



2025/2040(INI)

9.2.2026

COMPROMISE AMENDMENTS 1 - 16

Draft report

Evin Incir, Joanna Scheuring-Wielgus

(PE774.376v01-00)

Importance of consent-based rape legislation in the EU

(2025/2040(INI))

COMPROMISE 1

Compromise Amendment 1

Compromise supported by Verts/ALE, S&D, PPE, Renew
and replacing Amendment(s) 227, 228, 233, 223, 250, 239, 274

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Calls on the Commission to propose legislation establishing an EU-wide definition of rape that is based on the requirement of freely given, informed and **reversible** consent, in line with Article 36 of the Istanbul Convention; ***calls on the Member States to commence legislative changes to bring the definition into line with Article 36 of the Istanbul Convention;***

Amendment

1. Calls on the Commission to propose legislation, ***without delay***, establishing an EU-wide definition of rape that is based on the requirement of freely given, informed and **revokable** consent, in line with Article 36 of the Istanbul Convention;

Paragraph 1 a (new)

Motion for a resolution

Amendment

1 a. Calls on the Member States that still use the definition of rape based on the assumption of violence to commence legislative changes to bring the definition in line with the latest international standards and to provide the necessary and adequate support and protection to victims and survivors of rape;

Paragraph 1 b (new)

Motion for a resolution

Amendment

1 b. Welcomes the fact that an increasing number of Member States have introduced consent-based definitions of sexual violence, in line with Article 36 of the Istanbul Convention; and, calls on the Commission to encourage Member States that have not yet done so to ratify the Istanbul Convention;

COMPROMISE 2

Compromise Amendment 2

Compromise supported by Verts/ALE, S&D and replacing Amendment(s) 238, 359

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Reiterates that **rape** legislation that is based on the absence of consent is an international human rights standard defined in the Istanbul Convention;

Amendment

2. Reiterates that legislation **to criminalize rape** that is based on the absence of consent is an international human rights standard defined in the Istanbul Convention; **reminds Member States' obligation to meet the international human rights standards and invites them to go even further in order to protect and support survivors and victims of rape, as well as to eradicate all the manifestations of the prevalent complex set of beliefs and social norms that encourage male sexual aggression and that support violence against women, creating an environment in which sexual violence is normalized and justified through persistent gender inequalities and harmful attitudes about gender and sexuality;**

Paragraph 2 a (new)

Motion for a resolution

Amendment

2 a. Reiterates that legislation based on the absence of consent is the only adequate, comprehensive, trauma informed and evidence-based framework that would allow access to justice for survivors of rape; notes that consent-based rape legislation has positive outcomes for access to justice, including higher reporting rates and convictions, as

well as better outlook for survivors' recovery and emotional well-being;

Or. en

COMPROMISE 3

Compromise Amendment 3

Compromise supported by The Left, Verts/ALE, PPE and replacing Amendment(s) 252, 254, 255

Motion for a resolution

Paragraph 3

Motion for a resolution

3. *Calls* on the Commission to **recognise** gender-based violence as a new EU crime **under Article 83(1) TFEU** in order to ensure a common approach so as to effectively combat all forms of gender-based violence, which is one of the most widespread fundamental rights violations in the EU;

Amendment

3. **Reiterates the call** on the Commission to **submit, on the basis of Article 83(1), third subparagraph, TFEU, a proposal for a Council decision identifying** gender-based violence as a new **area of** EU crime in order to ensure a common approach so as to effectively combat all forms of gender-based violence, which is one of the most widespread fundamental rights violations in the EU;

Or. en

COMPROMISE 4

Compromise Amendment 4

Compromise supported by Renew, PPE, The Left, Verts/ALE and replacing Amendment(s) 223, 245, 258, 363, 364, 365, 366, 369, 370, 371, 373, 374, 376, 377

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Stresses that only a clear, affirmative and unambiguous indication of **agreement constitutes** valid **consent**, that silence, lack of resistance or the absence of

Amendment

10. Stresses that only a clear, affirmative, **freely given** and unambiguous indication of **consent is** valid **and** that silence, **verbal or physical** lack of

a ‘no’ cannot be interpreted as consent, and that neither prior consent nor ***an existing*** relationship ***imply*** ongoing or future consent for any ***other*** sexual acts;

resistance or the absence of a ‘no’ cannot be interpreted as consent, and that neither prior consent nor ***past sexual conduct or any past or present*** relationship ***with an offender, including marital or any other partnership status, implies*** ongoing or future consent for any sexual acts; ***stresses that consent can be withdrawn at any moment before or during the act; notes that consent can be expressed in any way as long as it’s given voluntarily as the result of the person’s free will and assessed in the context of the surrounding circumstances, as according to the Istanbul Convention, Article 36;***

Paragraph 11

Motion for a resolution

11. Underlines that consent must be assessed in the context of the surrounding circumstances, recognising that consent cannot be given where there is an abuse of power, ***vulnerability, or incapacity resulting from intoxication,*** unconsciousness, or age;

Amendment

11. Underlines that consent must be assessed in the context of the surrounding circumstances, recognising that consent cannot be given where there is ***violence, threat, surprise, deceit,*** an abuse of power, ***including control, coercion, physical or mental condition such as in a state of fear, intimidation,*** unconsciousness, ***freezing caused by fear or trauma, intoxication, chemical submission, sleep, illness, bodily injury, disability or in an otherwise particularly vulnerable situation,*** or age; ***acknowledges that such states can prevent the ability to give voluntary and informed consent;***

Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. Stresses the importance of recognising trauma responses such as the tonic immobility, or so called “freeze response”, an involuntary neurobiological reaction to fear or threat that can lead to temporary paralysis and immobility, lack of vocalisation, and the fawn response, which is a survival strategy that develops

under coercion and involves appeasing the perpetrator in an attempt to avoid escalation or harm; underlines that such trauma responses are occurring during rape and sexual violence and must therefore be reflected in legislation and judicial practice to ensure a trauma-informed, survivor-centred approach, therefore legally recognising that the absence of resistance does not equal consent;

Or. en

COMPROMISE 5

Compromise Amendment 5

Compromise supported by The Left, S&D, Renew, PPE and replacing Amendment(s) 266, 267, 271, 272, 385

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Calls on the Commission and the Member States to ***address intersectionality in all policies related to*** gender equality, acknowledging that gender-based violence and discrimination ***are*** compounded by other factors;

Amendment

4. Calls on the Commission and the Member States to ***apply an intersectional and victims-centred approach to all relevant policies in order to ensure access to justice and achieve*** gender equality, acknowledging that gender-based violence and discrimination, ***including sexual violence such as rape, are often*** compounded by other factors of ***discrimination and gender stereotypes, and that the intersection of these factors creates multiple and unique forms of discrimination that require targeted context-specific measures, including legislation, to ensure equal protection and support for all victims and survivors;***

Paragraph 4 a (new)

Motion for a resolution

Amendment

4 a. Stresses that consent-based rape legislation must also apply in digital and virtual environments, where non-consensual sexual acts, such as simulated rape or coerced sexual interactions, can take place; underlines that such acts can have severe psychological consequences for survivors, and must therefore be legally recognised and prosecuted accordingly;

Or. en

COMPROMISE 6

Compromise Amendment 6

Compromise supported by The Left, PPE, Renew, S&D, Verts/ALE and replacing Amendment(s) 298, 297, 301, 302, 303, 311, 332

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Calls on the Member States to ensure that survivors of rape have full access to medical services, such as clinical management of rape and the provision of sexual and reproductive health and rights, including clinical **including** emergency contraception, post-exposure prophylaxis, treatment for sexually transmitted infections and access to safe and legal abortion;

