

Amendments to the directive of the European Parliament and of the Council on Combating violence against women and domestic violence



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In response to the draft report on the proposal for a directive of the European Parliament and of the Council on Combating violence against women and domestic violence (COM(2022)0105 – C9 0058/2022 – 2022/0066(COD)) put out jointly by the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality; and in addition to the [joint amendments prepared together with ILGA Europe, OII Europe, EL*C and IGLYO](#) and already shared, TGEU has the below amendments to propose.

The goal of these amendments is to strengthen the proposal to make it truly inclusive and protective of the most marginalised victims of gender-based violence in the EU.

The amendments are related to:

1. Ensuring explicit trans inclusion through inclusion of gender identity, gender expression and sex characteristics, as stand-alone grounds and through an inclusive interpretation of sex
 - Recital 3(a) – new, Recital 3(b) – new, Recital 11.
2. Ensuring provisions around shelters are not accidentally exclusive to trans and non-binary people
 - Article 32, Recital 53.
3. Amending language around sex work and removing the criminalisation of purchasing sexual services
 - Article 6(b), Article 6(c), Article 12 (2b), Article 27 (1) – ca, Article 29(b), Article 35 (1), Recital 4, Recital 16(b), Recital 46, Recital 56.
4. Criminalising intersex genital mutilation
 - Article 6(d), Article 12 (4), Article 15(3), Article 29 (c), Article 36(6), Article 37(2), Recital 4, Recital 46, Recital 50.
5. Clarifies that trans and intersex women and girls are also groups at heightened risk of forced sterilisation
 - Recital 16(a).

	Text as proposed in FEMM/LIBE draft report 13.12.22	Amendment
Recital 3(a) (new)		<p>(3 a) The Court of Justice of the European Union has held that the principle of equal treatment for men and women cannot be limited to the prohibition of discrimination based on the fact that a person is of one or other sex. In view of the purpose and the nature of the rights which this directive seeks to safeguard, it also applies to criminal offences in relation to sexual exploitation arising from the person's gender identity and gender expression.</p>
<p>Justification: This text seeks to allow a broader legal understanding of the term 'sex', in view of internal consistency of EU law and an evolving international understanding of the specific discrimination trans people are facing. It should be considered together with the following recital. The wording was almost entirely included in text agreed as a result of the trilogues for the Pay Transparency Directive. It is slightly modified.</p>		
Recital 3(b) (new)		<p>(3 b) This Directive applies a human rights-oriented approach that seeks to protect persons from criminal offences in relation to their sexual exploitation irrespective of their sex, gender, gender identity, gender expression or sex characteristics and therefore interprets its legal basis, namely protection from sexual exploitation on the grounds of sex, in order to foster gender equality and encompass women and girls in all their diversity.</p>

Justification: To be read in conjunction with previous recital. Also reflects language agreed to in Pay Transparency text.

