

Follow-up to the European Parliament non-legislative resolution on the importance of consent-based rape legislation in the EU

- 1. Rapporteurs:** Evin INCIR (S&D / SE), Joanna SCHEURING-WIELGUS (S&D / PL)
- 2. References:** 2025/2040(INI) / A10-0047/2026 / P10_TA(2026)0120
- 3. Date of adoption of the resolution:** 28 April 2026
- 4. Jointly Competent Parliamentary Committees:** Committee on Civil Liberties, Justice and Home Affairs (LIBE), Committee on Women's Rights and Gender Equality (FEMM)
- 5. Brief analysis/ assessment of the resolution and requests made in it:**

The resolution outlines the reasons why a consent-based definition of the crime of rape is necessary and underlines the importance of comprehensive support and protection for rape survivors.

It contains various calls on the Commission, namely to i) propose legislation establishing an EU-wide definition of rape that is solely based on the requirement of freely given, informed consent that can be withdrawn (in line with the Istanbul Convention) (paragraphs 1, 7-9 and 11); ii) encourage ratification of the Istanbul Convention by the Member States that have not yet done so (paragraph 3); iii) submit a proposal for a Council decision identifying gender-based violence as a new area of EU crime (based on the third subparagraph of Article 83(1) TFEU) (paragraph 6); iv) apply an intersectional and a victim-centred approach to all relevant policies (paragraph 10); v) ensure Member States comply with the requirement of Article 26 of Directive (EU) 2024/1385 regarding specialist support services for victims of sexual violence (paragraph 13); vi) expand EU-supported training programmes aligned with judicial best practice (paragraph 16); vii) put forward, in 2026, EU guidelines, accessible in all 24 EU languages, on gender-sensitive, intersectional and comprehensive consent-based sexuality and relationships education (paragraph 20); viii) 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; ix) develop campaigns that combat anti-gender content and incel propaganda online (paragraph 21); x) ensure that the Member States take specific measures to prevent rape and to promote the central role of consent in sexual relationships as required by Article 35 of Directive (EU) 2024/1385, as well as to closely monitor the transposition of that directive (paragraph 22); xi) provide adequate funding to ensure the maintenance and development of services provided by non-governmental organisations and women's specialist services (paragraph 27).

6. Response to requests and overview of actions taken, or intended to be taken, by the Commission:

As regards the request to **propose legislation establishing an EU-wide definition of rape** solely based on the requirement of freely given, informed consent in line with the requirement of the Istanbul Convention (**paragraphs 1, 7-9 and 11**), the Commission underlines that in March 2025, it presented the [Roadmap for Women's Rights](#) where freedom from gender-based violence stands as Principle 1, and which includes the objective of preventing and combating sexual violence, including rape, based on lack of consent. In March 2026, the Commission then adopted the [Gender Equality Strategy 2026-2030](#), which sets out concrete actions to attain the objectives of the Roadmap. With regard to rape based on lack of consent, the strategy announces that **the Commission will update its mapping of the legal landscape in the EU in view of identifying further actions - including legislative - to ensure that sex without consent is defined as rape across the EU.**

It should also be noted that in its original proposal for a Directive on [combating violence against women and domestic violence](#) (subsequently adopted by co-legislators as 'Directive (EU) 2024/1385', sometimes referred to as the VAW Directive) the Commission had included an EU-wide definition of rape solely based on the requirement of freely given, informed consent in line with the requirement of the Istanbul Convention. Furthermore, in the Commission's [proposal for a recast Directive on combating the sexual abuse and sexual exploitation of children and child sexual abuse material](#), the Commission included minimum rules for the definition of the offence of rape based on lack of consent. The proposed recast Directive also includes specific requirements with regard to consent, in line with the "only yes means yes" model, and with the definition of rape of Article 36 of the Istanbul Convention. On 22 June 2026, the Council and European Parliament reached a provisional agreement on the proposed recast Directive. The agreement builds on the Commission's proposal and includes the first-ever definition of non-consensual sexual acts at the EU level. It ensures that all non-consensual acts are covered when it comes to sexual abuse of children who have reached the age of sexual consent, including those situations where the child remains silent or passive, for example in case of 'freezing' or sleeping. Although this will only cover children who are above the age of sexual consent, but below 18 years old, it will ensure that all adolescents grow up in Europe knowing that only yes means yes.

As for the call on the Commission to **encourage the Member States that have not yet done so to ratify the Istanbul Convention (paragraph 3)**, the Commission has done so in the 2026-2030 Gender Equality Strategy, where it repeated its call on all Member States to ratify and fully implement the Istanbul Convention as the main international framework to combat violence

against women. The Commission also recalls that in October 2023 the EU ratified the convention. The parts of the convention that fall within EU exclusive competence (judicial cooperation in criminal matters, asylum and non-refoulement, matters related to the institutions and public administration of the Union) are now part of the EU acquis and are binding on the EU institutions and on EU Member States, including the five Member States that have not yet ratified the convention, by virtue of Union law (see Article 216(2) TFEU). Directive (EU) 2024/1385 implements the Istanbul Convention, as regards matters that fall under judicial cooperation in criminal matters. The Directive reflects a large part of the Istanbul Convention (and even goes beyond the convention in some parts, e.g. by specifically addressing cyberviolence). Except for Denmark that in accordance with Protocol 22 annexed to the TEU and to the TFEU, did not take part in the adoption of Directive (EU) 2024/1385, all the other Member States are bound by it.