Amendment

6. Calls on the Member States to ensure that **victims and** survivors of rape have full access to **immediate, comprehensive, safe, confidential, and specialised medical care and services for as long as necessary**, such as clinical management of rape and the provision of sexual and reproductive health and rights, including clinical emergency contraception, post-exposure prophylaxis, treatment for sexually transmitted infections and access to safe and legal abortion, **complemented by access to long-term trauma care, psychological and psychosocial support, and appropriate follow-up services to support recovery; reiterates the critical nature of these services for the survivors and their importance in guaranteeing best health outcomes and helping survivors to regain their sense of bodily autonomy;**

Paragraph 6 a (new)

Motion for a resolution

Amendment

6 a. *Calls on the Commission to ensure that the Member States comply with Article 26 of Directive (EU) 2024/1385 on combating violence against women and domestic violence regarding the provision of specialist support for victims of sexual violence, adapted to their specific needs, free of charge and in a sufficient geographical distribution and capacity; highlights the need for all victims and survivors of sexual violence to have access to resources such as 24-hour crisis centres, where they can receive medical care, psychological support, and legal advice without the requirement of having filed a formal report; further calls on the Member States to ensure access for victims and survivors to legal support;*

Paragraph 6 b (new)

Motion for a resolution

Amendment

6 b. *Encourages a continuous exchange of best practices among Member States, in order to promote the harmonisation of treatment standards, and ensure consistent, educated and high-quality support and treatment for victims and survivors of sexual violence across the entire EU;*

Paragraph 6 c (new)

Motion for a resolution

Amendment

6 c. *Firmly supports the availability of public services throughout all stages of the reparation processes, in particular with regard to the provision of essential psychological, legal and employment seeking support; calls on the Member States to comply with the Istanbul Convention by providing protective and*

supportive measures for victims and survivors that focus on the human rights and safety of the person, thus avoiding secondary victimisation;

Or. en

COMPROMISE 7

Compromise Amendment 7

Compromise supported by The Left, Renew, PPE, S&D, Verts/ALE and replacing Amendment(s) 280, 281, 282, 283, 284, 285, 292, 293, 295, 299, 300, 314

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Calls on the Member States to ensure that professionals, including law enforcement officers, forensic medical personnel, court staff, judges and prosecutors, lawyers, healthcare professionals, social services employees, and educational and other relevant staff, receive adequate and tailored training **to enable them to avoid** secondary victimisation of the survivors, to avoid and identify gender stereotypes **and** victim-blaming behaviours and attitudes, and to treat victims in a trauma- **and gender-sensitive** manner;

Amendment

5. Calls on the Member States to ensure that professionals, **likely to come into contact with victims**, including law enforcement officers, forensic medical personnel, court staff, judges and prosecutors, lawyers, healthcare professionals, social services employees, and educational and other relevant staff **and frontline professionals**, receive **regular, adequate, effective** and tailored training; **the training should be aimed at preventing** secondary victimisation of the survivors **in order** to avoid and identify **harmful** gender stereotypes, **eliminate** victim-blaming behaviours and attitudes, and to treat victims in a trauma-, **gender, child- and disability-sensitive** manner, **in line with Article 36 of Directive (EU) 2024/1385 and without prejudice to judicial independence and differences in the organisation of the judiciary across the Union; calls on the Commission to expand on a larger scale the EU-supported training programmes aligned with judicial best practices and calls on Member States to ensure that frontline services have the capacity and resources to respond effectively to the needs of victims and survivors;**

Paragraph 5 a (new)

Motion for a resolution

Amendment

5 a. Calls on the Member States to ensure that health professionals, including paediatricians, gynaecologists, obstetricians, midwives and psychological support staff receive targeted training to identify and address, in an intersectional manner, the physical, psychological and sexual consequences of rape in survivors;

Paragraph 5 b (new)

Motion for a resolution

Amendment

5 b. Calls on the Member States to increase cooperation between law enforcement authorities, judicial authorities, civil society, community-based organisations, the European Institute for Gender Equality and other relevant specialised actors in the development of trainings, in particular regarding harmful gender stereotypes, intersectional discrimination and misconceptions, myths and stereotypes about rape, that still hinder the implementation of consent-based rape legislation; highlights that police officers and judges with increased knowledge and skills to understand and respect all survivors of sexual violence, contribute to lower underreporting and minimize re-victimisation while creating a safer environment for survivors; further calls on Member States to ensure that training for members of the judiciary as well as legal and law enforcement professionals follow international human rights standards and jurisprudence with respect to rape;

Or. en

COMPROMISE 8

Compromise Amendment 8

Compromise supported by The Left, Verts/ALE, PPE
and replacing Amendment(s) 276, 313, 314, 315

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Calls on Member States to develop and issue specialised and gender-sensitive guidelines for authorities, including judges; underlines that these guidelines must provide instructions on how to treat victims in a trauma- and gender-sensitive manner; ***recalls that eliminating gender-based violence***, including sexual violence, ***requires not only legal reforms, but also broad cultural and societal transformation; calls, therefore, on the Member States to include mandatory comprehensive sexuality and relationships education in national educational curricula;***

Amendment

7. Calls on Member States to develop and issue, ***in consultation with civil society organisations and women's specialist services***, specialised and gender-sensitive guidelines for ***relevant*** authorities, including judges ***that are involved in criminal and, where relevant, civil proceedings, related to the crime of rape;*** underlines that these guidelines must provide instructions on how to treat victims in a trauma- and gender-sensitive manner ***and identify and avoid gender stereotypes and ensure that victims***, including ***those experiencing intersectional discrimination, are respected and protected from secondary victimisation and re-victimization; furthermore, the guidelines must include instructions on how to refer victims to specialist support services, including medical services, to ensure the appropriate treatment of victims; calls for these to be regularly reviewed and updated in collaboration with civil society organisations and women's specialist services to ensure their effectiveness and best outcomes for victims, as well as ending the systemic and structural deficiencies that foster a societal sense of impunity for rape and allow the perpetrators of sexual violence to go unpunished;***

Or. en

COMPROMISE 9

Compromise Amendment 9

Compromise supported by Verts/ALE, S&D, PPE, Renew
and replacing Amendment(s) 339, 340, 345, 315, 320, 327, 355, 356, 352, 358, 381

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Calls for the Commission to put forward EU guidelines on gender-sensitive, intersectional comprehensive sexuality and relationship education;

Amendment

8. ***Notes that legislative reform must be complemented by educational measures aimed at fostering behavioural change and increasing understanding of the importance of consent in sexual relationships; calls for the Commission to put forward in 2026 EU guidelines, accessible in all 24 EU languages, on gender-sensitive, intersectional and comprehensive, consent-based sexuality and relationship education, which should aim at challenging gender stereotypes, stressing the structural nature of gender inequality and its presence in sexuality and relationships, promoting non-violent behaviour, and work towards ultimately eradicating gender-based violence, including rape, inequality and discrimination; further calls on the Commission to closely monitor Member States' implementation of such guidelines and publish an assessment thereof before the end of the current term; calls therefore, on the Member States to ensure the inclusion of age-appropriate comprehensive sexuality and relationships education in national educational curricula;***

Paragraph 8 a (new)

Motion for a resolution

Amendment

8 a. Underlines the critical role of public awareness raising campaigns and prevention programmes in addressing rape myths and promoting a culture of consent, especially among youth, where the absence of sexuality education

continues to fuel misinformation and harmful stereotypes; calls on the Commission to carry out EU-wide public awareness raising campaigns to educate about the notion of consent, relationships, sexual integrity and bodily autonomy and to counter myths surrounding rape; further calls on the Commission to develop campaigns that combat the anti-gender content and incel propaganda online, particularly targeting young men, that normalizes sexual violence, and perpetuates harmful gender stereotypes that contribute to the prevalent complex set of beliefs and social norms that encourage male sexual aggression and support violence against women, creating an environment in which sexual violence is normalized and justified through persistent gender inequalities and harmful attitudes about gender and sexuality;

