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TEXTS ADOPTED

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**P10\_TA(2026)0120**

**Importance of consent-based rape legislation in the EU**

**European Parliament resolution of 28 April 2026 on the importance of consent-based rape legislation in the EU (2025/2040(INI))**

*The European Parliament,*

- having regard to Article 2 and Article 3(2) and (3) of the Treaty on European Union, to Articles 8, 10 and 19 of the Treaty on the Functioning of the European Union (TFEU) and to Articles 83(1) and 82(2) TFEU, which addresses the mutual recognition of judgments and police and judicial cooperation,
- having regard to Article 83(1) 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,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 21 thereof, which prohibits discrimination, Article 45 thereof, which establishes the right to freedom of movement, and Article 47 thereof, which establishes the right to a fair trial,
- having regard to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), which the EU ratified in 2023, in particular Article 36 thereof, which requires the criminalisation of non-consensual sexual acts, and to the country monitoring reports by the Group of Experts on Action against Violence against Women and Domestic Violence,
- 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 the second general report on the activities of the Group of Experts on Action against Violence against Women and Domestic Violence, published in April 2021,
- having regard to Recommendation Rec (2002) 5 of 30 April 2002 of the Council of Europe Committee of Ministers on the protection of women against violence, which

- urges the member states of the Council of Europe to penalise any sexual act committed against non-consenting persons, even if they do not show signs of resistance,
- 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 violence<sup>1</sup>,
  - 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/JHA<sup>2</sup> (Victims' Rights Directive), which provides a framework for victim-centred justice, including in cases of sexual violence,
  - 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 (COM(2024)0060), which includes a definition of a non-consensual act, and to Parliament's position of 17 June 2025 on this proposal<sup>3</sup>,
  - having regard to the European 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) TFEU<sup>4</sup>,
  - 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,
  - 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<sup>5</sup>,
  - having regard to the judgment of the European Court of Human Rights (ECtHR) of 4 December 2003 in *MC v Bulgaria* (Application No 39272/98), in which the ECtHR 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 of the European Convention on Human Rights (ECHR) require the penalisation and effective prosecution of any non-consensual sexual act, including in the absence of physical resistance,
  - having regard to the judgment of the ECtHR of 27 May 2021 in *JL v Italy* (Application No 5671/16), 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,

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

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

<sup>3</sup> Texts adopted, P10\_TA(2025)0116.

<sup>4</sup> OJ C 117, 11.3.2022, p. 88.

<sup>5</sup> OJ C 283, 11.8.2023, p. 149.

- having regard to the Yogyakarta Principles, adopted in November 2006, and the Yogyakarta Principles Plus 10, adopted in November 2017,
- having regard to the surveys and reports produced by the EU Agency for Fundamental Rights (FRA) and the European Institute for Gender Equality (EIGE), such as the survey of 2014 on violence against women and, in particular 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<sup>6</sup>, and the 2024 report on LGBTIQ+ people in Europe,
- having regard to the FRA report of 10 June 2025 entitled ‘Fundamental Rights Report 2025’, in particular to FRA Opinion 2 on effectively protecting women victims of violence <sup>7</sup>,
- having regard to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,
- having regard to the UN declaration of 15 September 1995 entitled ‘Beijing Declaration and Platform for Action’ and to the outcomes of the review conferences thereon,
- 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,
- having regard to the UN 2030 Agenda for Sustainable Development and to the principle of ‘leaving no one behind’ enshrined therein, and in particular to Sustainable Development Goals (SDGs) 3, 4, 5, 10 and 16,
- having regard to Communication No 34/2011 of 21 February 2014 of the UN Committee on the Elimination of Discrimination against Women, which urges states to revise rape legislation by removing requirements relating to force or proof of penetration and placing the absence of consent at the core of the offence,
- having regard to the Rome Statute of the International Criminal Court, and in particular to 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,
- having regard to the report of the Special Rapporteur on violence against women, its causes and consequences of 19 April 2021 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’, which was submitted to the 47th session of the UN Human Rights Council, as well as to the accompanying framework for legislation on rape,

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<sup>6</sup> FRA, EIGE and Eurostat, *EU gender-based violence survey – Key results: Experiences of women in the EU-27*, Publications Office of the European Union, Luxembourg, 2024, p.14.

<sup>7</sup> FRA, *Fundamental Rights Report 2025*, Publications Office of the European Union, Luxembourg, 2025, p.77.

