, (AM 42)*
- *having regard to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted on 18 December 1979, (AM 31, AM 41)*
- *having regard to General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 of the Committee on the Elimination of Discrimination against Women (CEDAW Committee), (AM 32)*
- *having regard to the UN Convention on the Rights of the Child (CRC) of 20 November 1989, (AM 29)*
- *having regard to General Comment No 13 of the Committee on the Rights of the Child of 18 April 2011 on the right of the child to freedom from all forms of violence, (AM 30)*
- *having regard to the 2030 Agenda for Sustainable Development which entered into force on 1 January 2016, and, in particular, to Sustainable Development Goal (SDG) 5 on gender equality, (AM 33)*
- *having regard to the OSCE report on the safety of female journalists online³, (AM*

³ https://www.osce.org/files/f/documents/2/9/468861_0.pdf

38)

- having regard to the European Parliamentary Research Service study on ‘Combating gender-based violence: Cyber violence’ (European added value assessment - EAVA),
- *having regard to the European Parliamentary Research Service study entitled ‘Cyber violence and hate speech online against women’, (AM 53)*
- having regard to the Gender equality Index of the European Institute for Gender Equality,
- having regard to the 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,
- *having regard to Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child, (AM 49)*
- *having regard to the report by the European Union Agency for Fundamental Rights (FRA) of 3 March 2014 entitled ‘Violence against women: an EU-wide survey’, (AM 40, AM 47)*
- *having regard to the Fundamental Rights Agency’s ‘EU LGBTI Survey II: A long way to go for LGBTI equality’⁴, (AM 59)*
- *having regard to the legal opinion of the Advocate-General at the Court of Justice of the European Union on the Council of Europe Convention on preventing and combating violence against women and domestic violence, aimed at clarifying the legal uncertainty if and how the Union can conclude and ratify the Convention, delivered on 11 March 202⁵, (AM 54)*
- *having regard to the work of Eurojust and Europol, including Europol’s European Cybercrime Center, and its Internet organised crime threat assessment, (AM 14, AM 15)*
- having regard to Rules 46 and 58 of its Rules of Procedure,

RECITALS

2) COMP on Recital A (EU Gender Equality Strategy)

Covers: AM 62 (The Left)

Falls: 64

A. *whereas gender equality is a fundamental value and a core objective of the EU, and should be reflected in all EU policies; whereas the right to equal treatment and non-discrimination is a fundamental right enshrined in the Treaties⁶ and the EU Charter of*

⁴ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-lgbti-equality-1_en.pdf

⁵ <https://curia.europa.eu/juris/document/document.jsf?docid=238745&doclang=en>

⁶ Article 2 and Article 3(3) of the Treaty on European Union and Articles 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union

Fundamental Rights⁷; whereas the first objective of the Union's Gender Equality Strategy 2020-2025 focuses on ending gender-based violence and describes it as 'one of our societies' biggest challenges', ***as it affects women at all levels of society, regardless of age, education, income, social background or country of origin or residence, and it is one of the most serious obstacles to achieving gender equality***; (AM 62);

3) COMP on Recital B (GBV as a form of discrimination + root causes)

Covers: AM60-part1(The Left), AM65(EPP), AM69(The Left), AM71(IG), AM72(EPP), AM74(RE)=AM75(RE), AM76(Greens/EFA)

Falls: 68, 70, 73, 77

B. whereas violence against women ***and girls***⁸ (AM 74) and other forms of gender-based violence are widespread in the Union and are to be understood as an extreme form of discrimination ***having a huge impact on victims, their families, and communities*** (AM 72) ***and a*** (AM 75) ***violation of human rights*** (AM 65, 69, 74) ***entrenched in gender inequality, which they contribute to perpetuate and reinforce*** (AM 65, 69); whereas gender-based violence is rooted in the unequal distribution of power between women and men, in ***established patriarchal structures and practices and gender norms*** (AM 69, 71, 76), sexism (AM 71) ***harmful gender*** stereotypes, ***and prejudices*** (AM 69, 74) which have led to domination over and discrimination ***by men*** against women ***and girls in all their diversity*** (AM 71) ***including LGBTIQ people*** (AM76);

Ba. whereas violence against women should 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, and also perpetrated online; (AM 60)

4) COMP on Recital F (intersectionality)

Covers: AMs 125 (IG), 129 (SD), AM 130 (IG), AM 131 (RE), AM 132 (EPP), AM134 (Greens/EFA), AM 63 (EPP), 85 (IG),

Falls: 133, 135, 136, 137

F. whereas women ***and girls*** (AM 131) ***in all their diversity*** (AM 130) and LGBTIQ people can be targeted by gender-based cyberviolence ***on the grounds of their gender, gender identity, gender expression or sex characteristics***; whereas intersectional forms of discrimination, ***including discrimination based on race, language, religion, belief, national***

⁷ Articles 21 and 23 of the EU Charter of Fundamental Rights

⁸ Violence against women throughout this text includes as well violence against girls, as in the definition of violence in the Istanbul Convention, as well as within the broader concept of women and girls in all their diversity.

*or social origin, belonging to a national or ethnic minority, birth, sexual orientation, , age, state of health, disability, marital status or migrant or refugee status (AMs 129, 130, 132, 134) can exacerbate the consequences of gender-based cyberviolence; **whereas the Union’s LGBTIQ Equality Strategy recalls that everyone has a right to safety, be it at home, in public or online;** (AM 63);*

Fa. Whereas the EU LGBTIQ Survey II conducted by FRA shows that 10% of LGBTIQ persons had experienced cyber harassment due to being LGBTIQ in the last year, including on social media; whereas intersex and trans people are over-proportionally affected (16%); whereas teenagers 15-17 years old experienced cyber-harassment due to being LGBTIQ the most (15%), as compared with other age groups (7%-12%) (AM 125);

5) COMP on Recital C (GBCV as continuum of GBV)

Covers: AM60-part2 (The Left), AM 83(The Left), AM 86 (Greens/EFA),

Falls: 84, 87, 88

*C. whereas violence against women and **girls (AM 86)** in all their diversity and gender-based violence present different but not mutually exclusive forms and manifestations; **whereas online violence is** (AM 83) often interlinked **with**, and inseparable from, (AM 85) offline violence because **the former** can precede, accompany or continue **the latter**; whereas **gender-based cyber violence should therefore be understood as a continuum of offline gender-based violence in the online environment (AM 60 part 2, 83);***

6) COMP on Recital Ca (increased use of ICT)

Covers: AM 79 (EPP), AM 80 (RE), AM 82-part1 (RE), AM 90 (SD), AM 91 (EPP) partly, AM 94 (EPP), AM114-part2 (The Left), AM115(EPP), AM 117 (RE), AM118(EPP), AM120(SD), AM127(Greens/EFA), AM 131 (RE), AM 149 (RE) (partly), 157 (The Left), AM159(SD),

Ca. whereas the EAVA on gender-based cyberviolence⁹ estimates that 4 to 7% of women in the EU have experienced cyber harassment during the past 12 months, while between 1 and 3% have experienced cyber stalking; whereas cyber stalking takes multiple forms and is the most common form of sole or combined hate speech and has for too long been unrecognised and unacted upon (118); whereas the World Wide Web Foundation survey conducted in 2020 among respondents from 180 countries revealed that 52 % of young women and girls have experienced online abuse such as sharing of private images, videos or messages without their consent, mean and humiliating messages, abusive and threatening

⁹ European Parliamentary Research Service study on ‘Combating gender-based violence: Cyberviolence’ (European added value assessment - EAVA), PE 662.621.

language, sexual harassment and false content, and 64 % of respondents stated they know someone who have experienced it;

Caa. whereas young women and girls are at a greater risk of encountering cyberviolence, particularly cyber harassment and cyberbullying (AM 115); whereas at least 12.5% of school bullying cases are online¹⁰; whereas young people are now increasingly connected to social networks at an earlier age; whereas these forms of violence reinforce the weight of social inequalities because it is often the most disadvantaged young people who are the target; whereas according to UNICEF, girls are twice as harassed as boys (AM 157)¹¹; whereas according to this survey, women are more skeptical with regard to tech companies using their data responsibility; (AM115, AM 27)