Paragraph 9

Motion for a resolution

9. Calls on the Commission to ensure that the Member States comply with Article 35 of Directive (EU) 2024/1385 on combating violence against women and domestic violence by adopting and regularly carrying out consent-based education initiatives, awareness-raising campaigns and measures aimed at fostering behavioural change that recognises consent as freely given, mutual and grounded in the principles of bodily autonomy and sexual integrity;

Amendment

9. Calls on the Commission to ensure that the Member States comply with Article 35 of Directive (EU) 2024/1385 on combating violence against women and domestic violence by adopting and regularly carrying out **evidence- and consent-based** education initiatives, awareness-raising campaigns and measures aimed at fostering behavioural change **and understanding** that recognises consent as freely given, mutual and **fully** grounded in the principles of bodily autonomy and sexual integrity; ***calls on the Commission to closely monitor the transposition of the Directive by Member States, in particular Article 35;***

Or. en

COMPROMISE 10

Compromise Amendment 10

Compromise supported by Renew, PPE
and replacing Amendment(s) 379, 380, 382

Motion for a resolution

Paragraph 9 a (new)

Motion for a resolution

Amendment

9 a. Invites Member States to adapt their legislation on limitation periods for rape offences, taking into account the fact that lack of consent is the central element of this offence, and that many victims are only able to recognise, name or denounce the facts after a significant lapse of time, often due to trauma, fear, social pressure or a lack of knowledge of the dynamics of consent; therefore, stresses the need to extend the statute of limitations in order to guarantee effective access to justice in line with fundamental rights; recalls that the Parliament recently called on the Member States to ensure that no limitation period applies to the offences referred to in Article 3 and 9 of the Child Sexual Abuse Directive; stresses that excessively short limitation periods prevent victims from seeking justice and undermine their protection; calls on Member States to address the root causes of underreporting and to ensure that limitation periods do not prevent the effective prosecution of rape offences;

Or. en

COMPROMISE 11

Compromise Amendment 7

Compromise supported by The Left, Verts/ALE
and replacing Amendment(s) 329, 330

Motion for a resolution

Paragraph 9 b (new)

Motion for a resolution

Amendment

9 b. *Calls on Member States to ensure the provision of effective reparation, including compensation, for all victims of gender-based violence including sexual violence, in accordance with national law; reminds that such reparations should be adequate without delay, holistic and proportionate to the gravity of the harm suffered and should take into consideration the risks of intersectional discrimination;*

Paragraph 9 c (new)

Motion for a resolution

Amendment

9 c. *Requests that Member States take appropriate measures to ensure that programmes for offenders are available for those that are referred or self-refer also outside of the criminal justice system and that immediate access to support is available, recognising their role in preventing future gender-based violence, silence on rape, as well as in eradicating the prevalent complex of beliefs and social norms that encourage male sexual aggression and support violence against women, creating an environment in which sexual violence is normalized and justified through persistent gender inequalities and harmful attitudes about gender and sexuality in our society;*

Or. en

COMPROMISE 12

Compromise Amendment 12

Compromise supported by Verts/ALE, The Left, S&D and replacing Amendment(s) 246, 243, 294, 312, 283

Motion for a resolution

Paragraph 9 d (new)

Motion for a resolution

Amendment

9 d. Strongly supports civil society and survivors of rape in breaking the silence; acknowledges that the pressure from civil society and survivors of rape has been the main driving force in pushing for legislative changes in Member States; recalls the importance of the right to peaceful assembly in bringing societal changes and pushing for consent-based rape legislation;

Paragraph 9 e (new)

Motion for a resolution

Amendment

9 e. Recognises the crucial role played by NGOs and women's specialist services in providing advice and support for victims, including women's support centres, women's shelters, helplines, rape crisis centres, sexual violence referral centres and primary prevention services; calls on the Commission and Member States to provide adequate funding to ensure the maintenance and development of such services; demands strengthened support for these civil society organisations and women's rights defenders, through increased and earmarked financial support in the EU Budget;

Paragraph 9 f (new)

Motion for a resolution

Amendment

9 f. Stresses the need for strong and sustainable partnerships with grassroots organisations and women's rights defenders, particularly in countries where the civic space is under threat and backlash against gender equality and

sexual and reproductive rights is increasing;

Or. en

COMPROMISE 13

Compromise Amendment 13

Compromise supported by PPE, S&D
and replacing Amendment(s) 269, 277, 278, 224, 225, 279, 386

Motion for a resolution

Paragraph 9 g (new)

Motion for a resolution

Amendment

9 g. Emphasises the importance of strengthening the implementation, enforcement and monitoring of legislation on sexual violence and rape, and calls for the development of EU-wide benchmarks and indicators to assess effectiveness and impact;

Paragraph 9 h (new)

Motion for a resolution

Amendment

9 h. Underlines the role of the EU in strengthening cooperation with UN agencies, such as UN Women, UNFPA, and international partners, including the CoE, the OSCE and the OECD, in advancing gender equality and combating sexual and gender-based violence within the framework of the 2030 Agenda, the Beijing Platform for Action and the ICPD Programme of Action;

Paragraph 9 i (new)

Motion for a resolution

Amendment

9 i. Encourages continued dialogue and cooperation between EU institutions,

Member States, and civil society in ensuring that sexual violence is addressed not only as an individual act of harm but also as a manifestation of broader gender inequality and structural discrimination;

Or. en

COMPROMISE 14

Compromise Amendment 14

Compromise supported by Verts/ALE and replacing Amendment(s) 357, 360

Motion for a resolution

Paragraph 9 j (new)

Motion for a resolution

Amendment

9 j. Calls on Member States to ensure that established systems for data collection on gender-based violence include the collection, development, production and dissemination of statistics on rape, including disaggregated data, particularly but not limited to, on gender, age group (child/adult), racial and ethnic origin of the victim and of the perpetrator and, the relationship between the victim and the perpetrator; requests that EIGE and FRA support the monitoring process and further contribute to data collection and research on all forms of gender-based violence, including rape;

Or. en

COMPROMISE 15

Compromise Amendment 15

Compromise supported by Verts/ALE, PPE, S&D and replacing Amendment(s) 1, 2, 8, 9, 10, 11, 13, 14, 15, 19, 23, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42

Motion for a resolution

Citation 1

Motion for a resolution

- having regard to Article 2 **of the Treaty on European Union**,

Amendment

- having regard to Article 2, **Article 3(2) and Article 3(3), Articles 8, 10 and 19 and Article 83(1) to Article 82(2) TFEU, on mutual recognition of judgements as well as police and judicial cooperation**,

Citation 11

Motion for a resolution

- having regard to Article 83(1) of the Treaty on the Functioning of the European Union (TFEU), which allows Parliament and the Council to establish minimum rules on the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension, including gender-based violence,

Unchanged text included in the compromise

- having regard to Article 83(1) of the Treaty on the Functioning of the European Union (TFEU), which allows Parliament and the Council to establish minimum rules on the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension, including gender-based violence,

Citation 2

Motion for a resolution

- having regard to **Article 21 of the Charter of Fundamental Rights of the European Union**,

Amendment

- having regard to the Charter of Fundamental Rights of the European Union, **Article 21, Article 45 that establishes the freedom of movement, Article 47 that establishes the right to a fair trial**,

Citation 7

Motion for a resolution

- having regard to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), in particular Article 36 thereof,

Amendment

- having regard to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), in particular Article 36 thereof, **which requires the criminalisation of non-consensual sexual acts, and which the EU**

ratified in 2023, and the country-monitoring reports by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO),

Citation 7 a (new)

Motion for a resolution

Amendment

– *having regard to the Council of Europe Second General Report on GREVIO Activities of April 2021,*

Citation 7 b (new)

Motion for a resolution

Amendment

– *having regard to the Council of Europe Committee of Ministers' 2002 Recommendation on the Protection of Women against Violence, which urges member states to penalise any sexual act committed against non-consenting persons, even if no physical resistance is shown,*

Citation 8

Motion for a resolution

Amendment

– having regard to Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence¹,

– having regard to Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence¹,

¹ OJ L, 2024/1385, 24.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1385/oj>.

