

EN
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Answer given by Ms Lahbib
on behalf of the European Commission
(15.6.2026)

Under the Victims' Rights Directive¹, Member States must ensure that competent authorities protect victims' privacy during criminal proceedings, including their personal characteristics and images of victims and of their family members.

The processing of personal data of victims of online gender-based violence (GBV) by law enforcement authorities in criminal investigations falls within the scope of Directive (EU) 2016/680².

Directive (EU) 2024/1385³ (the Violence Against Women (VAW) Directive) further protects the dignity of victims of online GBV by criminalising the most serious forms of cyberviolence and providing for protection and support measures. It requires the rapid removal of illegal content, safeguards personal data in investigations and court proceedings, and recognises these harms as violations of fundamental rights⁴.

Member States must transpose the VAW Directive by 14 June 2027. This will strengthen the role of the Digital Services Act⁵, whose provisions will apply to cybercrimes as defined in Articles 5 to 8 of the VAW Directive, which will be considered illegal content. The VAW Directive also requires the Commission to evaluate its impact and assess whether its scope or measures should be expanded⁶.

The Commission supports Member States in the transposition of the VAW Directive to promote timely and correct transposition. If Member States fail to fulfil their implementation obligations, the Commission will not hesitate to launch infringement procedures, as appropriate.

Furthermore, in the context of the Omnibus on AI, the EU co-legislators have agreed on the need to introduce into the AI Act⁷ a prohibition of AI systems that generate or manipulate non-consensual intimate content of identifiable natural persons.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

² <https://eur-lex.europa.eu/eli/dir/2016/680/oj/eng>.

³ <https://eur-lex.europa.eu/eli/dir/2024/1385/oj/eng>.

⁴ Furthermore, pursuant to the VAW Directive, evidence concerning a victim's past sexual conduct may only be admitted where relevant and necessary.

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R2065>.

⁶ To that purpose, by 14 June 2032, Member States shall communicate to the Commission all relevant information concerning the implementation of the Directive.

⁷ <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>.