Cab. whereas already in 2014, according to the FRA Survey on Violence Against Women¹², 11% of women had experienced cyber harassment and 14% have experienced stalking since the age of 15 in the Union; (AM 91 partly, AM 114 partly, AM 117)

Cac. whereas internet connectivity and the need to access the digital public sphere are becoming increasingly necessary for the development of our societies and economies (80); (AM 115); whereas jobs increasingly involve and become dependent on the digital solutions leading to an increasing risk of women encountering gender-based cyber violence while engaging in the labour market and economic activity (159);

Cad. whereas the increasing reach of the internet, the rapid spread of mobile information, and the use of social media, coupled with the continuum of multiple, recurring and interrelated forms of gender-based violence, has led to the proliferation of gender based cyber violence (AM 79, 131); whereas women and girls having access to the Internet, face online violence more often than men; (AM 131) whereas the UN Special Rapporteur on violence against women noted that new technologies ¹³“will inevitably give rise to different and new manifestations of online violence against women” (AM 94); whereas innovation happens at a pace that often does not allow for reflecting on its long-term consequences (AM 90) and the prevalence of gender-based cyberviolence is likely to continue to rise in the coming years (120); whereas there is a need to adequately assess the impact of gender-based cyberviolence on victims, and to understand the mechanisms that allow perpetrators of this form of gender-based violence, in order to ensure redress, accountability and prevention; (AM114-part2)

7) COMP on Recital Cb (impact of Covid-19)

Covers: AM82-part2(RE), AM91(EPP), AM92(Greens/EFA), AM93(EPP)

¹⁰ Report of the Special Rapporteur on violence against women”, Human Rights Council, 2018; 2. Council of Europe

¹¹ Addressing violence in schools (2016) Bullying: Perspectives, Practices and Insights (2017)

¹² European Union Agency for Fundamental Rights (2014). Violence against women: an EU-wide survey.

¹³ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23235&LangID=E>

Cb. whereas according to WHO¹⁴, one in three women worldwide experience physical or sexual violence mostly by an intimate partner; (AM 93) whereas gender-based violence has increased during the COVID-19 pandemic and lockdowns have aggravated the risk of domestic violence and abuse; (AM 91, 93) whereas the greater use of the internet during the COVID-19 pandemic has increased online and ICT-facilitated gender-based violence, (AM 92, 93) since abusive (ex) partners also monitor, track, threaten and perpetrate violence with digital tools¹⁵, stresses that cyber violence can coincide with and escalate to physical violence if not addressed early on; whereas in the EU Strategy on Victims' Rights 2020-2025, the Commission acknowledges the current situation with the COVID-19 pandemic has occasioned an increase in cybercrimes, such as online sexual offences and hate crime; (AM 82 part 2)

8) COMP on Recital D (D - De) (lack of common definition)

Covers: AM 89 (RE), AM95(The Left), AM96(RE), AM97(The Left), AM98(EPP), AM99(SD), AM100(Greens/EFA), AM101(RE), AM102(EPP), AM103(IG), 107 (The Left) 423 (EPP)

Falls: 104, 105, 106

D. whereas among the most common types of gender-based cyberviolence are crimes such as (96, 100) cyber harassment, cyberstalking, ICT-related violation of privacy, including the accessing, taking, recording, sharing as well as the creation and manipulation of data or images, including intimate data, without consent, identity thief and hate speech online, coercive control by digital surveillance and control of the communications via stalkerware and spyware apps ,the use of technological means for trafficking in human beings, including for sexual exploitation (AM 95, 96, 100, 101, 103);

Da. whereas gender-based cyber violence can be perpetrated using a range of online communication channels and tools, including social media, web content, discussion sites, dating websites, comment sections, and gaming chat rooms; whereas many types of gender-based cyber violence can be perpetrated with far greater ease and scale than physical forms of gender-based violence; (AM 95, 96)

Db. whereas some Member States have adopted legislations (AM 100) only on some specific (AM 100) forms of gender based cyberviolence and therefore significant gaps remain (AM 95, 102); whereas there is currently no common definition or effective policy approach to combating gender-based cyber violence at EU level (AM 99); whereas this absence of harmonised European definition leads to significant differences on the extent to which Member States combat and prevent gender-based cyber violence, leaving wide disparities and fragmentation in protection among them, despite the cross-border nature of the crime

¹⁴ WHO report 'Violence against women prevalence estimates 2018'.

¹⁵ Web Foundation (2020). There's a Pandemic of online violence against women and girls.

(AM 107); whereas a harmonised legal definition of gender-based cyber violence is therefore needed for ensuring convergence both at national and European levels (AM 89);

Dc. whereas, according to the UN Special Rapporteur on Violence against Women, the definition of “online violence against women” extends to any act of gender-based violence against women that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately¹⁶; (AM 89)

Dd. whereas criminalizing gender-based cyber violence could have a deterrent effect on perpetrators due to the fear of the sanctions or the awareness that they are committing a crime; (AM 432-partly)

De. whereas existing forms of gender-based cyber violence are constantly evolving and new ones emerging due to the rapid development and deployment of digital technologies and applications; (AM 95) whereas those different forms of gender based cyber violence and online harassment target all age groups starting from early ages to school and professional life, to elderly years (AM 98); whereas the potential for violence in the cyber-sphere to manifest psychically should also not be discounted; (AM 97)

9) COMP on Recital D (Df - Dj) (types of GBCV)

Covers: AM 109 (RE), AM 110 (The Left), AM 112 (The Left), AM 113 (The Left), AM 149 (RE); 208 part 1 (RE)

Separate vote: AM 111 (The Left)

Df. whereas according to the European Institute for Gender Equality, seven out of 10 women have experienced cyber stalking; whereas stalkerware is a software facilitating abuse by allowing monitoring of the person’s device without their consent and without making the monitoring activity known to the owner of the device as well as staying hidden; whereas stalkerware is legally available for use and purchase in the European Union, often marketed as parental control software; (109) (208 part 1)

Dg. whereas image-based sexual abuse is often being weaponized to harass and humiliate victims (110); whereas ‘deepfakes’ are a relatively new way to deploy gender-based violence, harnessing artificial intelligence to exploit, humiliate and harass women; (110)

Dh. whereas image-based sexual abuse, and its dissemination websites is a growing form of intimate partner violence (AM 112); whereas the consequences of image-based-sexual abuse can be sexual, (as the sexual encounter was recorded and/or disseminated without

¹⁶ UN report of 18 June 2018 of the Special Rapporteur on Violence against Women, Its Causes and Consequences on online violence against women and girls from a human rights perspective (A/HRC/38/47(2018).

consent), psychological (for the impact of having their private life become public), and economic (as the image-based sexual abuse may potentially compromise the present and future professional life of victims); (AM 112)

Di. whereas there is an increased risk that non-consensual intimate and sexual videos of women are disseminated on pornography websites and that they are disseminated for economic benefits; whereas the dissemination of private content without the consent of the victim and particularly of sexual abuse online brings an additional traumatic element to violence, often with dramatic consequences, including suicide; (AM 113)

Dj. whereas young women and girls in particular, are being subjected to gender-based cyberviolence involving the use of new technologies, including cyber harassment and stalking by using rape threats, death threats, ICT-related violations of privacy, and publication of private information and photos; (AM 149)

10) COMP on Recital D (Dk - Dl) (EC proposal on GBV + hate speech)

Covers: AM108(IG), AM150(SD)

Dk. whereas, at present, 15 Member States do not include gender identity in hate speech legislation; (AM 108) whereas the Commission has committed in its Gender Equality Strategy 2020-2025 and in the LGBTIQ Equality Strategy 2020-2025 to present an initiative with a view to extending the areas of crime where harmonisation is possible to specific forms of gender-based violence in accordance with Article 83(1) TFEU (AM 150);

Dl. whereas statistics show that hate speech against LGBTIQ persons is pervasively common, in particular online, and legislation is notably absent from some Member States' legislative framework to prevent, address and sanction such forms of online abuse; (AM 108)

11) COMP on Recital D (Dm) (Accession to the Istanbul Convention)

Covers AM 67 (SD)