¹ OJ L, 2024/1385, 24.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1385/oj>.

Citation 9

Motion for a resolution

Unchanged text included in the compromise

– having regard to 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/JHA² (the Victims’ Rights Directive), which provides a framework for victim-centred justice, including in cases of sexual violence,

² OJ L 315, 14.11.2012, p. 57, ELI: <http://data.europa.eu/eli/dir/2012/29/oj>.

– having regard to 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/JHA² (the Victims’ Rights Directive), which provides a framework for victim-centred justice, including in cases of sexual violence,

² OJ L 315, 14.11.2012, p. 57, ELI: <http://data.europa.eu/eli/dir/2012/29/oj>.

Citation 9 a (new)

Motion for a resolution

Amendment

– ***having regard to the Commission proposal of 6 February 2024 for a Directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast) (COM(2024) 60 final), which includes a definition of a non-consensual act, and to Parliament’s position adopted on 17 June 2025 on the same,***

Citation 12

Motion for a resolution

Unchanged text included in the compromise

– having regard to the Commission proposal of 8 March 2022 for a directive of the European Parliament and of the Council on combating violence against women and domestic violence (COM(2022)0105), which included the extension of the list of EU crimes under Article 83(1) TFEU to include gender-based violence, and to Parliament’s resolution of 16 September 2021 with recommendations to the Commission on

– having regard to the Commission proposal of 8 March 2022 for a directive of the European Parliament and of the Council on combating violence against women and domestic violence (COM(2022)0105), which included the extension of the list of EU crimes under Article 83(1) TFEU to include gender-based violence, and to Parliament’s resolution of 16 September 2021 with recommendations to the Commission on

identifying gender-based violence as a new area of crime listed in Article 83(1) TFEU³
,

³ OJ C 117, 11.3.2022, p. 88.

Citation 13

Motion for a resolution

– having regard to the EU strategy for gender equality 2020-2025, which calls for enhanced protection against gender-based violence and for comprehensive sexual education promoting consent awareness,

Citation 13 a (new)

Motion for a resolution

Citation 13 b (new)

Motion for a resolution

identifying gender-based violence as a new area of crime listed in Article 83(1) TFEU³
,

³ OJ C 117, 11.3.2022, p. 88.

Unchanged text included in the compromise

– having regard to the EU strategy for gender equality 2020-2025, which calls for enhanced protection against gender-based violence and for comprehensive sexual education promoting consent awareness,

Amendment

– ***having regard to its resolution of 15 February 2023 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 (COM(2016)0109 — 2016/0062R(NLE)),***

Amendment

– ***having regard to the ECtHR case law M.C. v. Bulgaria where the Court established the positive obligation of States to enact criminal law provisions to effectively investigate and punish rape, clarified that requiring proof of physical resistance risks leaving certain types of rape unpunished, and held that Articles 3 and 8 ECHR require the penalisation and effective prosecution of any non-***

consensual sexual act, including in the absence of physical resistance,

Citation 13 c (new)

Motion for a resolution

Amendment

– *having regard to the judgment in J.L. v. Italy (2021), which found that reliance on stereotypes and victim-blaming during rape trials constitutes a violation of the right to respect for private life under Article 8 ECHR,*

Citation 13 d (new)

Motion for a resolution

Amendment

– *having regard to the Yogyakarta Principles, adopted in November 2006, and the Yogyakarta Principles Plus 10, adopted in November 2017,*

Citation 13 e (new)

Motion for a resolution

Amendment

– *having regard to the surveys and reports from the EU Agency for Fundamental Rights, such as the survey of 2014 and especially the survey of 2024 on gender-based violence in the EU, according to which 17.2 % of the women in the EU Member States have experienced sexual violence^{1a}, and the 2024 report on LGBTIQ+ people in Europe,*

^{1a} *FRA, EIGE, Eurostat (2024), EU gender-based violence survey – Key results. Experiences of women in the EU-27, Publications Office of the European Union, Luxembourg, p.14.
https://fra.europa.eu/sites/default/files/fra_uploads/eu-*

Citation 13 f (new)

Motion for a resolution

Amendment

- **having regard to the Fundamental Rights Report 2025 of the European Union Agency for Fundamental Rights, in particular to the FRA OPINION 2^{1a},**

^{1a} **European Union Agency for Fundamental Rights, Fundamental Rights Report 2025, p. 77.**
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2025-fundamental-rights-report-2025_en.pdf

Citation 6

Motion for a resolution

Unchanged text included in the compromise

- having regard to Articles 21 and 3 of the Charter of Fundamental Rights of the European Union and to Article 2 of the Treaty on European Union, which establishes gender equality as a core value of the Union, to be mainstreamed across all policies and programmes,

- having regard to Articles 21 and 3 of the Charter of Fundamental Rights of the European Union and to Article 2 of the Treaty on European Union, which establishes gender equality as a core value of the Union, to be mainstreamed across all policies and programmes,

Citation 3

Motion for a resolution

Unchanged text included in the compromise

- having regard to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

- having regard to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Citation 4

Motion for a resolution

- having regard to the Beijing Declaration and Platform for Action, ***adopted by the UN on 15 September 1995, and to the outcomes of the relevant*** review conferences,

Amendment

- having regard to the ***UN declaration of 15 September 1995 entitled ‘Beijing Declaration and Platform for Action’ and the outcomes of its*** review conferences,

Citation 5

Motion for a resolution

- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women and to General Recommendation No 35 (2017) of the UN Committee on the Elimination of Discrimination against Women of 26 July 2017 on gender-based violence against women,

Unchanged text included in the compromise

- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women and to General Recommendation No 35 (2017) of the UN Committee on the Elimination of Discrimination against Women of 26 July 2017 on gender-based violence against women,

Citation 5 a (new)

Motion for a resolution

Citation 5 b (new)

Motion for a resolution

Amendment

- ***having regard to the UN 2030 Agenda for Sustainable Development and the principle of ‘leaving no one behind’, and in particular to Sustainable Development Goals 3, 4, 5, 10 and 16,***

Amendment

- ***having regard to the UN Committee on the Elimination of Discrimination against Women Communication No. 34/2011, urging states to revise rape legislation by removing requirements of force or proof of penetration and placing the absence of consent at the core of the offence,***

Citation 10

Motion for a resolution

– having regard to the Rome Statute of the International Criminal Court, and in particular Article 7(1)(g) thereof,

Amendment

– having regard to the Rome Statute of the International Criminal Court, and in particular Article 7(1)(g) thereof, ***which recognises rape and other forms of sexual violence as crimes against humanity when committed as part of a widespread or systematic attack directed against any civilian population,***

Citation 10 a (new)

Motion for a resolution

Amendment

– ***having regard to the report submitted to the forty-seventh session of the Human Rights Council, entitled ‘Rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention’, as well as its accompanying framework for a model legislation on rape,***