<p>Recital 4</p>	<p>This Directive should apply to criminal conduct which amounts to violence against women or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape, negligent rape, female genital mutilation, forced sterilisation, sexual exploitation through the prostitution of others, the purchase of sexual acts, the non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment, cyber incitement to violence or hatred and criminal conduct covered by other Union instruments, in particular Directives 2011/36/EU36 and 2011/93/EU37 of the European Parliament and of the Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of violence against women. This includes crimes such as femicide, sexual harassment, sexual abuse, stalking, early and forced marriage, forced abortion and different forms of cyber violence, such as online sexual harassment, cyber bullying or the unsolicited receipt of sexually explicit material. Domestic violence is a form of violence which may be specifically criminalised under national law or covered by criminal offences which are committed within the family or</p>	<p>This Directive should apply to criminal conduct which amounts to violence against women or domestic violence, as criminalised under Union or national law. This includes the criminal offences defined in this Directive, namely rape, negligent rape, female genital mutilation, intersex genital mutilation, forced sterilisation, forced sexual services, the non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment, cyber incitement to violence or hatred and criminal conduct covered by other Union instruments, in particular Directives 2011/36/EU36 and 2011/93/EU37 of the European Parliament and of the Council, which define criminal offences concerning the sexual exploitation of children and trafficking of human beings for the purpose of sexual exploitation. Lastly, certain criminal offences under national law fall under the definition of violence against women. This includes crimes such as femicide, sexual harassment, sexual abuse, stalking, early and forced marriage, forced abortion and different forms of cyber violence, such as online sexual harassment, cyber bullying or the unsolicited receipt of sexually explicit material. Domestic violence is a form of violence which may be specifically criminalised under national law or covered by criminal offences which are committed within the family or</p>
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	domestic unit or between former or current spouses <i>or partners</i> .	domestic unit or between former or current spouses or partners.
<p>Justification: It harmonises the recital with the introduction of Article 6(d) (new) on IGM and improves the language around sexual services to ensure consensual sex work is not conflated with forced provision of sexual services. It also removes the reference to criminalisation of the purchase of sex acts, to harmonise with the deletion of Article 6(c). See justifications for these two articles, below.</p>		

Recital 11

Violence against women and domestic violence can be exacerbated where it intersects with discrimination based on sex and other grounds of discrimination prohibited by Union law, namely nationality, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Member States should therefore pay due regard to victims affected by such intersectional discrimination, through providing specific measures where intersecting forms of discrimination are present. In particular, lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) women, women with disabilities and women with a minority racial or ethnic background are at a heightened risk of experiencing gender-based violence. *For example, acts of gender-based violence which seek to punish victims for their sexual orientation, gender expression or gender identity, such as so-called “corrective rape”, should be given particular attention.*

Violence against women and domestic violence can be exacerbated where it intersects with discrimination based on sex, and other grounds of discrimination prohibited by Union law, such as nationality, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, **and gender identity, gender expression and sex characteristics**. Member States should therefore pay due regard to victims affected by such intersectional discrimination, through providing specific measures where intersecting forms of discrimination are present. In particular, lesbian, bisexual, trans, non-binary, intersex and queer (LBTIQ) women, women with disabilities and women with a minority racial or ethnic background are at a heightened risk of experiencing gender-based violence **and domestic violence**.

For example, acts of gender-based violence which seek to punish victims for their sexual orientation, gender expression, gender identity or sex characteristics, such as so-called “corrective rape”, should be given particular attention.

Justification: The protective grounds sexual orientation, gender identity, gender expression, and sex characteristics find their legal basis in art. 21 of the Charter, which contains an open-ended list of grounds, and in article 19 TFEU, whose ground “sex” has been interpreted broadly by the CJEU. The recent position adopted by the EP on the Pay Transparency Directive seeks to protect persons from discrimination based on all the above grounds and “interprets its legal basis, discrimination on the grounds of sex, in the broadest and most inclusive way”¹. The explicit inclusion of SOGIESC as grounds under which a victim may be at greater risk of violence and need special protection, is needed to ensure legal certainty for all LGBTI people, including LBTI and gender nonconforming women, as well as to women affected by other multiple biases. This will better enable an intersectional approach. Using these grounds also better reflects the legal terms already used by Member States, which eases national-level transposition, and ensures coherence with the Victims’ Rights Directive.

