|  |  |
| --- | --- |
| European Parliament  2014-2019 | EP logo RGB_Mute |

Plenary sitting

<NoDocSe>B8-0579/2017</NoDocSe>

<Date>{24/10/2017}24.10.2017</Date>

<TitreType>MOTION FOR A RESOLUTION</TitreType>

<TitreSuite>to wind up the debate on the statement by the Commission</TitreSuite>

<TitreRecueil>pursuant to Rule 123(2) of the Rules of Procedure</TitreRecueil>

<Titre>on combating sexual harassment and abuse in the EU</Titre>

<DocRef>(2017/2897(RSP))</DocRef>

<RepeatBlock-By><Depute>Malin Björk, Marina Albiol Guzmán, Patrick Le Hyaric, Josu Juaristi Abaunz, Marie-Christine Vergiat, Marie-Pierre Vieu, Ángela Vallina, Kateřina Konečná, Jiří Maštálka, Stelios Kouloglou, Paloma López Bermejo, Lola Sánchez Caldentey, Tania González Peñas, Estefanía Torres Martínez, Xabier Benito Ziluaga, Miguel Urbán Crespo, Eleonora Forenza, Sabine Lösing, Stefan Eck, Martina Anderson, Lynn Boylan, Matt Carthy, Liadh Ní Riada, Neoklis Sylikiotis</Depute>

<Commission>{GUE/NGL}on behalf of the GUE/NGL Group</Commission>

</RepeatBlock-By>

B8-0579/2017

European Parliament resolution on combating sexual harassment and abuse in the EU

(2017/2897(RSP))

*The European Parliament*,

– having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence, which opened for signature in Istanbul on 11 May 2011 (hereinafter the ‘Istanbul Convention’),

– having regard to Articles 2 and 3 of the Treaty on European Union (TEU),

– having regard to the Treaty on the Functioning of the European Union (TFEU), in particular to Articles 8, 19, 157, 216 and 218(6), second subparagraph, point (a) thereof,

– having regard to Articles 21, 23, 24 25 and 26 of the Charter of Fundamental Rights of the European Union,

– having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and the subsequent outcome documents adopted at the UN Beijing +5 (2000), Beijing +10 (2005), Beijing +15 (2010) and Beijing +20 (2015) special sessions, and to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol thereto,

– having regard to its resolutions of 20 September 2001 on harassment at the workplace[[1]](#footnote-1), of 26 November 2009 on the elimination of violence against women[[2]](#footnote-2), of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women[[3]](#footnote-3), of 15 December 2011 on the mid-term review of the European strategy 2007-2012 on health and safety at work[[4]](#footnote-4), of 25 February 2014 with recommendations to the Commission on combating violence against women[[5]](#footnote-5) and to the accompanying European Added Value Assessment of November 2013, of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women[[6]](#footnote-6), and of 12 September 2017 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[[7]](#footnote-7),

– having regard to the Commission staff working document of 3 December 2015 entitled ‘Strategic engagement for gender equality 2016-2019’ (SWD(2015)0278),

– having regard to the EU Presidency Trio declaration of 19 July 2017 by Estonia, Bulgaria and Austria on equality between women and men,

– having regard to Directive 2012/29/EU 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[[8]](#footnote-8),

– having regard to Directive 2011/99/EU of 13 December 2011 on the European protection order[[9]](#footnote-9) and to Regulation (EU) No 606/2013 of 12 June 2013 on mutual recognition of protection measures in civil matters[[10]](#footnote-10)(10),

– having regard to Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation[[11]](#footnote-11)and Directive 2004/113/EC on implementing the principle of equal treatment between men and women in the access to and supply of goods and services[[12]](#footnote-12), which define and condemn harassment and sexual harassment,

– having regard to its resolutions of 14 March 2017 on equality between women and men in the European Union in 2014-2015[[13]](#footnote-13), and of 10 March 2015 on progress on equality between women and men in the European Union in 2013[[14]](#footnote-14),

– having regard to Article 12a of the Staff Regulations,

– having regard to the Commission decision of 26 April 2006 on the Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment,

– having regard to the guide for Members of the European Parliament entitled ‘Zero Harassment at the Work Place’ and the action plan of Parliament’s administration on this crucial matter,

– having regard to Rule 123(2) of its Rules of Procedure,

A. whereas gender equality is a core value of the EU; whereas the right to equal treatment and non-discrimination is a fundamental right enshrined in the Treaties and in the Charter of Fundamental Rights and should be fully respected, promoted and applied in legislation, practice, legal rulings and daily life;