Citation 14

Motion for a resolution

– having regard to Rule 55 of its Rules of Procedure,

Unchanged text included in the compromise

– having regard to Rule 55 of its Rules of Procedure,

Citation 15

Motion for a resolution

– having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and

Unchanged text included in the compromise

– having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and

Gender Equality under Rule 59 of the Rules of Procedure,

Gender Equality under Rule 59 of the Rules of Procedure,

Citation 16

Motion for a resolution

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality (A10-0000/2025),

Unchanged text included in the compromise

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality (A10-0000/2025),

Or. en

COMPROMISE 16

Compromise Amendment 16

Compromise supported by S&D, Renew, Verts/ALE, PPE, The Left and replacing Amendment(s) 43, 46, 47, 51, 55, 56, 59, 61, 63, 64, 65, 66, 69, 73, 74, 75, 76, 77, 78, 79, 80, 81, 83, 90, 91, 96, 97, 99, 102, 109, 110, 111, 115, 121, 123, 126, 128, 129, 130, 132, 133, 134, 136, 138, 140, 142, 147, 148, 149, 154, 155, 161, 163, 165, 168, 175, 176, 178, 188, 189, 190, 192, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 21

Motion for a resolution

Recital D

Motion for a resolution

D. whereas acts of sexual violence are criminalised under international human rights law in both war and peacetime; whereas the legal interpretation of rape as a war crime, as per the International Criminal Court, includes the absence of consent as a crucial element;

Amendment

D. whereas acts of sexual violence are criminalised under international human rights law in both war and peacetime; ***whereas in the contexts of both international humanitarian law and international criminal law, rape is identified as a potential war crime, a crime against humanity, or an act contributing to genocide, provided other requisite elements of these crimes are present; whereas this classification is articulated in the Rome Statute of the International Criminal Court (Article 8) and the 1949 Geneva Conventions and their Additional Protocols;*** whereas the

legal interpretation of rape as a war crime, as per the International Criminal Court, includes the absence of consent as a crucial element;

Recital D a (new)

Motion for a resolution

Amendment

D a. whereas according to the European Court of Human Rights (ECHR) definitions based on the use of force as the main constituent element of the crime offer inadequate protection to victims of sexual violence and jeopardise the effective protection of the individual's sexual autonomy;

Recital D b (new)

Motion for a resolution

Amendment

D b. whereas rape is a violation of a range of human rights, including the right to bodily integrity, the rights to autonomy and to sexual autonomy, the right to privacy, the right to the highest attainable standard of physical and mental health, women's right to equality before the law and the rights to be free from violence, discrimination, torture and other cruel or inhuman treatment; whereas rape also denies the victim the full enjoyment of a range of other human rights, such as the right to life, dignity, physical and mental integrity, liberty and personal security, equality within the family and before the law regardless of gender and gender identity, the right to be free from discrimination, torture and other ill treatment, amongst others;

Recital D c (new)

Motion for a resolution

Amendment

D c. whereas gender-based violence remains one of the most pervasive and underreported violations of human rights in Europe and demands a European response; whereas the current international human rights legal framework acknowledges rape as both a violation of human rights and a form of gender-based violence predominantly affecting women and girls; whereas rape is one of the most pervasive and brutal forms of gender-based violence that breaches a person's physical, psychological and sexual integrity and bodily autonomy and has severe and lasting effects on survivors;

Recital D d (new)

Motion for a resolution

Amendment

D d. whereas gender-based violence severely limits women's and girls' participation in public life, access to justice, education and economic independence, and therefore constitutes a structural obstacle to the achievement of true gender equality; whereas victims of rape experience severe and long-lasting consequences, including social and economic consequences - such as loss of employment, financial dependence, housing instability and reduced participation in education or the workplace - which compound the effects of violence and entrench gender inequality;

Recital D e (new)

Motion for a resolution

Amendment

D e. whereas according to European Union Agency for Fundamental Rights (FRA), 17.2% of women in the EU have experienced sexual violence including rape and other unwanted sexual acts^{1a}, and one in 20 women has been raped [by

the use of force] since the age of 15^{1b}; whereas according to the FRA, violence against LGBTQ people has increased in the past years with trans women being disproportionately exposed to physical and sexual violence; whereas LGBTIQ+ persons also suffer sexual violence because of their gender, gender identity, gender expression and sex characteristics; whereas the annual estimated cost of gender-based violence in the EU is EUR 366 billion;

1a

https://fra.europa.eu/sites/default/files/fra_uploads/eu-gender_based_violence_survey_key_results.pdf

1b

https://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-at-a-glance-oct14_en.pdf

Recital E

Motion for a resolution

E. whereas the cross-border dimension of the offence of rape **results from** the special need to combat rape on a common basis within the European Union, with a number of key elements: the need to ensure a minimum level of protection for all women in all Member States, the need to ensure a minimum level of protection when women exercise their freedom of movement throughout the Union, and the need and obligation to align EU law with international standards such as the Istanbul Convention, which requires the criminalisation of rape on the basis of a lack of consent;

Amendment

E. whereas the cross-border dimension of the offence of rape **creates** the special need to combat rape on a common basis within the European Union **in order to ensure more consistent protection and equal access to justice for victims across all Member States**, with a number of key elements: the need to ensure a minimum level of protection for all women in all Member States, the need to ensure a minimum level of protection when women exercise their freedom of movement throughout the Union, **as the absence of harmonized definition of rape undermines victim's legal certainty and access to justice and may thus constitute a barrier to free movement**, and the need and obligation to align EU law with international standards such as the Istanbul Convention, which requires the

criminalisation of rape on the basis of a lack of consent;

Recital E a (new)

Motion for a resolution

Amendment

E a. whereas the current legal landscape and diversity of judicial interpretations across the EU remains fragmented, with diverging definitions of rape that do not always reflect international human rights standards or the Istanbul Convention's requirements on consent; whereas the lack of harmonised legal definitions across Member States, undermines the rights of victims, impedes cross-border cooperation, and contributes to impunity for perpetrators and lack of awareness of what constitutes an act of sexual violence; while several Member States still define rape based on the use of force or threat, thereby excluding many victims from legal protection; whereas that emphasizes the urgent need for an EU wide consent-based definition of rape; whereas introducing a common legal definition of rape based on lack of consent would facilitate improved police and judicial cooperation as well as data collection and data comparability on rape in the Union;

Recital F

Motion for a resolution

Amendment

F. whereas all Member States have signed the Istanbul Convention but five have yet to ratify it, **and** the EU acceded to the Convention in 2023 for areas under its exclusive competence;

F. whereas all Member States have signed the Istanbul Convention but five have yet to ratify it^{1a}; **whereas among these, only two have recently reformed their legislation to ascribe consent a central role in defining the crime of rape^{1b}; whereas since the entry into force of the Istanbul Convention, 16 EU Member States have amended their legislation to incorporate or make more explicit the notion of consent as a**

constitutive element of the crime of rape; whereas the EU acceded to the Convention in 2023 for areas under its exclusive competence; whereas the provision on a consent-based rape definition of the Istanbul Convention has been an important turning point for the legal reform, shifting from the traditional approach where the definition of rape implies the assumption of violence; whereas FRA in its Fundamental Rights Report 2025 states that EU Member States that have ratified the Istanbul Convention should criminalise sexual violence using consent-based definitions of rape and other forms of sexual violence^{1c};

^{1a} *Bulgaria, Czechia, Hungary, Lithuania and Slovakia*

^{1b} *Czechia and Bulgaria*

^{1c} *European Union Agency for Fundamental Rights, Fundamental Rights Report 2025, p. 77.*