Dm. whereas in 2017 the EU signed the Istanbul Convention, which remains the benchmark for international standards for eradication of gender-based violence, concluding the EU's accession is a key priority for the Commission; (AM 67)

12) COMP on Recital E (data collection)

Covers: AM114-part1(The Left), 118 (EPP), AM119(Greens/EFA), AM121(SD), AM126(The Left), 115 (EPP) last part

Falls: 116, 122, 123

E. *whereas, in order to end gender-based violence, including gender-based cyber violence it is necessary to rely on consistent, tangible, representative and comparable administrative data, based on a robust and coordinated framework of data collection; whereas there is a lack of comprehensive and comparable (AM 119, 121) disaggregated data on all forms of gender-based violence and its root causes (AM 119); whereas despite a growing awareness of this phenomenon, the lack of data collection on all forms of gender-based violence prevents an accurate assessment of its whereas such lack of available data is linked to the underreporting of cases of gender-based cyberviolence (AM 115, 119); whereas the Istanbul Convention and the Victims' Rights Directive require Member States to report statistical data and to produce gender-disaggregated data;(AM 114-part1, AM 126);*

13) COMP on Recital Ea (reporting)

Covers: AM 66 (RE), AM 124 (Greens/EFA), AM 128 (The Left)

Ea. *whereas the criminal justice response to victims of gender-based cyberviolence is still lagging behind, demonstrating a lack of understanding and awareness of the seriousness of these offences and discouraging reporting in many Member States (AM 66); whereas by equipping police officers with the soft skills to carefully listen, understand and respect all victims of all forms of gender-based violence they can help to address underreporting, re-victimisation; whereas ensuring accessible reporting procedures and mechanisms, as well as remedies, is indispensable to promote a safer environment for all victims of gender-based violence (AM 124); whereas information should be available for victims of cyberviolence for how and whom to contact in the law enforcement services as well as to the available remedies existing to help them through distressing situations'; (AM 128)*

14) COMP on Recital G (specific targets of GBCV)

Covers: AM 60 (The Left), AM 138 (EPP), AM 141 (ECR), AM 142 (SD), AM 143 (Greens/EFA), AM 144 (IG), AM 145 (RE), AM146 (EPP)

Falls: AM 139, AM 147

G. *whereas the Europol Cybercrime Center, Eurojust and ENISA have conducted research on the cyber crime online' (AM 138); whereas some women and LGBTIQ persons (AM 144), such as feminist and LGBTIQ activists (AM 142), artists, (143) politicians, women in public positions, journalists, bloggers, human rights defenders and other public figures are particularly impacted by gender-based cyberviolence, and whereas this is causing not only reputational damage, psychological harm and suffering to them but also can lead to disruptions to a victim's living situation, invasions of privacy, damage to personal relationships (AM 140) and family lives (AM 141) and can deter (AM 146) them from participating digitally in political, social, economic (AM 145) and cultural life;*

15) COMP on Recital Ga and Gb (self-censorship)

Covers: AM 140 (SD), AM148 (Greens/EFA), AM164 (RE)

Ga. whereas gender-based cyberviolence often leads to self-censorship and this situation can have a detrimental impact on the professional lives and reputations of victims of gender-based cyberviolence; whereas the violent and gendered nature of the threats makes that they often resort to the use of pseudonyms, maintain low online profiles, decide to suspend, deactivate or permanently delete their online accounts, or even to leave their profession entirely (AM 148); whereas this can silence female voices and opinions and worsen an already present gender inequality in political, social and cultural life (AM 140); whereas the growing gender-based cyber violence faced by women can prevent them from further participating in the digital sector itself, thereby solidifying gender-biased conception, development, and implementation of new technologies and causing the replication of existing discriminatory practices and stereotypes contributing to the normalization of gender-based cyber violence; (AM 164)

16) COMP on Recital H (impacts of GBCV)

Covers: AM 60 part1 (The Left), AM 151 (The Left), AM 152 (SD), AM 153 (Greens/EFA), AM 158 (RE), AM 160 (The Left), AM 162 (The Left), AM 163 (SD) 250 (EPP)

Falls: 154, 155, 156

H. whereas gender-based cyberviolence has a direct impact on women's sexual (AM 151), physical (AM 151, 153) and psychological (AM 151) health and well-being, as well as negative (AM 151) social and economic impacts (AM 60 part 1); whereas it those negatively impact victim's ability to fully exercise their fundamental rights, therefore, having (AM 152) dire (AM 151) consequences on society and on democracy as a whole (AM 152);

whereas the detrimental economic impacts that gender-based violence and the mental health issues they cause, can have a severe impact on victims, including their ability to seek employment and the financial burden; (250 first part), whereas the economic impacts may include labour market impacts, such as lower presence at work, risks of the employment status being compromised, inducing the risk of job loss or lower productivity; whereas the mental health impact of gender-based cyberviolence can be complex and long term; (AM 162) whereas mental health impacts (such as anxiety, depression, ongoing symptoms of post-trauma) have detrimental interpersonal, social, legal, economic, and political implications and ultimately affect youth's livelihood and identity; (AM 160, 162); whereas some of these impacts compound other forms of discrimination exacerbating existing discriminations and inequalities; (AM 151);

whereas the overall costs of cyber harassment and cyber stalking is estimated at between €49.0 and €89.3 billion with the largest cost category being the value of the loss in terms of

quality of life, which accounted for more than half of the overall costs (about 60 % for cyber harassment and about 50 % for cyberstalking)¹⁷; (AM 158, 163)

17) COMP on Recital Ha (prevention)

Covers: AM 161 (EPP)

Ha. whereas prevention, especially through education, including digital literacy and skills such as cyber hygiene and netiquette, must be a key element of any public policy aimed at tackling gender-based cyberviolence; (AM 161)

ARTICLES

18) COMP on paragraph 1 (GBCV continuum of GBV)

Covers: AM 165 - partly (The Left), AM 166 (The Left), AM 167 (EPP), AM 168 (SD), AM 170 (RE), AM 175 (The Left), AM 330 - partly (Renew)

Falls: 169 (ID), 170 (RE), 171 (NI), 172 (ECR)

1. Underlines that gender-based cyberviolence is *a continuation of gender-based violence* (167, 170) offline and that no policy alternative will be effective unless it takes this reality into consideration; *stresses that the existing Union legislation does not provide the mechanisms needed to address gender-based cyber violence adequately; (AM 165 partly); calls on the Member States and the Commission to formulate and implement legislative and non-legislative measures, to address gender-based cyberviolence and to include the voices of victims of the phenomenon in the strategies for addressing it (AM 166), coupling them with initiatives to eradicate gender stereotypes, sexist attitudes and discrimination against women (AM 168, 175); stresses that those future proposals should work in line with the existing ones such as the DSA, Anti trafficking Directive the victims rights Directive (AM 330);*

19) COMP on 1a (common definition)

Covers: AM 165 (Left) , AM 173 (Left) , AM 179(Left), AM 340 (EPP)

1a. Recalls that there is no common definition for gender-based cyber violence (AM 173), which leads to significant differences on the extent to which Member States prevent and

¹⁷ European Parliamentary Research Service study on ‘Combating gender-based violence: Cyberviolence’ (European added value assessment - EAVA), p.II, PE 662.621.

tackle it , leaving wide disparities in protection, support and compensation of the victims among Member States; (AM 165 partly); therefore calls on the Commission and Member States to define and adopt a common definition of gender-based cyber violence (AM 340), which would facilitate the work of analyzing the various forms of gender-based cyber violence and countering the phenomenon (AM 165 partly), as well as thus ensuring that victims of gender-based cyberviolence in Member States have effective access to justice and specialised support services (AM173);

1b. Stresses that the concept of gender-based cyber violence cannot be limited to the use of computer systems, but should remain broad, thereby covering the use of ICT to cause, facilitate or threaten violence against individuals; (AM 165 partly)

20) COMP on Paragraph 2 (EU Gender Equality Strategy)

Covers: AM176(The Left), AM179-part 1(The Left), AM180(EPP), AM181(Greens/EFA), AM186(IG),

Falls: 177, 178, 182, 183, 184

Separate vote: AM 179-2nd part (The Left)