¹ https://www.europarl.europa.eu/doceo/document/A-9-2022-0056_EN.html

<p>Recital 16 (a)</p>	<p><i>Forced sterilisation is a harmful and exploitative practice that removes the ability of victims to sexually reproduce and that is performed for the purpose of exerting social control over victims. It is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over women's and girls' sexuality. Roma women and girls, women and girls with disabilities, including, in particular, intellectual and psychosocial disabilities, and women and girls living in institutions have been particularly at risk of forced sterilisation. The provision on forced sterilisation set out in this Directive does not cover medical interventions or surgical procedures which are carried out, for example, with the purpose of assisting a woman by saving her life.</i></p>	<p><i>Forced sterilisation is a harmful and exploitative practice that removes the ability of victims to sexually reproduce and that is performed for the purpose of exerting social control over victims. It is performed for the purpose of preserving and asserting domination over women and girls and exerting social control over women's and girls' sexuality. Roma women and girls, trans and intersex women and girls, women and girls with disabilities, including, in particular, intellectual and psychosocial disabilities, and women and girls living in institutions have been particularly at risk of forced sterilisation. The provision on forced sterilisation set out in this Directive does not cover medical interventions or surgical procedures which are carried out, for example, with the purpose of assisting a woman by saving her life or with informed consent of a person.</i></p>
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Justification: In four EU Member States - Czechia, Latvia, Finland, Romania - and in many others until recently, trans people must undergo sterilisation to be able to change their identity documents to match their gender identity (called 'legal gender recognition'). This can be an explicit requirement to prove sterility or a requirement to undergo surgery with high chance of leading to sterility; it can also take the form of an implicit requirement to access legal gender recognition. Making this risk to trans women and girls visible in the Recital is important. It also clarifies that some trans women may choose to undergo gender affirming medical treatments that might cause sterilisation with formally informed consent and that forced sterilisation does not refer to this situation.

<p>Recital 16(b)</p>	<p><i>Sexual exploitation through the prostitution of others is a form of sexual exploitation which has already been recognised as an offence in legal acts of the Union, namely Directives 2011/36/EU and 2011/93/EU. Sexual exploitation through the prostitution of others is a gross violation of a person's right to bodily integrity and implies that both a person and their consent to sexual activity can be purchased for a given sum. Considering the prevalence of prostitution in our societies, fuelled by the trafficking trade, and the difference in law between the Member States, the offence of sexual exploitation through the prostitution of others has a clear cross border dimension, resulting in a need to combat that widespread violence against women on a common basis, which will ensure equal protection throughout the Union.</i></p>	<p>Forced sexual service refer to situations in which individuals, in particular women, are compelled or coerced into providing sexual services against their will. This can include but not limited to forced prostitution, sex trafficking, sexual slavery, and other forms of sexual exploitation. Women in forced sexual services may be deceived, threatened, or otherwise forced into the sex trade, and may not have the freedom to leave or choose their own working conditions. They also often face physical and emotional abuse and may be at a higher risk for health problems and violence. This type of exploitation is a violation of human rights and should be combated through coordination among Member States. Considering the prevalence of forced sexual services in our societies, fuelled by the trafficking trade, and the difference in law between the Member States, the offence of forced sexual service has a clear cross border dimension, resulting in a need to combat that widespread violence against women on a common basis, which will ensure equal protection throughout the Union.</p>
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Recital 16(c) - new

In order to address the severe and long-lasting physical and psychological impairments of intersex genital mutilation performed on persons with variations of sex characteristics, also known as intersex persons, this offence should be specifically and adequately addressed in the criminal laws. Non-vital, non-consensual procedures and treatments performed on intersex children assigned female, such as labiaplasties, vaginoplasties, gonadectomies, clitoral “recession” and other forms of clitoral cutting or removal, are specifically based on sexist and misogynistic beliefs aimed at exerting control over the intersex girls’ and women’s physical appearance and sexuality. The term capacity to provide consent shall be interpreted as the ability to understand the facts, assess the risks and benefits and weigh up the short- and long-term consequences of the possible choices and make a decision. Member States shall ensure that a minor is deemed capable of providing consent only if all the elements above are assessed to be in place. The term hormonal treatments shall be understood as any non-consensual treatments aimed at altering the sex characteristics of the person; it excludes consensual gender affirming hormonal treatments or access to hormone blockers.