- having regard to Rule 55 of its Rules of Procedure,
  - 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,
  - 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 (A10-0047/2026),
- A. 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 the 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;
  - B. whereas according to the ECtHR, 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 individuals’ sexual autonomy;
  - C. whereas rape is a violation of a range of human rights, including the right to bodily integrity, the rights to autonomy and 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, the right to liberty and personal security, the right to equality within the family and before the law regardless of gender and gender identity, and the right to be free from discrimination, torture and other ill treatment, among others;
  - D. whereas gender-based violence remains one of the most pervasive and under-reported 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, breaching individuals’ physical, psychological and sexual integrity and bodily autonomy and having severe and lasting effects on survivors;
  - E. whereas gender-based violence severely limits women’s and girls’ participation in public life and their 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 in the workplace, which compound the effects of violence and entrench gender inequality;
  - F. whereas according to FRA and EIGE, 17,2 % of women in the EU have experienced sexual violence, including rape and other unwanted sexual acts, and 1 in 20 women has

been raped, with use of force, since the age of 15<sup>8</sup>; whereas according to FRA, violence against LGBTIQ+ people has increased in recent 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;

- G. whereas the cross-border dimension of the offence of rape creates a special need to combat rape on a common basis within the EU 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 a harmonised definition of rape undermines victims' 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;
- H. whereas the current legal landscape in the EU remains fragmented, with diverse judicial interpretations and diverging definitions of rape that do not always reflect international human rights standards or the Istanbul Convention's requirements regarding consent; whereas the lack of harmonised legal definitions across Member States undermines victims' rights, impedes cross-border cooperation, and contributes to impunity for perpetrators and a lack of awareness of what constitutes an act of sexual violence; while several Member States still define rape on the basis of the use of force or threat, thereby excluding many victims from legal protection; whereas this underscores the urgent need for an EU-wide consent-based definition of rape; whereas introducing a common legal definition of rape that is based on lack of consent would help to improve police and judicial cooperation and enhance the collection and comparability of data on rape in the EU;
- I. whereas all the Member States have signed the Istanbul Convention but five have yet to ratify it<sup>9</sup>; whereas of these, only two have recently reformed their legislation to give consent a central role in defining the crime of rape<sup>10</sup>; whereas since the entry into force of the Istanbul Convention, 16 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 Istanbul Convention's provision on a consent-based definition of rape has been a turning point for legal reform, marking a shift from the traditional approach whereby the definition of rape implies the assumption of violence; whereas in its Fundamental Rights Report 2025, the FRA states that the Member States that have ratified the Istanbul Convention should criminalise sexual violence using consent-based definitions of rape and other forms of sexual violence;
- J. whereas the ECtHR has played a pivotal role in shaping the modern understanding of rape under human rights law, notably through its 2003 landmark judgment in *MC v*

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<sup>8</sup> FRA and EIGE, Violence against women: an EU-wide survey – Results at a glance, Publications Office of the European Union, Luxembourg, 2014, p. 20.

<sup>9</sup> Bulgaria, Czechia, Hungary, Lithuania and Slovakia.

<sup>10</sup> Bulgaria and Czechia.

*Bulgaria*, where it 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 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 judgments, such as those handed down in *JL v Italy* (2021) and *X v Cyprus* (2025)<sup>11</sup>, 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 established, in its judgment in *HW v France*<sup>12</sup>, that any non-consensual sexual act constitutes a form of sexual violence; whereas in its judgment in *L and Others v France*<sup>13</sup>, the ECtHR interpreted Articles 3 and 8 ECHR as requiring parties to the ECHR to have criminal law systems capable of punishing non-consensual sexual acts;

- K. whereas the UN Handbook for Legislation on Violence against Women states that legislation must 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; whereas the handbook further states that legislation 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”’;
- L. whereas on 16 September 2021, Parliament adopted a resolution on identifying gender-based violence as a new area of crime listed in Article 83(1) TFEU; whereas that resolution called on the Member States to amend the definition of ‘rape’ in their national law so that it is 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;
- M. 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’;
- N. 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 the Child Sexual Abuse

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<sup>11</sup> Judgment of the European Court of Human Rights of 27 February 2025, *X v Cyprus*, Application No 40733/22.

<sup>12</sup> Judgment of the European Court of Human Rights of 23 January 2025, *HW v France*, Application No 13805/21.

<sup>13</sup> Judgment of the European Court of Human Rights of 24<sup>0</sup> April 2025, *L and Others v France*, Applications Nos 46949/21, 24989/22 and 39759/22.