2. Welcomes the Union's Gender Equality Strategy 2020-2025 put forward by the Commission as a tool to combat violence against women *in all their diversity (AM 181)*, and gender-based violence and to tackle the root causes of it, *(AM 186); underlines that gender-based cyberviolence is deeply rooted in power dynamics, economic imbalances and gender norms; calls on the Member States and on the Commission to address its root causes and to tackle gender roles and stereotypes that make violence against women acceptable); (AM179, part 1, AM 186 partly)*

2a. Calls on the Member States to allocate appropriate human and financial resources to national, regional and local governance bodies, as well as to legal aid, health-care, in particular mental health, and social protection institutions, including women's organisations, to effectively helping to prevent and protect from gender-based cyberviolence; (AM176)

21) COMP on 2b, 2c, 2d (Groups in vulnerable situation)

Covers: AM 185 (Greens/EFA), AM 186 (Greens/EFA)

2b. Highlights that systemic and social discrimination, including gender, racial and economic, are reproduced and exacerbated online; recalls that these discriminations intersect, resulting in more extreme consequences for people in vulnerable situation such as migrant women, women belonging to ethnic or religious communities, women with functional diversity, LGBTIQ people and teenagers; (AM 185);

2c. Welcomes the Commission's commitment under the LGBTIQ Equality Strategy 2020-2025 to extend the list of 'EU crimes' under Article 83(1) TFEU to cover hate crime and hate speech, including when targeted at LGBTIQ people; (AM186)

2d. Underlines the urgency to tackle the root causes of gender-based violence and calls on the Commission to take this approach into account in its future proposal; (AM 185)

22) COMP on Paragraph 3 (impact of COVID-19)

Covers: AM 187 (The Left), AM 188 (RE), AM 189 (The Left), AM 190 (IG), AM 192 (Greens/EFA), AM 196 (SD), AM 333 (RE); 275 (EPP)

Falls: 191, 193, 194, 195, 197

3. Stresses that the COVID-19 pandemic *resulted in a dramatic increase (AM 187, 196) of intimate partner (AM 196) violence and abuse, which is called 'the shadow pandemic' and includes physical, psychological, sexual, economic violence and their online dimension (AM 188, 192), because even more of people's social lives have shifted online and (AM 187, 189) victims were forced to spend more time with perpetrators tending to be more isolated from support networks; highlights as well that many LGBTIQ persons have been subject to harassment, abuse or exposition to violence, including by family members, legal guardians or co-habitants, during confinement (AM 190);*

3a. Stresses that the "shadow pandemic" made it difficult for women to access effective protection, support services and justice, and revealed insufficient support resources and structures, leaving many of them without adequate and timely protection (AM 187); urges (AM 192) Member States to increase the assistance they offer through specialized (AM 190) shelters, helplines and support services to protect victims and facilitate the reporting and prosecution (AM 188) of gender-based violence, as well as redress (AM 187);

3b. Expresses concern regarding the cases of hate crime and hate speech relating to incitement to discrimination or violence, which occurred during the Covid-19 pandemic, which lead to the stigmatization of individuals from groups in vulnerable situation; (AM 275)

3c. Calls on the Commission to carry out a deeper analysis of the effects of the COVID-19 pandemic on all forms of gender-based cyber violence and calls on the Member States to take effective action with the support of civil society organisations and Union agencies such as FRA and Europol¹⁸; (AM 333) further encourages the Commission to develop a European Union Protocol on gender-based violence in times of crisis and emergency, to include protection services for victims as 'essential services' in the Member States; (AM 187, 188)

¹⁸ Europol's report entitled 'Pandemic profiteering: how criminals exploit the COVID-19 crisis' in March 2020

3d. *Calls on the Commission and Member States to include sexist hate speech in the forms of hate speech;*

23) COMP on Paragraph 4 (the transnational nature of GBCV)

Covers: AM 198 (RE), AM 199 (The Left), AM 200 (EPP), AM 201 (SD), AM 203 (EPP), AM 204 (Greens/EFA), AM 209 (EPP),

Falls: 205, 206, 207

4. Underlines the transnational nature of *gender-based violence*; stresses that *gender-based cyber violence has additional transnational implications considering that the use of ICT has a cross-border dimension (AM 200, AM 204)*; underlines that *since perpetrators use online platforms or mobile phones connected to or hosted by other countries than where the victim of gender based cyber violence could be located (AM 200)*; highlights that *the rapid technological developments and digitalisation may generate new forms of gender-based cyberviolence, which can result in perpetrators not being held responsible, reinforcing the culture of impunity*;

4a. *Calls on the Union institutions, agencies and bodies, as well as the Member States and their law enforcement agencies, to cooperate and take concrete steps to coordinate their actions to address gender-based cyber violence; (AM 199)*

4b. *Stresses the importance to consider the overlap between gender based cyberviolence and human trafficking based on sexual exploitation of women and girls, especially in the context of the COVID-19 pandemic; underlines that awareness-raising in relation to online human trafficking on social media is essential to prevent new victims from entering into the trafficking networks (AM 198); further underlines that image-based sexual abuse is an extreme violation of privacy and also constitutes a form of gender-based violence, as exemplified for instance in Ireland in November 2020 when tens of thousands of sexually explicit images of women and girls, were made public without their consent; strongly encourages therefore, Member States to include image-based sexual abuse or any non-consensual sharing of explicit intimate material, on the list of sexual offences in their national legislation, outside of instances involving child sexual abuse material; (AM 209)*

24) COMP on Paragraph 5 (call on MS on measures: raise-awareness promotion, prevention programmes and fight impunity)

Covers: AM 211 (The Left), AM 212 (Greens/EFA), AM 213 (SD), AM 214 (RE), AM 215 (SD), AM 217 (RE), AM219-part1(ECR), 225 (RE), 268 (RE), 288-part1 (EPP), 311 (The Left)

Falls: 218, 220, 221

5. Encourages the Member States *and the Commission to support them to duly* (AM 215) *and effectively* (AM 219) *adopt and* implement *adequate* national *legislation, including* criminal justice *legislation,* (AM 212) *and* specific policies, to promote *awareness-raising* (AM 212) *and to set up campaigns, trainings and, educational* (AM 212, 213) programmes *including on digital education, literacy and skills* (AM 212), *also targeting younger generations;* (AM 214)

5a. *Highlights the importance of gender equality in education curriculums* (AM 213) *in order to address the root causes of gender-based violence by removing gender stereotypes and changing social and cultural attitudes that lead to harmful social and gender norms* (AM 212, 213, 225, 288); *underlines the role of qualified training professionals, such as educational staff, to support students in issues related to gender-based cyber violence and the importance to invest on them* (AM 311); *notes that particular attention should be given to the education of boys and men;* (AM 213)

5b. *Calls on Member States to devise policies and programmes to support and ensure reparation for the victims* (AM 212) *and to take appropriate measures* (AM 215) *against impunity of the perpetrators of* (AM 215) *such acts, including by considering revising and amending the current national provisions' restraining orders to include breach through cyberviolence* (AM 212);

5c. *Calls on the Member States to establish networks of national contact points and initiatives to improve the approximation of rules and strengthen the enforcement of the existing rules to address of gender-based cyberviolence* (AM 214); *recalls that the Budapest, Lanzarote and Istanbul Conventions require the criminalisation of specific conduct that includes or entails violence against women and children, such as gender based cyberviolence;* (AM 211)

5d. *Calls on the Commission and the Member States to provide adequate funding for advocacy organisations and victims support organisations* (AM 215); *emphasises the importance of research about the phenomenon on gender-based cyberviolence* (AM 217); *further calls to increase the funds such as the ones devoted to awareness-raising campaigns and combat gender stereotypes;* (AM 211-partially)

25) COMP on Par. 5 e) education of professionals / training, reporting

Covers AMs 198 (RE), 212 (Greens/EFA), 216 (The Left), AMs 222 (The Left), 223 (Greens/EFA), 224 (Renew), 226 (EPP), 227 (EPP), 228 (RENEW), 259 (RE), 288 (EPP) - part2 (EPP), 311 (The Left), 312 (RE)