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2025-fundamental-rights-report-2025_en.pdf

Recital F a (new)

Motion for a resolution

Amendment

F a. whereas the European Court of Human Rights (ECtHR) has played a pivotal role in shaping the modern understanding of rape under human rights law, notably through the landmark judgment in M.C. v. Bulgaria (2003), where the Court established the positive obligation of States to enact criminal law provisions to effectively investigate and punish rape, found that requiring proof of physical resistance from the victim risks leaving certain types of rape unpunished and fails to protect sexual autonomy as required under Articles 3 and 8 of the ECHR and held that these Articles require the penalisation and effective

prosecution of any non-consensual sexual act, including in the absence of physical resistance; whereas subsequent ECtHR cases, such as J.L. v. Italy (2021) and X. v. Cyprus (2025), have condemned the use of victim-blaming arguments and stereotypes in judicial proceedings, finding that such practices constitute a violation of the right to respect for private life under Article 8 ECHR, and perpetuate prejudice and hinder access to justice for survivors of sexual violence; whereas the ECtHR has established in H.W. v. France (2025) that any non-consensual sexual act constitutes a form of sexual violence; whereas the ECtHR in L. and Others v. France (2025) interpreted Articles 3 and 8 of the ECHR as requiring parties to the ECHR to have criminal-law systems capable of punishing non-consensual sex acts;

Recital F b (new)

Motion for a resolution

Amendment

F b. whereas the UN Handbook for Legislation on Violence against Women states that legislation must also provide for aggravating circumstances, including, for example, the age of the survivor, the relationship between the survivor and the perpetrator, the use or threat of physical violence, the presence of multiple perpetrators and grave physical or mental consequences of the attack on the victim. Further, States should: “Specifically criminalize sexual assault within a relationship (i.e. ‘marital rape’), either by: Providing that sexual assault provisions apply ‘irrespective of the nature of the relationship’ between the perpetrator and complainant; or Stating that ‘no marriage or other relationship shall constitute a defence to a charge of sexual assault under the legislation.’”;

Recital F c (new)

Motion for a resolution

Amendment

F c. whereas in September 2021 the Parliament adopted a resolution to identify gender-based violence as a new area of crime listed in Article 83(1) TFEU; whereas the resolution already called on Member States to amend the definitions of ‘rape’ in their national law so that they are based on the absence of consent, and stressed that gender-based violence is a serious violation of human rights and dignity and that rape is a form of gender-based violence;

Recital C

Motion for a resolution

Amendment

C. whereas Article 83 TFEU **is** applicable **as a** legal basis for legislative proposals regarding the offence of rape because rape is a serious crime with a cross-border dimension and falls within the area of crime of ‘sexual exploitation of women and children’;

C. whereas Article 83 TFEU **should be the** applicable legal basis for legislative proposals regarding the offence of rape because rape is a **particularly** serious crime with a cross-border dimension and falls within the area of crime of ‘sexual exploitation of women and children’;

Recital H

Motion for a resolution

Unchanged text included in the compromise

H. whereas the term ‘sexual exploitation’ in Article 83(1) TFEU is not limited to trafficking alone, as such a narrow interpretation would unjustly confine ‘trafficking in human beings and sexual exploitation of women and children’ to trafficking offences; whereas the wording and legislative practice, including Directive 2011/93/EU⁴, show that ‘sexual exploitation’ covers a broader range of offences, including sexual abuse; whereas sexual exploitation commonly refers to the unjust use of another person for sexual

H. whereas the term ‘sexual exploitation’ in Article 83(1) TFEU is not limited to trafficking alone, as such a narrow interpretation would unjustly confine ‘trafficking in human beings and sexual exploitation of women and children’ to trafficking offences; whereas the wording and legislative practice, including Directive 2011/93/EU⁴, show that ‘sexual exploitation’ covers a broader range of offences, including sexual abuse; whereas sexual exploitation commonly refers to the unjust use of another person for sexual

benefit, involving victim vulnerability,
which is central to the crime of rape;

benefit, involving victim vulnerability,
which is central to the crime of rape;

⁴ Directive 2011/93/EU of the European Parliament and of the Council of 13^oDecember 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1, ELI:
<http://data.europa.eu/eli/dir/2011/93/oj>).

⁴ Directive 2011/93/EU of the European Parliament and of the Council of 13^oDecember 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1, ELI:
<http://data.europa.eu/eli/dir/2011/93/oj>).

Recital G

Motion for a resolution

G. whereas Article 36 of the Istanbul Convention obliges the criminalisation of all non-consensual sexual acts and specifies that ‘consent must be given voluntarily as the result of the person’s free will assessed in the context of the surrounding circumstances’;

Amendment

G. whereas Article 36 of the Istanbul Convention obliges the criminalisation of all non-consensual sexual acts and specifies that ‘consent must be given voluntarily as the result of the person’s free will assessed in the context of the surrounding circumstances’; ***whereas this principle is consistent with rulings by the European Court of Human Rights and national case law;***

Recital G a (new)

Motion for a resolution

Amendment

G a. whereas consent is a voluntary agreement to engage in a particular sexual activity and can be revoked at any time;

Recital G b (new)

Motion for a resolution

Amendment

G b. whereas several Member States^{1a} and a number of other European countries^{1b} have already introduced consent-based definitions of rape in their criminal codes which resulted in more

efficient prevention, reporting, and prosecution of sexual abuse crimes and increased public awareness;

^{1a} Austria, Belgium, Croatia, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovenia, Spain and Sweden

^{1b} Iceland, Norway, Montenegro, Ukraine and the United Kingdom

Recital B

Motion for a resolution

B. whereas Parliament's position on the directive on violence against women and domestic violence was strongly in favour of including the offence of rape in the text, as in the Commission's proposal;

Amendment

B. whereas Parliament's position **and mandate** on the directive on violence against women and domestic violence was strongly in favour of including the offence of rape **on the basis of a lack of consent** in the text, as in the Commission's proposal; **whereas the Council, regrettably, was of the opinion that the criminalisation of rape should not be included in the Violence Against Women Directive;**

Recital B a (new)

Motion for a resolution

B a. **whereas the Commission proposal on violence against women and domestic violence included a proposal to criminalise rape recognising that 'sexual exploitation of women' includes rape; whereas this interpretation is consistent with the Treaties' commitment to equality between women and men; whereas therefore, Article 83(1) TFEU is an appropriate legal basis for establishing minimum EU rules on the definition of rape;**

Amendment

Recital B b (new)

B b. whereas survivors of rape are frequently asked about their lack of resistance to being sexually assaulted with perpetrators claiming victims passive agreement from the absence of resistance; whereas in a Swedish study 70% of victims of sexual violence reported significant tonic immobility also known as “freeze response”; whereas a reaction known as 'frozen fright' or 'tonic immobility', rather than active physical resistance to the perpetrator, is the most common response among survivors of rape; whereas lack of resistance or “freezing” is a common involuntary response and a survival reflex to threat that can result in immobility (fixed posture, loss of muscle tone, inability to make voluntary actions) and disassociation, where persons awareness is disconnected from disturbing and painful sensations and emotions arising in one’s body, and loss of sense of agency; whereas this reality cannot be ignored in order to ensure access to justice for survivors of rape and to promote a legal and social environment where rape is no longer tolerated;

Recital I

I. whereas factors such as coercion, force, threats, dependency, chemical submission, or structural and intersectional discrimination can create ***vulnerability and*** prevent free consent, which is key in rape cases; ***whereas the opinion of 31 October 2022 of the Council’s Legal Service on the Commission proposal on violence against women and domestic violence recognises that ‘sexual exploitation of women’ can autonomously include rape; whereas this interpretation is consistent with the Treaties’ commitment to equality***