Justification: IGM is a harmful practice which entails surgical and medical procedures, or hormonal treatments on the sex characteristics of an intersex person, often performed at a very early age, without the person's free, personal, prior and fully informed consent. This recital emphasises the specific impact on women and girls and highlights that particularly young intersex persons are vulnerable to being subjected to IGM, due to their age, social stigma and the discrimination they face. It makes clear that consensual hormonal treatments such as those sought by some trans people to affirm their gender identity are not included here.

Recital 46

Specialised support services should provide support to victims of all forms of violence against women and domestic violence, including sexual violence, ***sexual exploitation through the prostitution of others, the purchase of sexual acts***, female genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence.

Specialised support services should provide support to victims of all forms of violence against women and domestic violence, including sexual violence, ***forced sexual services***, female genital mutilation, ***intersex genital mutilation***, forced marriage, forced abortion and sterilisation, sexual harassment and of various forms of cyber violence.

Justification: This ensures that specialised support services are extended to victims of IGM, which is a form of gender-based violence like FGM and other harmful practices. It also harmonises language around forced sexual services with Article 6(b) and Recital 4.

Recital 50

The traumatic nature of sexual violence, including rape, requires a particularly sensitive response by trained and specialised staff. Victims of this type of violence need immediate, ***comprehensive and long-lasting*** medical care, ***including sexual and reproductive healthcare as part of the clinical management of rape, emergency contraception, post-exposure prophylaxis and safe and legal abortion***, and trauma support combined with immediate forensic examinations to collect the evidence needed for prosecution. Rape crisis centres or sexual violence referral centres should be available in sufficient numbers and

The traumatic nature of sexual violence, including rape, requires a particularly sensitive response by trained and specialised staff. Victims of this type of violence need immediate, ***comprehensive and long-lasting*** medical care, ***including sexual and reproductive healthcare as part of the clinical management of rape, emergency contraception, post-exposure prophylaxis and safe and legal abortion***, and trauma support combined with immediate forensic examinations to collect the evidence needed for prosecution. Rape crisis centres or sexual violence referral centres should be available in sufficient numbers

	adequately spread over the territory of each Member State. Similarly, victims of female genital mutilation, who are often girls, typically are in need of targeted support. Therefore, Member States should ensure they provide dedicated support tailored to these victims.	and adequately spread over the territory of each Member State. Similarly, victims of female genital mutilation, who are often girls, and intersex genital mutilation , typically are in need of targeted support. Therefore, Member States should ensure they provide dedicated support tailored to these victims.
Justification: It ensures that specialised support services are extended to victims of IGM, which is a form of gender-based violence like FGM and other harmful practices		
Recital 53	Shelters play a vital role in protecting victims from acts of violence. Beyond providing a safe place to stay, shelters should provide the necessary support concerning interlocking problems related to victims' health, financial situation and the well-being of their children, ultimately preparing victims for an autonomous life. Member States should ensure the availability of sufficient dedicated domestic violence shelters, with an adequate geographical distribution. A variety of different models should be made available, including single-sex shelters, thereby ensuring maximum flexibility for victims. Shelters should always be available free of charge for the victim.	Shelters play a vital role in protecting victims from acts of violence. Beyond providing a safe place to stay, shelters should provide the necessary support concerning interlocking problems related to victims' health, financial situation and the well-being of their children, ultimately preparing victims for an autonomous life. Member States should ensure the availability of sufficient dedicated domestic violence shelters, with an adequate geographical distribution. A variety of different models should be made available, including gender-based (alternative option – single-gender) shelters, thereby ensuring maximum flexibility for victims. Shelters should always be available free of charge for the victim and provided without discrimination on account of any ground.
Justification: aligning language with Article 32. The non-discrimination clause supports the protection of trans women from being excluded from accessing women's shelters. It also ensures that shelters cannot limit access based on any other ground.		
Recital 56	Victims with specific needs and groups at risk of violence	Victims with specific needs and groups at risk of violence