5e. *Calls on the Member States to provide mandatory, continuous* (AM 222) *and gender-responsive* (AM 224) *capacity building, education and training for all relevant professionals, in particular for justice and law enforcement authorities in the fight against gender-based cyberviolence at all stages* (AM 212, 222, 312), *to equip them with knowledge on gender-based cyberviolence and on how to better understand and take care of victims, particularly of those who decide to file complaints, in order to avoid any secondary victimisation and re-traumatisation* (AM 212, 222, 224); *stresses also the need for providing training in the investigation and prosecution of offenses of gender-based cyberviolence;* (AM 312)

5f. Recalls the need to provide support services , helplines and accessible reporting mechanisms, as well as remedies, aiming at the protection and support of victims of gender-based cyberviolence; calls on the Member States with the support of the Commission to develop a harmonised and regularly updated directory of support services, helplines and reporting mechanisms available in individual cases of cyberviolence against women, these could be available on a singular platform, which could also contain information on the support available for other forms of violence against women, and be user-friendly and accessible; (AM 227); notes that the problem of gender-based cyber violence is probably more significant than what data currently suggests due to underreporting and normalization of gender-based cyber violence; (AM 198)

5g. Underlines the importance of media and social media to raise awareness in preventing and combating gender-based cyber violence; (AM 216)

5h. Calls on the Commission to promote awareness-raising, information and advocacy campaigns tackling gender-based cyberviolence in all its forms (228), and helping to ensure a safe digital public space for everyone; considers that an Union-wide awareness-raising campaign on gender-based cyber violence should contain, amongst other things, information targeted at educating our younger citizens on how to recognise and report forms of cyberviolence and on digital rights; gender-based cyber violence and also calls, in this regard, for developing specific prevention and awareness-raising initiatives;¹⁹ (AM 268);

26) COMP on Par.6 (Data collection)

Covers AMS 232 (The Left), 233 (EPP), 234 (RE), 235 (Greens), 236 (EPP), 237 (S&D), 239 (The Left), 242(The Left)

Falls: 231 (NI), 240 (ECR), 238 (ID)

6. Urges the Commission and the Member States to establish a reliable system for regularly collecting **Union-wide** statistical disaggregated, and comparable, as well as **relevant** data on gender-based violence, including cyberviolence, **its prevalence, dynamics and consequences** (AM 234), **as well as to develop indicators to measure progress** (AM 234); **reaffirms the need to collect comprehensive disaggregated and comparable data, including scientific data, in order to measure the scale of the phenomenon, find solutions, and thus, measure progress** (AM 233, 234, 235, 242); **calls on the Member States to collect and provide the relevant data** (AM 235); **recommends to make use of the capacity and expertise of EIGE, Eurostat and FRA, Europol, Eurojust and ENISA; welcomes the Commission's commitment to carry out an EU survey on gender-based violence with the results to be presented in 2023;** (AM 232, 234, 235)

¹⁹ FRA (2014): Violence against women: an EU-wide survey

27) COMP on Par. 7 (Consequences of GBCV - 1)

Covers AMs 243 (The Left), 244 (RE), 245 (EPP), 246 (SD), 247 (RE), 248 (Greens/EFA), 249 (Greens/EFA), 250 (EPP)

7. Notes that gender-based *cyberviolence* can have *a wide range of impacts with severe and life-long consequences on victims, such as physiological and mental health impacts (AM 245, 246), including* stress, concentration problems, anxiety, panic attacks, low self-esteem, depression, post-traumatic stress disorder social isolation, (AM 247) lack of trust and lack of sense of control, *fear (AM 249), self-harm and suicidal ideation; (AM 243, 247, 248, 249)*

7a. *Points out that the impacts of gender-based cyber violence on victims can lead to reputational damage, physical and medical issues, disruptions to a victims' living situation, breaches on the right to privacy and withdrawal from online and offline environments; underlines that it can also have detrimental economic impacts in terms of lower presence at work, risk of job loss, and ability to seek employment, and reduced quality of life, and that some of these impacts compound other forms of discrimination faced by women and LGBTIQ persons on the labour market;*

7b. *Is also concerned by the effects the mental health impacts can have on young people in particular, which can not only cause a significantly detrimental decline in their schooling but also their withdrawal from social and public life, including isolation from their families;*

28) COMP on Par. 8 (Intersectional approach - impacts of GBCV on victims - 2)

Covers AMs 251 (EPP), 252 (Greens/EFA), 253 (SD), 254 (The Left)

Falls: 255 (ID), 256 (NI), 257 (ECR), 258 (ID)

8. Underlines that gender-based cyberviolence generates *negative* psychological, social and economic *impacts on women and girls' lives both online and offline; notes that gender-based cyberviolence affects women and girls in different ways as a consequence of overlapping forms of discrimination based, on top of their gender, on their sexual orientation, age, race, religion or disability, among other, and recalls that an intersectional approach is crucial to understanding these specific forms of discrimination;*

29) COMP on Par. 9 (Intersectional approach / women belonging to groups in vulnerable situation)

Covers AMs 260 (Greens/EFA), 261 (IG), 262 (EPP), 264 (SD), 289 (IG)

Falls: 263 (NI), 265 (ECR), 266 (ID)

9. Calls on *the Commission and* the Member States to give particular attention to the *intersectional forms of gender based cyberviolence which can affect women and girls* belonging to groups put in a vulnerable situation, *such as those belonging to ethnic minorities, with disabilities, LGBTIQ persons*; *recalls that the labelling of LGBTIQ persons as an ‘ideology’ is spreading in online and offline communication, as well as in campaigns against so-called ‘gender ideology’ (AM 289); in highlights that feminists and LGBTIQ activists, are often the targets of defamation campaigns, online hate speech and cyberbullying; (AM 261)*

9a. Calls on the Member States and on the Commission to support them in developing specific free and accessible support services for those groups, including emergency and long-term support, such as psychological, medical, legal, practical and socio-economic support, and programmes, particularly on digital education, literacy and skills;

30) COMP on Par. 10 (chilling effect of GBCV)

Covers AMs 269 (Greens/EFA), 270 (EPP), 271 (SD), 272 (RE), 274 (ECR) 210 EPP

Falls: 273 (ID)

10. Deplores that gender-based cyberviolence *is becoming increasingly common and* reduces the participation of women *and LGBTIQ people (AM 269, 271) in public life and* debate which, as a consequence, *(AM 269) erodes our Union’s democracy and its principles and prevents the full enjoyment of their fundamental rights and freedoms, particularly freedom of speech; further deplores that gender-based cyberviolence also leads to censorship*; regrets that *this* ‘silencing effect’ has been particularly aimed at targeting women activists -including feminist women and girls, LGBTIQ+ activists, artists, women in male-dominated industries, journalists, ~~and~~ politicians, human rights defenders and bloggers with the *effect* of discouraging the presence of women in *public life, including politics* and decision-making spheres; *is concerned that the chilling effect caused by gender-based cyberviolence is often spilled over into reality offline and that the normalisation of online violence towards women participating in public debate actively contributes to the underreporting of these crimes and limits the engagement of young women in particular;*

10a. Recalls the rise of misogyny, anti-gender and anti-feminist movements and their attacks on women’s rights; (AM 210)

31) COMP on Par. 10 b) c) (gender stereotypes and early education)

Covers AMs 211 (The Left-partially), 225, 267 (Greens/EFA), 276 (RE), 277 (RE), 285 (Greens/EFA)

10b. Recalls that gender norms and stereotypes are at the core of gender discrimination; stresses the impact of the portrayal of gender stereotypes in the media as well as through

advertising on gender equality; calls on media outlets and companies to strengthen self-regulatory mechanisms and codes of conduct to condemn and combat sexist advertising and media content, such as sexist imagery and language, as well as practices and gender stereotypes;

10c. Notes that most perpetrators of gender-based violence are men (AM 267); underlines the essential role of education starting at an early age to promote and address the equal status and power relation between men and women, boys and girls, to eliminate biases, gender stereotypes that lead to harmful social gender norms (AM 225, 267, 277); is further concerned that men's violence against women often starts with boy's violence against girl's (AM 267); recalls that the language, curriculum and books used in schools can reinforce gender stereotypes and further recalls the importance of education in digital skills, such as cyber hygiene and netiquette (AM 277), calls in this regard on Member States to develop strategies to combat gender stereotypes in education through pedagogical training, review of curricula, materials and pedagogical practices;