Directive<sup>14</sup>, 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;

- O. 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 ECtHR rulings and with national case-law;
- P. whereas consent is a voluntary agreement to engage in a particular sexual activity and can be withdrawn at any time;
- Q. whereas many Member States<sup>15</sup> and a number of other European countries<sup>16</sup> have already introduced consent-based definitions of rape in their criminal codes, which has resulted in more efficient prevention, reporting and prosecution of sexual abuse crimes and has increased public awareness;
- R. whereas Parliament’s position and mandate on the directive on combating violence against women and domestic violence was strongly in favour of including a consent-based definition of the offence of rape 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 that directive;
- S. whereas the Commission’s proposal for a directive on combating violence against women and domestic violence included a proposal to criminalise rape on the basis of the recognition 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;
- T. whereas survivors of rape are frequently asked about their lack of resistance to being sexually assaulted, with perpetrators claiming that the absence of resistance on the victims’ part indicates passive agreement; whereas in a Swedish study, 70 % of victims of sexual violence reported significant tonic immobility, also known as the ‘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 in the face of threat, and can result in immobility (fixed posture, loss of muscle tone, inability to perform voluntary actions), disassociation, whereby a person’s awareness is disconnected from disturbing and painful sensations and emotions arising in their body, and a loss of a sense of agency; whereas this reality

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<sup>14</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child 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>).

<sup>15</sup> Austria, Belgium, Croatia, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovenia, Spain and Sweden.

<sup>16</sup> Iceland, Norway, Montenegro, Ukraine and the United Kingdom.

cannot be ignored to ensure access to justice for survivors of rape and promote a legal and social environment in which rape is no longer tolerated;

- U. whereas factors such as coercion, force, threats, financial and psychological dependency, physical or mental conditions – such as tonic immobility, freezing, surprise, a state of fear, intimidation, unconsciousness, intoxication, chemical submission, sleep, illness, bodily injury, disability or other conditions, or another situation of particular vulnerability – or structural and intersectional discrimination can create vulnerabilities and peril and can prevent free consent, which is key in rape cases;
- V. whereas trauma from sexual assault can impact the functioning of memory, leading to fragmented or missing recollections of the events and distortions in time sequences, making it difficult to remember in which order the events took place; whereas trauma resulting from rape is linked with post-traumatic stress disorder and other severe mental health symptoms, including decreased concentration, anxiety, panic attacks, severe depression, flashbacks and nightmares;
- W. 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, leading to low reporting rates among victims and impunity for perpetrators;
- X. whereas sexual autonomy and bodily integrity are inviolable rights, and the purpose of consent-based rape legislation is to strengthen the protection thereof; 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;
- Y. whereas the aim of emphasising the importance of sexual autonomy is 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;
- Z. whereas consent should be a central component of legislation on rape; whereas consent-based rape legislation is 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 because of fear;
- AA. whereas evidence shows that most rapes are committed by acquaintances or intimate partners and occur indoors, yet victims in 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 a lack of public awareness;

- AB. 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 and protection from secondary victimisation and prevent prosecution and access to justice; whereas these accepted beliefs and myths are one of the factors that help perpetuate the impunity surrounding rape and preclude the development of appropriate legislation;
- AC. whereas the extent of sexual violence continues to be greatly underestimated and downplayed, as the vast majority of sexual crimes remain undisclosed; whereas many reported rapes are never prosecuted, and the vast majority of prosecutions for rape do not end in a conviction; whereas this deepens women's lack of trust in the system, leads to 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 normalised and justified through persistent gender inequalities and harmful attitudes about gender and sexuality; whereas it is unacceptable that there are no consequences for committing rape without physical violence; whereas the consistent prosecution of all forms of rape is essential in order to maintain public confidence in justice systems and is key for preventing sexual violence; whereas consent-based rape legislation is crucial in both reflecting and shifting the attitudes around sexual offences and in raising awareness throughout the EU, thereby ultimately reducing the number of sexual offences; whereas consent-based legislation can induce a paradigm shift towards the need to seek consent rather than merely a lack of clear opposition to a sexual act;
- AD. whereas the Explanatory Report to the Istanbul Convention clarifies, with regard to Article 36(2) of the Convention, that prosecution of sexual violence, including rape, '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';
- AE. whereas the UN Committee on the Elimination of Discrimination against Women, in its Communication No 34/2011, urges states to revise rape legislation by removing requirements relating to force or proof of penetration and placing the absence of consent at the core of the offence, and in its General Recommendation No 35 (2017), 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;
- AF. whereas gender equality and non-discrimination are core values of the EU, fundamental rights, key principles of the European Pillar of Social Rights and essential conditions for progress; whereas discrimination on the basis of sex, gender and other grounds is prohibited under Article 21 of the Charter of Fundamental Rights of the European Union;