As regards the request to submit a proposal for a Council decision identifying **gender-based violence as a new area of EU crime (paragraph 6)**, the Commission recalls that according to the third phrase of Article 83(1) TFEU, unanimity is required in Council and the other conditions of Article 83(1) must be met (it must be an area of particularly serious crime with a cross-border dimension). On the other hand, as showed by the Commission proposal for a Directive on combating violence against women and domestic violence, and the Commission proposal for a recast Directive on combating the sexual abuse and sexual exploitation of children and child sexual abuse material, a new (gender-based violence) legal basis is not needed to establish a (consent-based) definition of rape as a crime at EU level. The 'sexual exploitation of women and children' legal basis in Article 83(1) TFEU suffices for this purpose.

Concerning the call to apply an **intersectional and a victim-centred approach to all relevant policies (paragraph 10)**, the Commission stresses that Directive (EU) 2024/1385 takes a strong intersectional approach, recognising that victims experiencing intersectional discrimination are at a heightened risk of experiencing gender-based violence. It also requires Member States to take that heightened level of risk into consideration when implementing the measures provided for by the Directive, especially regarding the individual assessment to identify victims' protection needs, specialist support to victims and training and information for professionals likely to come into contact with victims. The rights of protection, support and access to justice builds on those provided by [Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime](#) ('the Victims' Rights Directive'), which is based on a victim-centred approach.

As regards the call to ensure Member States comply with the requirement of Article 26 of Directive (EU) 2024/1385 regarding **specialist support services for victims of sexual violence**

(**paragraph 13**), the call to ensure that the Member States take specific **measures to prevent rape and to promote the central role of consent in sexual relationships** as required by Article 35, and the call to **closely monitor** the transposition of the VAW Directive (**paragraph 22**), the Commission notes that it is holding implementation workshops with Member States to steer the timely and complete transposition of the Directive by June 2027.

In the context of these workshops, the Commission clarifies the requirements in each provision of the various Articles of the Directive, such as the requirement in Article 26 to ensure that rape crisis or sexual violence referral centres provide effective support to victims of sexual violence, ensure the clinical management of rape, including assisting in the safekeeping and documentation of evidence, and provide trauma-sensitive support, as well as the requirement to ensure that such victims have access to medical and forensic examinations and to healthcare services, including sexual and reproductive healthcare services, in accordance with national law.

The Commission will pay close attention to the correct and full transposition of Article 35 given the importance of raising awareness across the EU that sex without consent is a criminal offence, as also outlined in the 2026-2030 Gender Equality Strategy.

The Commission will start transposition checks after the expiry of the transposition deadline in June 2027.

As to the request to expand **EU-supported training programmes** aligned with judicial best practice (**paragraph 16**), under the Gender Equality Strategy 2026-2030 the Commission committed to help develop guidelines for the prevention, detection, efficient handling and prosecution of cases of violence against women, thereby seeking synergies with the networks, activities and expertise of EU agencies, in particular Europol, Eurojust and CEPOL, the EU agency dedicated to develop, implement and coordinate training for law enforcement officials. As part of this work, the Commission will look into how to facilitate cross-border cooperation between relevant authorities, which is particularly necessary for tackling gender-based cyber violence, often involving perpetrators, victims, platforms and servers located in different jurisdictions. This will be essential to avoid that perpetrators exploit jurisdictional gaps and evade accountability, leaving victims without effective protection or remedy.

With regard to the request 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** (**paragraph 20**), the Commission notes that Directive (EU) 2024/1385 already requires Member States to take specific measures to prevent rape and promote the central role of consent in sexual relationships (Article 35). In its

Gender Equality Strategy 2026-2030, the Commission commits to “support Member States in implementing Article 35 of the VAW Directive, which requires them to make available and distribute educational material promoting the understanding that consent must be given voluntarily as a result of a person’s free will, mutual respect, and the right to sexual integrity and bodily autonomy, **including through providing guidance as necessary**”.

As to the call 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**, as well as the call to develop **campaigns that combat anti-gender content and incel propaganda online (paragraph 21)**, the Commission observes the following: first, with regard to consent education, the Commission will concentrate efforts on supporting Member States’ transposition and implementation of Article 35 of the VAW Directive that requires Member States to make available and distribute consent education material promoting the understanding that consent must be given voluntarily as a result of a person’s free will, mutual respect, and the right to sexual integrity and bodily autonomy. Second, as regard anti-gender and incel propaganda online, the Gender Equality Strategy 2026-2030 acknowledges that anti-gender narratives, online illegal content and its artificial amplification by means of social media algorithms, threaten the EU’s democratic space, including by driving polarisation between young women and men. Through Horizon Europe, the Commission has supported research to counter hate speech, understand the roots of polarisation and address anti-gender narratives. The Commission will launch a study on the online networks, spheres and narratives targeting young men and boys, and their possible links to anti-democratic forces and hate movements. The Commission will also launch a communication campaign on the Union of Equality, featuring a strong gender dimension and an intersectional approach, including on existing rights at EU level for victims of gender-based violence, and enhance its engagement with civil society organisations and community-building initiatives that counter information manipulation and disinformation on gender, including through roundtables with men and boys. Moreover, the Commission will organise a [Policy Practice Joint Event](#) on misogyny and incel ideology among young people under the [EU Knowledge Hub on the prevention of radicalisation](#).

Finally, as to the request to provide **adequate funding to ensure the maintenance and development of services provided by non-governmental organisations and women’s specialist services (paragraph 27)**, the Commission agrees that the role that civil society organisations play in this regard, and more in general in promoting gender equality, is key. The Commission will continue to make funding available for feminist and women’s rights organisations, both as part of the current CERV programme and the proposed AgoraEU programme (pending interinstitutional

negotiations). The Commission will also strengthen the representation of civil society in the Advisory Committee on Equal Opportunities for Women and Men and provide a regular and structured framework for dialogue on protecting and promoting EU values under the [Civil Society Platform](#). This will enhance the resilience of CSOs, including organisations dedicated to gender equality.