32) COMP on Par. 11 (gender gap in ICT sector)

Covers AMs 279 (The Left), 280 (RE), 281 (Greens/EFA), 283 (SD), 284 (RE),

Falls: 278 (ID), 282 (ECR), 286 (ID), 287 (ECR)

11. Highlights that women and girls and LGBTIQ persons face many (AM 284) barriers to the entry in the ICT and digital fields; regrets the fact that this gender gap exists across all digital technology domains (AM 280), including new technologies such as AI, and is especially concerned about the gender gap in the field of technological innovation and research (AM 281); highlights that one of AI's most critical weaknesses relates to certain types of bias such as gender, age, disability, religion, racial or ethnic origin, social background or sexual orientation; calls on the Commission and the Member States to step up measures to address such biases, specifically by tackling the gender gap in the sector and to ensure the full protection of fundamental rights; (AM 280)

11a. Encourages Member States to promote women's involvement in ICT sector and career by providing sufficient incentives in their respective national, regional and local action plans or policies on gender; urges the Commission and the Member States to tackle the gender gap in the ICT and STEM sectors through education, awareness-raising campaigns, professional trainings, appropriate funding, the promotion of the representation of women in these sectors, in particular in decision-making positions, improved work-life balance, equal opportunities, safe and enabling working environments, including zero tolerance against sexual and moral harassment; (AM 279)

33) COMP on Par. 12, 12a, 12b, 12c (protect, support and compensation of victims)

Covers AMs 297 (Greens), 298 (The Left), 299 (EPP), 300 (RE), 301 (RE), 306 (The Left), 307 (EPP), 312 (RE),

Falls: 302 (NI), 303 (ECR), 304 (ID), 305 (ID),

12. Underlines the *need* to protect, *empower* (AM 297), support and ensure reparation for victims of gender-based cyberviolence *as well as equal access to justice in particular with regards to the provision of essential psychological and legal counselling, accessible to all victims of gender-based cyberviolence*; (AM 300)

12a. *Calls on the Member States to ensure quality training with a gender-responsive approach (AM 297) for practitioners and other professionals, including social services staff, law enforcement officers, justice officials and educational staff, in cooperation with civil society organisations*; (AM 297, 298, 307, 312)

12b. *Recalls the importance in that context of equipping independent civil society organisations with the financial and human resources to provide support services such as which provide legal advice and psychological support, as well as counselling*; (AM 297, 298, 299)

12c. *Calls on the Member States to make support services, including legal and psychological counselling, accessible to all victims (AM 306), to establish a clear protocol to aid victims of gender-based cyberviolence and to prevent further harm and re-victimisation, as well as to ensure them an immediate access to justice (AM 301); highlights the necessity to raise awareness amongst victims about the available support services in this regard, further calls on the Member States to develop and disseminate accessible information on the legal avenues and support services available to victims of gender-based cyber violence and create complaints mechanisms that are easily and immediately accessible to victims, including by digital means (AM 306)*;

34) COMP on Par. 12d and 12e and 12f (MS cooperation with online platforms

Covers: AMs 174 (EPP), 308 RE, 309 RE 310 (EPP), 331 (RE), 332 (RE)

12d. *Underlines the important role that online platforms must play in addressing and combating GBCV (310); stresses the need for Member States to cooperate with online platforms to adopt measures to ensure timely and accessible reporting mechanisms in the fight against cyberviolence, and to secure online safety and women's privacy online as well as appropriate redress mechanisms (308, 309)*;

12e. *Calls for effective cooperation between law enforcement authorities and tech companies and service providers, which should be in full compliance with fundamental rights and freedoms and data protection rules, with a view to ensuring that the rights and protection of victims are safeguarded*; (AM 331)

12f. Welcomes in that sense the digital services act, aiming at creating a safer digital space where the fundamental rights and freedoms are protected and in line with related provisions of Union acts; (AM 174, 332)

35) COMP on Par. 13 (Istanbul Convention)

Covers AMs 316 (The Left), 317 (SD), 319 (The Left), AM 335 (RE)

Falls: 313 (ID), 314 (ID), 315 (NI), 320 (ID)

Separate vote: 318 (RE) - reference to MS that have not ratified the IC

13. Urges the Council to urgently conclude the Union's ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the 'Istanbul Convention') on the basis of a broad accession without any limitations, and to advocate for its ratification, swift and proper implementation and enforcement by all Member States; ***regrets the fact that to this date only 21 Member States have ratified it (316)***

13a. Underlines that the Istanbul Convention is the most comprehensive international treaty addressing the root causes of gender-based violence in all its forms, ***ensuring legislative action on both online and offline gender-based violence, and should be understood as a minimum standard; (AM 318)*** strongly condemns all attempts to discredit the Istanbul Convention and to set back progresses made in the fight against gender-based violence that are going on in some Member states; stresses the importance of an effective implementation of the Convention across the ***Union and recalls that the failure to conclude its ratification undermines the Union credibility; (AM 316, 319)*** highlights that this call does not detract from the call to adopt a Union legal act on combating gender-based violence but, rather, complements it, ***recalls that new legislative measures should in any case be coherent with the rights and obligations set by the Istanbul Convention and should be complementary to its ratification, (AM 317) thus urges the Member States and the Commission to adopt further measures, including binding legislative measures, to combat these forms of violence in the upcoming directive on preventing and combating all forms of gender based violence; (AM 335)***

36) COMP on PAR 14 (tackle GBV)

Covers AMs 322 (The Left), 324 (ECR), 325 (RE), 326 (SD),
Falls: 321, 327 (ID), 328, 329

Separate vote: 323 (RE), vote separately SRHR

14. Strongly reaffirms its commitment, as previously expressed ***by the European Parliament on tackling*** gender-based violence and ***reiterates its call*** on the need to have a comprehensive Directive covering all its forms, ***including obligations to prevent, investigate and prosecute the perpetrators, to protect the victims and the witnesses, as well as to collect data,*** as the best way to put an end to gender-based violence;

37) COMP on PAR 14a (legislative framework)

Covers AMs 202 (RE), 330 -partly (RE)

14a. *Urges the Commission to use the upcoming Directive to criminalize gender-based cyberviolence, as a cornerstone for the harmonisation of existing and future legislation; (AM 330)*

38) COMP on Par 15 (Inclusion of GBV in Art. 83.1 TFEU)

Covers AM 339 (SD)

Falls: 336 (ID), 337 (ID), 338 (NI)

15. *Calls on* the Council to activate the *passerelle* clause by adopting a decision identifying gender-based violence as an area of particularly serious crime with a cross-border dimension pursuant to Article 83(1), third subparagraph, of the Treaty on the Functioning of the European Union (TFEU);

39) COMP on PAR 16 (EC upcoming proposal)

Covers AMs 344 (The Left), 345 (Greens/EFA)

Falls: 341 (NI), 342 (ID), 343 (ECR)

16. Requests that the Commission *submits*, without undue delay, *through its upcoming legislative proposal and* on the basis of Article 83(1), first subparagraph, TFEU, measures to combat gender-based cyberviolence following, the recommendations set out in the Annex hereto; indicates that that proposal should not undermine the efforts to identify gender-based violence as a new area of particularly serious crime with a cross-border dimension pursuant to Article 83(1), third subparagraph, TFEU or any derivative legal acts on gender-based violence as requested by Parliament in its previous calls;

RECOMMENDATIONS - ANNEXES

40) COMP on Annex I, Recommendation 1 (objective)

Covers AMs 347 (Greens/EFA), 348 (RE)

Falls: AM 346 (ECR)

The objective *is* to establish *in the upcoming proposal* minimum rules, *as a harmonised policy response*, concerning the definition of the crime of gender-based cyberviolence and related sanctions, to establish measures to promote and support the action of Member States in the field of prevention of that crime and measures to protect, support and ensure reparation for the victims.

41) COMP on Annex I - Recommendation 2 (scope and definitions) – subheading -1 (new)

Covers AMs 349 (Greens/EFA), 370 (EPP), 371 (EPP)

The definition of gender-based cyberviolence should define the scope, extend, the gendered and intersectional nature of the phenomenon and underline that gender-based cyberviolence is part of the gender-based violence continuum.