- AG. 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 identity and expression, religion or belief, residence status or disability; whereas gender-based sexual violence is one of the most significant gender equality issues and real progress on gender equality can be made only by implementing an intersectional approach; whereas applying an intersectional approach makes it possible to address structural barriers to gender equality and gather evidence in order to create benchmarks and set a path to move towards strategic and effective policies to combat systemic discrimination, exclusion and social inequalities;
- AH. whereas given the structural nature of gender inequality and gender-based violence, consent may be given under conditions of coercion or social pressure, which highlights 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;
- AI. 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;
- AJ. whereas deeply rooted gender stereotypes regarding 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 normalised and justified through persistent gender inequalities and harmful attitudes about gender and sexuality; whereas this results in the stigmatisation and discriminatory treatment of certain women and other people because of their transgression of gendered social and sexual norms or their non-conformity with gender roles;
- AK. 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 frameworks;
- AL. whereas victims of rape need immediate, multidisciplinary, accessible and comprehensive medical care, including clinical management of rape, sexual and reproductive healthcare, which comprises emergency contraception, post-exposure prophylaxis, treatment for sexually transmitted infections, as well as access to safe and legal abortion, and trauma support, and must furthermore have the option of long-term support, including psychological counselling; whereas access to certain essential healthcare services is not provided in some Member States;
- AM. whereas rape culture is defined as a structural and widespread system of attitudes, behaviours, values and social norms that normalise and trivialise sexual violence, undermine consent, perpetuate rape myths, and foster the societal normalisation of such violence;

- AN. 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 justice<sup>17</sup>, as evidenced by the low reporting rates among victims, the lack of assistance in line with their needs, the availability of accessible procedures and the low conviction rates in rape cases, which highlight systematic deficiencies in the way law enforcement authorities and judicial systems address cases of rape, resulting, in turn, in a widespread societal sense of impunity for the crime of rape and constituting a serious impairment to gender equality;
- AO. whereas secondary victimisation occurs when victims suffer further harm not as a direct result of the criminal act of rape, but as a result of the manner in which institutions and other individuals deal with them; whereas secondary victimisation is caused by repeated exposure of the victim to the perpetrator, by insensitive treatment, such as repeated interrogation about the same events, by victim-blaming attitudes, by the use of inappropriate language or insensitive comments by those who come into contact with victims, by medical interventions and by legal proceedings, including their length, and other institutional processes; whereas secondary victimisation undermines victims' rights, impedes their access to justice and perpetuates their trauma, including by causing post-traumatic stress disorder, depression and anxiety, thus hindering their recovery;
- AP. 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 require a coordinated, gender- and trauma-sensitive response by trained and specialised staff, particularly in law enforcement agencies and in the judiciary, to address cases of rape and avoid secondary victimisation; whereas the training of legal and law enforcement professionals remains non-homogeneous and insufficient in some Member States; whereas the effective implementation of consent-based definitions of rape in law is dependent on the capacity of police officers, prosecutors and judicial authorities to correctly interpret and apply these provisions and thus ensure that the focus remains on the absence of freely given consent and not on evidence of resistance or physical violence; whereas placing the burden of proof on victims to provide evidence of a lack of consent reinforces harmful stereotypes about rape;
- AQ. whereas comprehensive, consent-based sexuality and relationships education is essential for reducing misinformation and myths about rape and sexuality, addressing gender norms and preventing all forms of gender-based violence, including rape; whereas engaging men and boys in promoting gender equality, challenging harmful gender stereotypes and unhealthy and harmful models of masculinity and questioning entitlement-based views of sex is crucial for prevention efforts; whereas shifting to a consent-based culture is key to ensuring an environment of mutual respect and safety centred on healthy social interactions; whereas the provision of gender-sensitive, comprehensive and age-appropriate sexuality, consent and relationships education is a crucial tool in preventing rape and sexual violence and addressing the root causes;
- AR. whereas SDG 5 of the UN 2030 Agenda for Sustainable Development calls for the achievement of gender equality and the empowerment of all women and girls, and SDG

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<sup>17</sup> 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, Council of Europe, Strasbourg, France, 24 April 2025.