	<p>against women or domestic violence, such as women with disabilities, women with dependant residence status or permit, undocumented migrant women, women applicants for international protection, women fleeing armed conflict, women affected by homelessness, with a minority racial or ethnic background, living in rural areas, women in prostitution, detainees, or older women, LBTIQ+ women should receive specific protection, medical care and support.</p>	<p>against women or domestic violence, such as women with disabilities, women with dependant residence status or permit, undocumented migrant women, women applicants for international protection, women fleeing armed conflict, women affected by homelessness, with a minority racial or ethnic background, living in rural areas, women sex workers (alternative - women selling sexual services), detainees, or older women, LBTIQ+ women should receive specific protection, medical care and support.</p>
<p>Quoting from the letter linked in the justification under amendment to Article 6(b) below, “This term has strong connotations of criminality and immorality and it is perceived by the sex working community as a demeaning and stigmatising term, which contributes to further exclusion and marginalisation.” “Women sex workers” is a more accurate and appropriate term and advocated for by the European Sex Workers’ Rights Alliance.</p>		
<p>Article 6(b)</p>	<p><i>Sexual exploitation through the prostitution of others</i></p> <p><i>Member States shall ensure that the following intentional conduct is punishable as a criminal offence:</i></p> <p><i>a) procuring, hiring, or enticing another person for the purposes of prostitution;</i></p> <p><i>b) obtaining any profit from the prostitution of another person</i></p>	<p><i>Forced sexual service</i></p> <p><i>Member States shall ensure that it is punishable as a criminal offense provision of all sexual service, which is exacted from any person under the menace of any penalty and for which the said person has not offered herself voluntarily.</i></p>
<p>Justification: This language reflects what has been called for by the European Sex Workers Rights Alliance, supported by the Coalition on Sex Workers’ Rights and Inclusion. Reference: https://www.eswalliance.org/open-letter-of-coalition-on-sex-workers-rights-and-inclusion-to-members-of-the-european-parliament-re-vaw-report-and-prostitution-report</p>		

<p>Article 6(c)</p>	<p>Purchase of sexual acts</p> <p>Member States shall ensure that it is punishable as a criminal offence to intentionally solicit, accept or obtain a sexual act from a person, in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such a benefit.</p>	<p>[deleted]</p>
<p>Justification: Quoting from the letter linked in the justification under amendment to Article 6(b) above, “criminalising adult, voluntary, and consensual sex – including the commercial exchange of sexual services – is incompatible with the human rights to personal autonomy, dignity and privacy. Denying a particular group of women agency is not only utterly patriarchal, but it is also in opposition to the goal of the Directive which aims to strengthen the right of women to give or withhold consent.”</p>		
<p>Article 6 (d) (new)</p>		<p>Intersex Genital Mutilation</p> <p>Member States shall ensure that the following intentional conduct is punishable as a criminal offence:</p> <p>1) Performing any surgical or medical procedure or hormonal treatment on the sex characteristics of a person with variations of sex characteristics, with the purpose or effect of altering such characteristics so that they align with those considered typically female or male:</p> <p>a. In the case the person referred to in point 1) has the capacity to provide consent to the procedure or treatment, if the person does not provide informed consent</p> <p>b. In the case the person referred to in point</p>

		<p>1) does not have the capacity to provide consent to the procedure or treatment, unless an urgent procedure or treatment is undertaken on reasonable grounds to save the person's life; or prevent serious damage to the person's physical health</p> <p>2) Coercing a person with variations of sex characteristics to undergo any of the procedures or treatments referred to in point 1), or coercing the person holding parental responsibility to authorise any of the procedures referred to in point 1).</p>
<p>Justification: IGM is a form of gender-based violence and amounts to “sexual exploitation of women and children” (83(1) TFEU). Similarly to FGM, it is an exploitative practice rooted in harmful gender stereotypes and misogynistic beliefs which seeks to exert control over women and girls’ sexuality and their physical appearance. Its exploitative character is exacerbated by the vulnerability of intersex children due to their young age and the social stigma still rooted in society. The language of this proposal has been agreed with OII Europe, the European umbrella intersex organisation.</p>		
<p>Article 12 (2b)</p>	<p>2b. Member States shall ensure that the criminal offence referred to in Article 6c is punishable by a maximum penalty of at least 1 year of imprisonment</p>	<p>[deleted]</p>
<p>Justification: harmonises with removal of Article 6 (c), justified above.</p>		