The proposal should contain a definition based on the ones existing in texts such as the Cybercrime Convention Committee, the Budapest Convention on Cybercrime, or the Istanbul Convention on preventing and combating violence against women and domestic violence (from the Council of Europe), or the Commission advisory committee on equal opportunities for women and men, and the UN Special Rapporteur on violence against women, those ones being framed in the context of cybercrime or cyber violence against children, or violence against women (AM 370).

Based on the previous texts, a possible definition could be that: ‘Gender-based cyberviolence is a form of gender-based violence and is defined as any act of gender-based violence that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the Internet, social media platforms or email, against a woman because she is a woman or affects women disproportionately, or against LGBTI people because of their gender identity, gender expression or sex characteristics, and results in, or is likely to result in physical, sexual, psychological or economic harm, including threats to carry out such acts, coercion or arbitrary deprivation of liberty, in public or private life’.

42) COMP on Annex I – Recommendation 2 (which crimes/which victims) – paragraphs 2, 3, 4, 5

Covers: AM 350 (Greens/EFA), AM 351 (Greens/EFA), AM 352 (Greens/EFA), AM 353 (RE), AM 354 (SD), AM 355 (Greens/EFA), AM 356 (SD), AM 357 (Greens/EFA), AM 358 (Greens/EFA), AM 359 (EPP), AM 360 (Greens/EFA), AM 361 (SD), AM 362 (Greens/EFA), AM 363 (Greens/EFA), AM 364 (Greens/EFA), AM 365 (Greens/EFA), AM 366 (The Left), AM 367 (SD), AM 369 (SD), AM 372 (Greens/EFA)

Falls: AM 368 (Greens/EFA), AM 369 (SD)

- which crimes?

(Paragraph I unchanged)

Aside from that, measures that aim to prevent gender-based cyberviolence and to **protect and support** victims could be established on the basis of Article 83(1) TFEU because they are accessory to the main objective of the directive.

The scope should cover all forms of gender-based violence committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the internet, social media platforms, or email, against a woman because she is a woman, or affects women disproportionately **or against LGBTIQ people on the grounds of gender identity, gender expression or sex characteristics.**

Although it is not possible to present an exhaustive typology of the different forms of gender-based cyberviolence, because it is constantly evolving and new forms are emerging, the following types should be mentioned and defined:

- cyber harassment (including: cyberbullying, **online sexual harassment**, unsolicited receiving of sexually explicit material, mobbing, dead naming);
- cyber stalking;
- ICT-related violations of privacy (including the non-consensual accessing, **recording**, sharing, **creation** and manipulation of private data or images, **specifically** including image-based sexual abuse, **which refers to** the non-consensual **creation and/or distribution of private** sexual images, doxxing, identity theft);
- **recording and sharing images of rapes or other forms of sexual assault;**
- remote control or surveillance (including through spy apps on mobile devices);
- threats (including direct threats and threats of **and calls to** violence, **such as rape threats**, extortion, sextortion, blackmail) **directed at the victim, their children, or at relatives or other persons who support the victims and which are indirectly affected;**
- sexist hate speech (including: posting and sharing content, **inciting to violence or hatred against women or LGBTIQ people on grounds of their gender identity, expression or sex characteristics (AM 365);**
- induction to **self-inflicted violence, such as (AM 366)** suicide or anorexia induction and psychic injury conducts;
- computer damage to files, programmes, devices, attacks on websites and other digital communication channels;
- Unlawful access to mobile, email, instant messaging messages or social media accounts;
- breach of the prohibitions of communication imposed by means of judicial orders;
- **the use of technological means for trafficking in human beings, including for sexual exploitation of women and girls,**

- which victims?

The personal scope of the proposal should cover all victims of gender-based cyberviolence, with a specific recognition of intersectional forms of discrimination and victims participating in public life, *which include*

- *women and girls in all their diversity, as well as*
- *LGBTIQ people on the grounds of gender identity, gender expression or sex characteristics.*

43) COMP on Annex I – Recommendation 3 (preventive measures) – paragraph 1 – introductory part, indents 1, 2, 3, 3a, 3b, 3c, 3d, 3e, 4, 5, 6, 7a, 7b, 7c, 7d, 7e,

Covers: 208 part 2 (RE), AMs 373 (IG), 374 (SD), 375 (Greens/EFA), 376 (IG), 377 (Greens/EFA), 378 (the Left), 379 (RE), 380 (RE), 381 (Greens/EFA), 382(Greens/EFA), 383(Greens/EFA), 384(Greens/EFA), 385(Greens/EFA), 386(Greens/EFA), 387 (EPP), 388 (Greens/EFA), 389 (Greens/EFA), 390 (RE), 391(Greens/EFA), 392 (EPP), 393 (EPP), 394 (Greens/EFA), 395 (Greens/EFA), 396 (Greens/EFA), 397(Greens/EFA), 412, AM 413 (Greens/EFA)

Member States should implement a series of measures in order to prevent gender-based cyberviolence, *all measures should prevent re-traumatisation and stigmatisation of victims of gender-based cyberviolence, be victims-centred and have an intersectional approach: (AM 373)*

- awareness-raising and educational programmes, *including programmes addressed to boys and men, as well as campaigns* (374) involving all relevant actors and stakeholders to address the root causes of gender-based cyberviolence, within the general context of gender-based violence in order to bring about changes in social and cultural attitudes and remove gender *norms and* stereotypes, while promoting the respect of fundamental rights *in the online space, with special regard to* ~~on~~ social media *platforms* and increasing literacy about the safe use of the internet;

- research on gender-based cyberviolence (*including* aspects such as causes, prevalence, impact, *victims, perpetrators, manifestations, channels and need for support services*), *including studies and adjustment of crime statistics of gender-based cyberviolence to derive legislative and non-legislative needs. It should be supported by the collection of data that is disaggregated, intersectional and comprehensive; (AM 377)*

- *mainstream* (381) digital education, literacy and skills *such as cyber hygiene and netiquette*, including in the school curricula, in order to promote an enhanced understanding of digital *technologies in particular to prevent social media misuse*, (AM 378) and to promote *digital skills education and* the empowerment of users, to improve digital inclusion, to ensure the respect for fundamental rights, to eliminate any gender inequality *and biases* in access to technologies and to ensure gender diversity in the technology sector, particularly in the development of new technologies, *including training for teachers; (AM 379)*

- *facilitate women's access to education and academia in digital technology domains in order to remove the gender gap, (AM 382) including digital gender gap, and ensure gender*

diversity in the tech sectors, such as ICT and STEM, particularly in the development of new technologies, including AI, and notably in decision-making positions; (AM 383)

- *promotion and sharing of best practices in access to justice, sentencing and remedies that have a gender-responsive approach; (AM 386)*
- *promotion of integrated and comprehensive educational and treatment programmes aimed at preventing perpetrators from re-offending as well as at shifting behaviour and mindset away from violence, in cooperation with relevant institutions and civil society organisations; taking into account community-based, practices, and transformative justice approaches, which are crucial to stopping the cycle of harm;*
- *development of cooperation among Member States for the purposes of exchanging information, expertise and best practices, in particular through the European Crime Prevention Network (EUCPN), coordinating together with the Europol European Cybercrime Center, as well as with other related agencies such as Eurojust (387) in line with fundamental rights;*
- *recognition, support and information about civil society organisations working in the field of prevention of gender-based violence, including by ensuring them financing support; (AM 388)*
- *promotion of focused and continuous training for practitioners and other professionals, including in social services staff, and law enforcement officers, justice officials and other relevant actors to ensure that the causes and impacts of gender-based cyberviolence are understood and victims are treated appropriately, and ensure that training for all practitioners has a gender-responsive approach; (AM 389);*
- *consider the regulation of software development of monitoring applications, with the aim of considering possible misuse or abuse of those application and providing for adequate safeguards so as to protect fundamental rights and ensure compliance with applicable data legislation; further calls on the Commission to prohibit the marketing of any software monitoring application which engages in surveillance without the user's consent and without clear indicators of its activity; (AM 208 part 2) (AM 390)*
- *consider the Code of practice for online platforms and its possible implication and/or role to play within the context of gender-based cyberviolence should be taken into account (393), and the participation of civil society organisations in the evaluations as well as reviews of the Code of Conduct on Countering Illegal Hate Speech Online should be ensured; IT companies should improve their feedback to users' notifications, thus react quickly and effectively to the content flagged as illegal; (AM395)*
- *recognition of the digital dimension of gender-based violence in national strategies, programmes and action plans as part of a holistic response to all forms of gender-based violence;*
- *promotion of the cooperation between Member States, Internet intermediaries and NGOs working on the issue – such as peer learning events and public conferences;*