16 calls for the promotion of peaceful and inclusive societies, access to justice and effective, accountable institutions;

- AS. whereas the UN 2030 Agenda for Sustainable Development and the principle of ‘leaving no one behind’, and in particular SDGs 3, 4, 5, 10 and 16, 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;
- AT. whereas Member States’ shortcomings in addressing the structural and normative 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 cases that have sparked widespread protests include the case of the ‘Wolf Pack’ in Spain and that of Gisèle Pelicot in France, which highlight the inadequacy of definitions of rape that are based on force and not centred on consent;
1. Calls on the Commission to propose, without delay, legislation establishing an EU-wide definition of rape that is based on the requirement of freely given, informed consent that can be withdrawn, in line with Article 36 of the Istanbul Convention;
  2. Calls on the Member States that still use definitions of rape based on the assumption of violence to commence legislative changes to bring the definition into line with the latest international standards and to provide the necessary and adequate support and protection to victims and survivors of rape;
  3. 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 the Member States that have not yet done so to ratify the Istanbul Convention;
  4. Reiterates that legislation criminalising rape on the basis of the absence of consent is an international human rights standard set in the Istanbul Convention; recalls the Member States’ obligation to meet international human rights standards and invites them to go even further in order to protect and support survivors and victims of rape and to eradicate all the manifestations of 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 normalised and justified through persistent gender inequalities and harmful attitudes about gender and sexuality;
  5. Reiterates that legislation based on the absence of consent is the only adequate, comprehensive, trauma-informed and evidence-based framework that allows 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, and provides better prospects for survivors’ recovery and emotional well-being;
  6. Reiterates its call on the Commission to submit, on the basis of the third subparagraph of Article 83(1) 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 with a view to effectively combating all forms of gender-based violence, which is one of the most widespread fundamental rights violations in the EU;

7. Stresses that only a clear, affirmative, freely given and unambiguous indication of consent is valid and that silence, a lack of verbal or physical resistance or the absence of a 'no' cannot be interpreted as consent, and that prior consent, past sexual conduct or any past or present relationship with an offender, including marital or any other partnership status, does not imply ongoing or future consent for any sexual acts; stresses that consent can be withdrawn at any time before or during a sexual act; notes that consent can be expressed in any way as long as it is given voluntarily as a result of the person's free will and is assessed in the context of the surrounding circumstances, in accordance with Article 36 of the Istanbul Convention;
8. 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, a physical or mental condition, such as 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;
9. Stresses the importance of recognising trauma responses such as tonic immobility or the 'freeze response', an involuntary neurobiological reaction to fear or threat that can lead to temporary paralysis and immobility and a loss of the ability to speak, 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 occur during rape and sexual violence and must therefore be reflected in legislation and judicial practice to ensure a trauma-informed, survivor-centred approach, thus legally recognising that the absence of resistance does not equal consent;
10. Calls on the Commission and the Member States to apply an intersectional and victim-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;
11. 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;
12. 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 survivors and their

importance in guaranteeing the best possible health outcomes and helping survivors to regain their sense of bodily autonomy;

13. 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 as regards providing specialist support for victims of sexual violence that is 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 having to have filed a formal report; further calls on the Member States to ensure that victims and survivors have access to legal support;
14. Encourages a continuous exchange of best practice among the 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;
15. Firmly calls for public services to be available at all stages of the reparation process, in particular with regard to the provision of essential psychological and legal support and assistance with seeking employment; calls on the Member States to comply with the Istanbul Convention by providing protective and supportive measures for victims and survivors with a focus on the human rights and safety of the person, thus avoiding secondary victimisation;
16. Calls on the Member States to ensure that professionals who are likely to come into contact with rape victims, including law enforcement officers, forensic medical personnel, court staff, judges and prosecutors, lawyers, healthcare professionals, social services employees, educational and other relevant staff and frontline professionals, receive mandatory, regular, adequate, effective and tailored training; stresses that this training should be aimed at preventing the secondary victimisation of the survivors in order to avoid and identify harmful gender stereotypes, eliminate victim-blaming behaviours and attitudes and 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 EU; calls on the Commission to expand EU-supported training programmes aligned with judicial best practice and calls on the Member States to ensure that frontline services have the capacity and resources to respond effectively to the needs of victims and survivors by securing mandatory training for all legal professionals and law enforcement staff in contact with victims of rape;
17. 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;
18. Calls on the Member States to increase cooperation between law enforcement authorities, judicial authorities, civil society, community-based organisations, the EIGE and other relevant specialised actors on the development of training, in particular on harmful gender stereotypes, intersectional discrimination and misconceptions, myths and stereotypes about rape, all of which 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 under-reporting and minimise revictimisation while also creating a safer environment for survivors; further calls on the Member States to ensure that training for members of the judiciary and legal and law enforcement professionals follows international human rights standards and case-law with respect to rape;