I. whereas factors such as coercion, force, threats, ***financial and psychological*** dependency, ***physical or mental condition such as tonic immobility, freezing, surprise, state of fear, intimidation, unconsciousness, intoxication,*** chemical submission, ***sleep, illness, bodily injury, disability or other conditions or an otherwise particular vulnerable situation,*** or structural and intersectional discrimination can create ***vulnerabilities***

between women and men; whereas therefore, Article 83(1) TFEU is an appropriate legal basis for establishing minimum EU rules on the definition of rape;

and peril and can prevent free consent, which is key in rape cases;

Recital I a (new)

Motion for a resolution

Amendment

I a. whereas trauma from sexual assault can impact memory functioning, leading to fragmented or missing recalls of the events and distortions in time sequences, making it difficult to remember in which order did the events take place; whereas trauma resulting from rape is linked with other severe mental health and PTSD symptoms, including decreased concentration, anxiety, panic attacks, severe depression, flashbacks and nightmares;

Recital I b (new)

Motion for a resolution

Amendment

I b. whereas relying on material evidence of resistance, threats or violence perpetuates harmful rape myths and stereotypes about how victims are expected to behave, contributing to secondary victimisation, especially in cases where victims do not conform to socially constructed expectations of trauma, resistance or visible injury; whereas these practices contribute to distrust in the law enforcement and justice systems, subsequently leading to low-reporting rates and impunity;

Recital J

Motion for a resolution

Amendment

J. whereas shifting to a consent-based model of rape law is critical in

J. whereas sexual autonomy and bodily integrity are inviolable and

acknowledging that sexual autonomy and integrity can be violated in situations where there is no physical violence, such as where there are coercive dynamics or abuse of power;

therefore the purpose of consent-based rape legislation is to strengthen its protection; whereas shifting to a consent-based model of rape law is critical in acknowledging that sexual autonomy and integrity can be violated ***even*** in situations where there is no physical violence, such as where there are coercive dynamics or abuse of power;

Recital J a (new)

Motion for a resolution

Amendment

J a. whereas emphasising the importance of sexual autonomy aims to promote gender equality and, in particular, the fulfilment of the rights of women and girls; whereas consent-based rape legislation particularly underlines women's right to make decisions about themselves and their own bodies;

Recital J b (new)

Motion for a resolution

Amendment

J b. whereas consent should be central in legislation on rape; whereas consent-based rape legislation is also necessary in order to more effectively cover situations where the sexual act begins so abruptly that the victim has no opportunity to express their will or defend themselves before the act is initiated; whereas consent-based rape legislation is also essential to better address situations in which the victim is unable to oppose the act due to fear;

Recital J c (new)

Motion for a resolution

Amendment

J c. whereas evidence shows that most rapes are committed by acquaintances or intimate partners and occur indoors, yet

victims of such cases are often met with suspicion and disbelief within the criminal justice system, particularly in jurisdictions where outdated evidentiary requirements still apply, perpetuating the myths that rapes are typically committed by strangers in public places and that victims provoke or fabricate rape; whereas such myths are further reinforced by inadequate media portrayals, public discourse, and lack of public awareness;

Recital J d (new)

Motion for a resolution

Amendment

J d. whereas commonly accepted myths and beliefs around rape and sexual assault are detrimental to defining the crime of rape and pose further threats to survivors' well-being, willingness to report, protection from secondary victimisation, prosecution and access to justice; whereas these accepted beliefs and myths serve as one of the factors that help perpetuate the impunity surrounding rape and preclude the development of appropriate legislation;

Recital N

Motion for a resolution

Amendment

*N. whereas widespread impunity for rape contributes to **rape culture**; whereas **the provision of gender-sensitive, comprehensive and age-appropriate sexuality, consent and relationships education is a crucial tool in the prevention of rape**;*

*N. whereas sexual violence remains heavily underestimated and undermined as the great majority of sexual crimes remain undisclosed; whereas many reported rapes are never prosecuted, and from those that are prosecuted, the vast majority do not end in a conviction; whereas this reinforces women's lack of trust in the system, low reporting rates and perpetuates a societal sense of impunity, leading to the normalisation of sexual violence, including rape; whereas widespread impunity for rape contributes to **the prevalent complex of beliefs and***

social norms that encourage male sexual aggression and support violence against women, creating an environment in which sexual violence is normalized and justified through persistent gender inequalities and harmful attitudes about gender and sexuality; whereas lack of consequences for rape committed without physical violence is unacceptable; whereas consistent prosecution of all forms of rape is essential to maintain public confidence in justice systems and constitutes a key element in preventing sexual violence; whereas consent-based rape legislation is crucial in both reflecting and shifting the attitudes around sexual offences as well as raising awareness throughout the Union, and thereby ultimately reducing the number of sexual offences; whereas consent-based legislation can induce a paradigm shift towards the need to seek consent instead of lack of a clear opposition to a sexual act;

Recital N a (new)

Motion for a resolution

Amendment

N a. whereas the Explanatory Report to the Istanbul Convention, Article 36(2), further clarifies that prosecutions “will require a context-sensitive assessment of the evidence to establish on a case-by-case basis whether the victim has freely consented to the sexual act performed. Such an assessment must recognize the wide range of behavioural responses to sexual violence and rape which victims exhibit and shall not be based on assumptions of typical behaviour in such situations. It is equally important to ensure that interpretations of rape legislation and the prosecution of rape cases are not influenced by gender stereotypes and myths about male and female sexuality”;

Recital N b (new)

Motion for a resolution

Amendment

N b. whereas the UN CEDAW Committee, in its Communication No. 34/2011, urges states to revise rape legislation by removing requirements of force or proof of penetration and placing the absence of consent at the core of the offence, and in its General Recommendation No. 35, urges states to recognise gender-based violence as a form of discrimination and to adopt legal reforms that ensure the elimination of such violence, including by criminalising non-consensual sexual acts and supporting access to justice and services for all women and girls, particularly those facing intersecting forms of discrimination;

Recital N c (new)

Motion for a resolution

Amendment

N c. whereas gender equality and non-discrimination are core values of the EU fundamental rights and key principles of the European Pillar of Social Rights, and essential conditions for progress; whereas discrimination based on sex, gender and other grounds is prohibited under Article 21 of the Charter of Fundamental Rights of the EU;

Recital A

Motion for a resolution

Amendment

A. whereas intersectionality is an important guiding principle enshrined in EU ***primary law through the Charter of Fundamental Rights***; whereas women experience intersecting ***forms of*** discrimination;

A. whereas intersectionality is an important guiding principle enshrined in EU ***law*** whereas women experience intersecting ***inequalities and*** discrimination, ***including linked to their race, ethnic or social origin, sexual orientation, gender identities and expression, religion or belief, residence***

status, disability; whereas gender-based sexual violence is one of the most significant gender equality issues where real progress on gender equality can be made only by implementing an intersectional approach; whereas applying an intersectional analysis allows us to address structural barriers to gender equality, and provide evidence to create benchmarks and set a path towards strategic and effective policies against systemic discrimination, exclusion and social inequalities;

Recital A a (new)

Motion for a resolution

Amendment

A a. whereas given the structural nature of gender inequality and gender-based violence, consent may be given under conditions of coercion or social pressure, thus highlighting the need for an approach that incorporates not only individual autonomy but also social power dynamics, gender norms and the unequal distribution of agency between men and women;