44) COMP on Annex I – Recommendation 4 (protection, support and reparation of victims) – title, indents 1, 1a, 1b, 2, 2a, 2b, 3, 3a, 3b, 3c, 3e, 3f, 4, 4a, 4b, 4c, 4d, paragraph 1

Covers AMs : 398 (Greens/EFA), 399(Greens/EFA), 400 (EPP), 401 (Greens/EFA), 402 (Greens/EFA), 403 (Greens/EFA), 404 (RE), 405 (Greens/EFA), 406 (Greens/EFA), 407(Greens/EFA), 408 (The Left), 409 (Greens/EFA), 410 (Greens/EFA), 411(Greens/EFA), 414(Greens/EFA), 415(Greens/EFA), 416 (Greens/EFA), 417 (EPP), 418 (Greens/EFA), 419 (EPP), 420 (Greens/EFA), 421 (Greens/EFA), 422 (Greens/EFA)

The Commission and Member States should take the following actions, which should all be victim-centered and have an intersectional approach:

- promote **mandatory** specific **and continuous** training for practitioners and professionals dealing with victims of gender-based cyberviolence, including law enforcement authorities, social, child and healthcare staff, **criminal justice actors** and members of the judiciary; Union-wide training programmes could be implemented in the framework of the Justice and the Citizens, Equality, Rights and Values programmes **and together with CEPOL and the European Judicial Training Network (AM 400)**; in particular, emphasis should be given to secondary victimisation and how to avoid it, to the dual dimension of gender-based violence (online/offline) and to intersectional discrimination, **as well as to the assistance of victims with special needs; (AM 399)**
- **ensure that all training for practitioners have a gender-responsive approach and that the programme includes actions to ensure that the victim is not re-victimised during criminal proceedings (re-victimisation and stigmatisation); (AM 401)**
- **set up national contact points in social services and law enforcement agencies with special staff trained on gender-based cyberviolence for victims to report gender-based cyberviolence in a safe environment. Contact points should be coordinated through a network; these measures would contribute to address underreporting, re-victimisation and create a safer environment for victims of gender-based cyber violence; (AM 402)**
- **facilitate** access to information for victims **in a simple and accessible language that the victim can understand, particularly on the legal aid and actions as well as support services (AM 403), and** develop specific services for victims of cyberviolence (helplines, shelters, **legal and psychological assistance; (AM404)** **facilitate** reports by victims, allowing them to obtain protection orders, and develop redress mechanisms with adequate reparation compensation measures;
- **equip the national telephone helplines with the necessary resources and expertise to also respond to the digital dimension of gender-based violence; (AM 405)**
- **set up a Union wide telephone helpline as a contact point for victims across the Union and ensure that victims can easily and freely use it and develop a directory of support services, including helplines and reporting mechanisms available in individual cases of cyberviolence; (AM 419)**
- **ensure that victims of gender-based cyberviolence in Member States have access to specialised support services and to justice, remedies, as well as to safe and accessible reporting procedures and mechanisms independently on the filing of a complaint; remove all obstacles that victims who decide to file a complaint may face, and create complaint mechanisms that are easily and immediately accessible to victims, including by digital means; (AM414)**

- *develop (AM 415) cooperation mechanisms between Member States, Internet intermediaries and NGOs working on the issue (AM 417), as well as between relevant actors, such as social services, the judiciary, public prosecutors, law enforcement agencies, local and regional authorities and civil society organizations (CSOs);*
- *support civil society organisations, particularly those that provide victims support services, including by providing financing support; (AM 416)*
- *promote the ethical development and use of technological solutions that support victims and that help identify perpetrators, while ensuring full compliance with fundamental rights; (AM 418)*
- *the Commission should develop guiding principles for law enforcement officials when dealing with victims who are reporting gender-based cyber violence, which should equip them with the necessary soft skills to carefully listen, understand and respect all victims of gender-based cyber violence. The guiding principles should have a gender-responsive approach.*

Member States should develop specialised protection and support services, which are accessible to all victims, free of charge including emergency and long-term support, such as psychological, medical, legal, practical and socio-economic support, taking into account the specific needs of the victims, and give particular attention to victims belonging to groups particularly exposed and/or in need (AM 422). The Commission should support Member States in that area.

45) COMP on Annex I – Recommendation 5 (prosecution and criminalisation) – paragraph 1 – introductory part, indent 3 a, 4

Covers AMs 423 (EPP), 424 (Greens/EFA), 425(Greens/EFA), 426(Greens/EFA), 427(Greens/EFA), 428 (Greens/EFA), 429 (Greens/EFA)

Based on the definition referred to in Recommendation 1, the criminalisation of gender-based cyber violence should take into account the following criteria (*Criminalising gender-based cyber violence could have a deterrent effect on perpetrators*), and all the actions should all be victim-centered and have an intersectional approach:

- *specific provisions indicating the guidelines for the investigation and prosecution mainly addressed to law enforcement and prosecutors, which should also contain specific indications for law enforcement on evidence collection; (AM 424)*
- *effective cooperation between law enforcement authorities and tech companies and service providers, especially with regards to identification of perpetrators and gathering of evidence, which should be in full compliance with fundamental rights and freedoms and data protection rules; (AM 425)*
- *any evidence should be gathered in a way that it does not cause secondary victimisation and re-traumatisation of the victim; (AM 426)*

- aggravating circumstances, depending on the profile of the women, girls *and LGBTIQ* victims (exploiting specific characteristics, vulnerabilities of women, girls *and LGBTIQ persons* online); (AM 428)
- *risk assessments should include and consider behavioural patterns and gendered aspects of the incident, such as stereotypes, discrimination, sexualized threats and intimidation. This information should be used to determine follow-up actions and to enhance the collection of data related to the different manifestations of gender-based cyberviolence;* (AM 430)
- *ensure that providing evidence does not represent a burden for the victims nor contributes to further victimization.* (AM 431)

46) COMP on Annex I – Recommendation 6 (data collection and reporting) – paragraph 1, 1a

Covers AMs: 432 (Greens/EFA), 433 (RE), 434 (The Left), 435 (EPP), 436 (Greens/EFA), 437 (EPP), 438 (The Left)

Commission and Member States should *regularly* collect and publish *comprehensive* disaggregated and comparable data on gender-based *cyber violence*, *thus* on the different forms of gender-based cyberviolence, not only *on the basis of* the law enforcement reports *or CSOs*, but also *of victims’* experiences. *Those could be followed by comprehensive studies. Member States’ data on gender-based cyberviolence should be collected and made available through the Statistics database of EIGE, FRA and Eurostat, and Member States should ensure to make the best use of EIGE’s capacities and resources. The FRA should conduct new extensive Union-wide research on all forms of gender-based cyber violence, which should be based on the most recent EU data to provide an accurate response.* (AM 433)

The Commission should submit on a regular basis a report to the European Parliament and the Council assessing to which extent Member States have taken measures following this recommendation. The Commission should also improve gender-disaggregated data on the prevalence and harms of gender-based cyberviolence at the European Union level.

The Commission and the Member States should develop indicators to measure the effectiveness of their interventions to address gender-based cyberviolence.

Additional recommendations could include:

- *the production of statistics on the prevalence and forms of cyberviolence, fostering at the same time the uniformity and comparability of data gathered by Member States,*
- *a Union wide data collection programme,*
- *gathering data on a regular basis for knowledge to keep up with the constant evolution in tools and technologies that can be used to perpetrate cyber-violence;*
- *recommends to make use of the capacity and expertise of EIGE, Eurostat and FRA, Europol, Eurojust and ENISA.* (AM 437)