19. Calls on the 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 relating to the crime of rape; underlines that these guidelines must provide instructions on how to treat victims in a trauma- and gender-sensitive manner, identify and avoid gender stereotypes, and ensure that victims, including those experiencing intersectional discrimination, are respected and protected from secondary victimisation and revictimisation; underlines, furthermore, that the guidelines must include instructions on how to refer victims to specialist support services, including medical services, to ensure that they receive appropriate treatment; calls for the guidelines to be regularly reviewed and updated in collaboration with civil society organisations and women's specialist services in order to ensure their effectiveness and secure the best possible 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;
20. 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 relationships education, which should be aimed at challenging gender stereotypes, stressing the structural nature of gender inequality and its presence in sexuality and relationships, promoting non-violent behaviour, and working towards ultimately eradicating gender-based violence, including rape, inequality and discrimination; further calls on the Commission to closely monitor the Member States' implementation of these 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;
21. Underlines the critical role of public awareness-raising campaigns and prevention programmes in addressing rape myths and promoting a culture of consent, especially among young people, given that the continued absence of sexuality education fuels misinformation and harmful stereotypes; calls on the Commission to carry out EU-wide public awareness-raising campaigns to educate people about consent, relationships, sexual integrity and bodily autonomy and to counter myths surrounding rape; further calls on the Commission to develop campaigns that combat anti-gender content and incel propaganda online, which particularly target young men, normalise sexual violence and perpetuate 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 normalised and justified through persistent gender inequalities and harmful attitudes about gender and sexuality;

22. 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 Member States' transposition of that directive, and particularly of Article 35 thereof;
23. Invites the Member States to adapt their legislation regarding the limitation period for rape offences, given that lack of consent is the central element of these offences and many victims are only able to recognise, name or report the facts after a significant lapse of time, often because of trauma, fear, social pressure or a lack of knowledge of the dynamics of consent; stresses, therefore, the need to extend the statute of limitations in order to guarantee effective access to justice in line with fundamental rights; recalls that Parliament recently called on the Member States to ensure that no limitation period applies to the offences referred to in Articles 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 the Member States to address the root causes of under-reporting and ensure that limitation periods do not prevent the effective prosecution of rape offences;
24. Calls on the 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; recalls that such reparation 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;
25. Requests that the Member States take appropriate measures to ensure that programmes for offenders are available to those who are referred or self-refer, including outside of the criminal justice system, and that immediate access to support is available, recognising their role in preventing future gender-based violence, breaking the silence around rape, and 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 normalised and justified through persistent gender inequalities and harmful attitudes about gender and sexuality in our society;
26. Strongly supports civil society and survivors of rape in breaking the silence around rape; acknowledges that pressure from civil society and survivors of rape has been the main driving force in pushing for legislative changes in the Member States; recalls the importance of the right to peaceful assembly in bringing about societal changes and pushing for consent-based rape legislation;
27. Recognises the crucial role played by non-governmental organisations and women's specialist services, including women's support centres, women's shelters, helplines, rape crisis centres, sexual violence referral centres and primary prevention services, in providing advice and support for victims; calls on the Commission and the 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;

28. 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;
29. 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;
30. Underlines the role of the EU in strengthening cooperation with UN agencies, such as UN Women and UN Population Fund, and international partners, including the Council of Europe, the Organization for Security and Co-operation in Europe and the Organisation for Economic Co-operation and Development, in advancing gender equality and combating sexual and gender-based violence within the framework of the UN 2030 Agenda for Sustainable Development, the Beijing Platform for Action and the International Conference on Population and Development Programme of Action;
31. Encourages continued dialogue and cooperation between the EU institutions, the 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;
32. Calls on the Member States to ensure that established systems for data collection on gender-based violence cover the collection, development, production and dissemination of statistics on rape, including disaggregated data on, but not limited to, gender, age group (child/adult), the racial and ethnic origins 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;
33. Instructs its President to forward this resolution to the Council and the Commission.