Article 12 (4)	4. Member States shall ensure that the criminal offences referred to in Articles 6 and 6a are punishable by a maximum penalty of at least 5 years of imprisonment and at least 7 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.	4. Member States shall ensure that the criminal offences referred to in Articles 6, 6a and 6d are punishable by a maximum penalty of at least 5 years of imprisonment and at least 7 years of imprisonment if the offence was committed under aggravating circumstances referred to in Article 13.
Justification: Referring to Article 6 (d) on IGM, it ensures harmonisation with the penalties laid out for other similar offences such as FGM and forced sterilisation, also based on the similarities that such harmful practices share.		
Article 15 (3)	3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Articles 5a, 6, 6a and 6c of at least 10 years from the time when the offence was committed.	3. Member States shall take the necessary measures to provide for a limitation period for criminal offences referred to in Articles 5a, 6, 6a, 6c and 6d of at least 10 years from the time when the offence was committed.
Justification: This ensures harmonisation of the measures laid out to establish the limitation period for the offence of IGM, with those of similar offences such as FGM and forced sterilisation, also based on the similarities that such harmful practices share.		
Article 27(1) – point c a	(ca) support to victims of sexual exploitation through the provision of social and exit services.	(ca) support to victims of forced sexual service through the provision of emergency shelter and safe housing, counselling and therapy, medical care and legal assistance .

<p>Article 29b</p>	<p><i>Specialist support for victims of sexual exploitation through prostitution and victims of purchase of sexual acts</i></p> <p>1. <i>Member States shall ensure that victims of prostitution are provided with effective and appropriate support, including rehabilitation, exit programmes, socio-economic integration and access to healthcare services such as sexual and reproductive healthcare, emergency contraception, and screening and post-exposure prophylaxis for sexually transmitted infections.</i></p> <p>2. <i>Article 27(3) and (6) and Article 28(2) shall apply mutatis mutandis to the provision of support to victims of sexual exploitation through prostitution and victims of purchase of sexual acts referred to in paragraph 1 of this Article.</i></p>	<p>Specialist support for victims of forced sexual services</p> <p>1. Member States shall ensure that victims of forced sexual services are provided with effective and appropriate support, including rehabilitation, socio-economic integration and access to healthcare services such as sexual and reproductive healthcare, emergency contraception, and screening and post-exposure prophylaxis for sexually transmitted infections.</p> <p>2. Article 27(3) and (6) and Article 28(2) shall apply mutatis mutandis to the provision of support to victims of forced sexual services referred to in paragraph 1 of this Article.</p>
<p>Article 29c (new)</p>		<p>Specialist support for victims of intersex genital mutilation</p> <p>1. Member States shall ensure that victims of intersex genital mutilation are provided with effective support, including gynaecological, psycho-social, psychological and trauma care and counselling tailored to the specific needs of such victims, after the offence has been committed and for as long as necessary thereafter. This shall also include access to treatment and medications needed as a</p>