Recital O

Motion for a resolution

Amendment

O. whereas *preventing sexual and gender-based violence requires an intersectional understanding of the multiple and overlapping forms of discrimination that affect women in all their diversity;*

O. whereas gender-based violence, *including sexual violence, is both a cause and a consequence of the structural inequalities and power asymmetries rooted in gender stereotypes and social norms; whereas addressing such violence requires challenging these norms and implementing comprehensive legal, social and educational reforms;*

Recital O a (new)

Motion for a resolution

Amendment

O a. whereas deeply rooted gender stereotypes related to women's sexuality and morality contribute to the prevalent complex of beliefs and social norms that encourage male sexual aggression and support violence against women, creating an environment in which sexual violence is normalized and justified through persistent gender inequalities and harmful attitudes about gender and sexuality; whereas that results in the stigmatisation and discriminatory treatment of certain women and other people, based on their transgression of gendered social and sexual norms or for not conforming to gender roles;

Recital O b (new)

Motion for a resolution

Amendment

O b. whereas rape, including elements possibly preceding the crime, such as grooming and online scams, can take place in cross-border contexts; whereas violence against women and girls occurs in both online and offline spaces, and includes technology-facilitated sexual violence, harassment, non-consensual sharing of intimate images, and coercive control; whereas such forms of abuse disproportionately affect women and marginalised groups, and remain insufficiently addressed in many national criminal law frameworks;

Recital M

Motion for a resolution

Amendment

M. whereas victims of rape need immediate and comprehensive medical care, including clinical management of rape, sexual and reproductive healthcare, **including** emergency contraception, post-exposure prophylaxis, treatment for sexually transmitted infections **and** access to safe and legal abortion, and trauma

M. whereas victims of rape need immediate, **multidisciplinary, accessible** and comprehensive medical care, including clinical management of rape, sexual and reproductive healthcare, **which includes** emergency contraception, post-exposure prophylaxis, treatment for sexually transmitted infections, **as well as** access to

support, and must also have the option of long-term support, including psychological counselling;

safe and legal abortion, and trauma support, and must **furthermore** also have the option of long-term support, including psychological counselling; **whereas access to certain essential health care services is not provided in some Member States;**

Recital K

Motion for a resolution

K. whereas the high prevalence of secondary victimisation shows the profound failure not only of justice systems, but also of outdated laws that are not based on consent, to provide survivors with access to justice⁵ ;

Amendment

K. whereas the high prevalence of secondary victimisation shows the profound failure, not only of justice systems, but also of outdated laws that are not based on consent, to provide survivors with access to justice⁵, **as evidenced by the low reporting among victims, and the lack of assistance in line with their needs, or availability of accessible procedures and conviction rates of rape cases that show the systematic deficiencies in the way law enforcement authorities and judicial systems address cases of rape, which in turn results in a widespread societal sense of impunity for the crime of rape and constitutes a serious impairment to gender equality;**

⁵ Council of Europe, Case of L. and Others v. France: Criminal-law system inadequate for the punishment of all non-consensual sexual acts, exposing rape victim to secondary victimisation, news article, 24 April 2025, <https://www.coe.int/en/web/istanbul-convention/-/case-of-l-and-others-v-france-criminal-law-system-inadequate-for-the-punishment-of-all-non-consensual-sexual-acts-exposing-rape-victim-to-secondary-victimisation>.

⁵ Council of Europe, Case of L. and Others v. France: Criminal-law system inadequate for the punishment of all non-consensual sexual acts, exposing rape victim to secondary victimisation, news article, 24 April 2025, <https://www.coe.int/en/web/istanbul-convention/-/case-of-l-and-others-v-france-criminal-law-system-inadequate-for-the-punishment-of-all-non-consensual-sexual-acts-exposing-rape-victim-to-secondary-victimisation>.

Recital K a (new)

Motion for a resolution

Amendment

K a. whereas secondary victimization occurs when the victim suffers further harm, not as a direct result of the criminal act of rape, but due to the manner in which institutions and other individuals deal with the victim; whereas secondary victimisation is caused by repeated exposure of the victim to the perpetrator, insensitive treatment, such as repeated interrogation about the same facts, victim-blaming attitudes, the use of inappropriate language or insensitive comments made by all those who come into contact with victims, by medical interventions, during legal proceedings, including prolonged legal proceedings, and other institutional processes; whereas secondary victimisation undermines victims' rights, access to justice and perpetuate their trauma, including PTSD, depression, anxiety, therefore hindering their recovery;

Recital L

Motion for a resolution

L. whereas the traumatic nature of rape requires a gender- and trauma-sensitive response by trained and specialised staff in law enforcement agencies and in the judiciary to avoid secondary victimisation;

Amendment

L. whereas the traumatic nature of rape ***and its long-term impact on the physical and psychological health, security, bodily integrity, well-being and social life of victims*** requires a gender- and trauma-sensitive, ***coordinated*** response by trained and specialised staff, ***particularly*** in law enforcement agencies and in the judiciary to ***address cases of rape and to*** avoid secondary victimisation; ***whereas the training of legal and law enforcement professionals remains nonhomogeneous and insufficient in some Member States; whereas the effective implementation of consent-based definitions of rape in law is critically dependent on the capacity of police officers, prosecutors, and judicial authorities to correctly interpret and apply these provisions, ensuring that the focus remains on the absence of freely given consent rather than solely on evidence of resistance or physical violence; whereas***

placing the burden on victims to prove a lack of consent reinforces harmful stereotypes about rape^{1a};

^{1a} Data source: Eurostat, Special Eurobarometer 544 on gender-based violence, 2024. 0% 5% 10% 15% 20% 25% 30% 35% 40% 45% 50% LU DE SE FR IT ES HR AT IE DK NL EU27 PT BE FI SI CY EL PL RO MT HU EE CZ SK LT LV B;

Recital L a (new)

Motion for a resolution

Amendment

L a. whereas comprehensive, consent-based sexuality and relationships education is essential to reduce misinformation and myths surrounding rape and sexuality, to address gender norms, and to prevent all forms of gender-based violence, including rape; whereas engaging men and boys in promoting gender equality, challenging harmful gender stereotypes, unhealthy and harmful models of masculinity, as well as questioning entitlement-based views of sex, is a crucial element of prevention efforts; whereas shifting to a consent-based culture is key to ensuring an environment of mutual respect and safety where healthy social interactions are at the centre; whereas the provision of gender-sensitive, comprehensive and age-appropriate sexuality, consent and relationships education is a crucial tool in the prevention of rape and sexual violence and to addressing the root causes;

Recital L b (new)

Motion for a resolution

Amendment

L b. whereas Sustainable Development Goal 5 of the 2030 Agenda for Sustainable Development calls for

achieving gender equality and empowering all women and girls, and SDG 16 for the promotion of peaceful and inclusive societies, access to justice and effective, accountable institutions;

Recital L c (new)

Motion for a resolution

Amendment

L c. whereas the UN 2030 Agenda for Sustainable Development and the principle of ‘leaving no one behind’, and in particular to Sustainable Development Goals 3, 4, 5, 10 and 16, which together call for the elimination of sexual violence, the achievement of gender equality, access to justice, inclusive education and respect, and the protection of all individuals’ physical and mental integrity;

Recital L d (new)

Motion for a resolution

Amendment

L d. whereas Member States’ shortcomings to address the structural, normative and factors that result in impunity for perpetrators are being challenged by marches, protests and civil society movements, such as the #MeToo movement, which are breaking the silence on rape and have been the drivers for legislative changes in some Member States; whereas examples of those include the case of the ‘Wolf Pack’ in Spain or Gisèle Pelicot in France, which highlighted the inadequacy of the so-called force-based definitions, not centred around consent;

Or. en