		<p>consequence of intersex genital mutilation.</p> <p>2. Article 27(3) and (6) and Article 28(2) shall apply mutatis mutandis to the provision of support to victims of intersex genital mutilation referred to in paragraph 1 of this Article.</p>
<p>Justification: Ensures that IGM victims are provided with holistic support, related to the physical and psychological consequences of IGM, including psychosocial counselling. It ensures harmonisation with other provisions setting out support measures and that all victims of GBV are able to access the care they need, in order to recover.</p>		
<p>Article 32</p>	<p>1. The shelters and other appropriate interim accommodation as provided for in Article 9(3), point (a), of Directive 2012/29/EU shall be accessible to all victims of violence against women and domestic violence. Such shelters and other appropriate interim accommodation shall, in particular, address the specific needs of women victims of domestic violence, sexual exploitation and sexual violence, including by ensuring that there is access to single-sex shelters. They shall assist them in their recovery by providing safe, adequate and appropriate living conditions with a view on a return to independent living and by providing necessary support services such as referral for further medical care.</p>	<p>1. The shelters and other appropriate interim accommodation as provided for in Article 9(3), point (a), of Directive 2012/29/EU shall be accessible to all victims of violence against women and domestic violence. Such shelters and other appropriate interim accommodation shall, in particular, address the specific needs of women victims of domestic violence, sexual exploitation and sexual violence, including by ensuring that there is access to gender-based (alternative - single-gender) shelters. They shall assist them in their recovery by providing safe, adequate and appropriate living conditions with a view on a return to independent living and by providing necessary support services</p>

		<p><i>such as referral for further medical care.</i></p>
<p>Justification: The language “single-sex shelters” is problematic as it potentially allows for discrimination against trans women, excluding them from access women’s shelters. This is something that already occurs across the EU at an alarming rate and that prevents trans women from accessing their rights and being protected as victims of violence. TGEU’s recommendation is “gender-based” shelters, as this encourages the provision of shelters that are specifically focused on all victims of gender-based violence, including trans men and non-binary people, while still allowing the provision of women’s-only shelters where desired, which is important. “Single-gender” is a second-best option, however still has the potential to be used as a tool to exclude trans women. The non-discrimination clause added to Recital 53 is an essential complement to this Article.</p>		
<p>Article 35(1)</p>	<p>1. Member States shall ensure the provision of specific support to victims at an increased risk of violence against women or domestic violence by virtue of intersectional characteristics, such as women with disabilities, women living in rural areas, women with dependant residence status or permit, undocumented migrant women, women applying for international protection, women fleeing from armed conflict, women affected by homelessness, women with a minority, racial or ethnic background, LBTIQ+ women, women in prostitution, victims of</p>	<p>1. Member States shall ensure the provision of specific support to victims at an increased risk of violence against women or domestic violence by virtue of intersectional characteristics, such as women with disabilities, women living in rural areas, women with dependant residence status or permit, undocumented migrant women, women applying for international</p>

	<p><i>so-called "honour crimes", women detainees, or older women.</i></p>	<p>protection, women fleeing from armed conflict, women affected by homelessness, women with a minority, racial or ethnic background, LBTIQ+ women, women sex workers (alternative - women selling sexual services), victims of so-called "honour crimes", women detainees, or older women.</p>
<p>Article 36(6)</p>	<p>Preventive measures shall develop and/or increase sensitivity about the harmful practice of female genital mutilation.</p>	<p>Preventive measures shall develop and/or increase sensitivity about female genital mutilation, intersex genital mutilation, and other harmful practices.</p>
<p>Justification: Ensures that preventative measures implemented by Member States include targeted measures to increase the knowledge and sensitivity among professionals and the general public about the practice of IGM, which is a form of GBV like FGM and other harmful practices.</p>		
<p>Article 37(2)</p>	<p>Relevant health professionals, including paediatricians, gynaecologists, midwives and psychological support staff, shall receive targeted training to identify and address, in a cultural-sensitive manner, the physical, psychological and sexual consequences of female genital mutilation, forced sterilisation, so-called "honour crimes" and other harmful practices.</p>	<p>Relevant health professionals, including paediatricians, gynaecologists, midwives and psychological support staff, shall receive targeted training to identify and address, in a cultural-sensitive manner, the physical, psychological and sexual consequences of female genital mutilation, intersex genital mutilation, forced sterilisation, so-called "honour crimes" and other harmful practices.</p>

Justification: It ensures that adequate training is provided to professionals that are likely to come into contact with victims, or potential victims, of IGM, since knowledge about intersex variations and intersex people's needs and rights is still very poor.