B. whereas, according to the 2017 Gender Equality Index, all Member States are a long way from achieving equality between women and men, and progress is slow; whereas gender-based violence is both a cause and a consequence of inequalities between women and men;

C. whereas ‘sexual harassment’ means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment; whereas sexual harassment is to be treated as discrimination based on gender; whereas sexual harassment may be expressed by a single act or by persistent behaviour;

D. whereas women in the European Union are not equally protected against male violence, sexual harassment and abuse owing to differing policies and legislation across the Member States; whereas judiciary systems do not provide sufficient support to women;

E. whereas sexual violence and harassment in the workplace is a matter of health and safety, and should be treated and prevented as such;

F. whereas no single intervention will eliminate sexual violence and harassment, but a combination of infrastructural, legal, judicial, enforcement, educational, health and other service-related actions can significantly reduce the number of cases and their consequences,

G. whereas the European Union Agency for Fundamental Rights report of March 2014 entitled ‘Violence against women: an EU-wide survey’ shows that one in ten women have been subjected to sexual harassment or stalking using new technology, while 75 % of women in higher decision-making roles have had to endure sexual harassment; whereas this shows that no woman or girl, regardless of age and position in life, is safe from sexual-based violence;

H. whereas sexual harassment and abuse, predominantly by men against women, is a structural and widespread problem throughout Europe and the world, and is a phenomenon that involves victims and perpetrators of all ages, educational backgrounds, incomes and social positions, and that is linked to the unequal distribution of power between women and men in our society;

I. whereas violence against women, including sexual harassment and sexual abuse, is too easily tolerated; whereas in fact it constitutes a systemic violation of fundamental rights and a serious crime that must be punished as such; whereas an end must be put to impunity by ensuring that perpetrators are prosecuted and that women and girls who are survivors of violence receive proper support and recognition from the judicial system, in order to break the vicious circle of silence and loneliness for those who have been victims of violence;

J. whereas the perpetrators of gender-based violence are often already known to the victim and whereas in many cases the victim is in a position of dependence, which increases their fear of reporting the violence;

K. whereas gender stereotypes and sexism, including sexist hate speech, occurring worldwide, offline, online and in public and private life, are a root cause of all forms of violence against women;

L. whereas all Member States have signed the Istanbul Convention, but only 15 have ratified it; whereas the EU’s accession to the Convention does not exonerate Member States from ratification at national level;

M. whereas Article 40 of the Istanbul Convention stipulates that ‘parties shall take the necessary legislative and other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction’;

N. whereas violence and sexual harassment in public spaces is rife across the European Union;

O. whereas violence and harassment in political life is disproportionately targeted at women because of their gender;

P. whereas such violence constitutes a violation of human rights and fundamental freedoms, including the obligation to ensure that women can freely participate in political representation; whereas such freedoms are enshrined in international agreements, such as the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action and the Sustainable Development Goals (SDGs);

Q. whereas a survey by the Inter-Parliamentary Union (IPU) found that, among women in political life across the world, including those in 15 European countries, 81.8 % of respondents in all countries and regions have experienced psychological violence, and 65.5 % had been subjected several times, or often, to humiliating sexist remarks during their parliamentary term;

R. whereas sexual harassment is defined in Article 12a of the Staff Regulations;

S. whereas most national parliaments in the EU lack active measures to combat sexual harassment and sexual abuse in the workplace; whereas Parliament has set up a specific Advisory Committee dealing with harassment complaints between accredited parliamentary assistants (APAs) and Members, while an Advisory Committee on harassment and its prevention in the workplace is dealing with other formal procedures related to staff members of Parliament’s administration and political groups;

***Zero tolerance for sexual harassment and sexual abuse in the EU***

1. Condemns all forms of violence against women, and deplores the fact that women and girls are often exposed to sexual harassment and sexual abuse, which constitute a serious violation of their human rights and dignity;

2. Strongly supports all the women and girls who have taken part in the #MeToo campaign, especially those who denounced their perpetrators;

3. Reiterates its call for the Commission to put forward a comprehensive EU strategy against all forms of gender-based violence, including sexual harassment and sexual abuse against women and girls;

4. Calls for the establishment of an instrument of criminal law, in the form of a directive against gender-based violence, including sexual harassment and sexual abuse, and of measures to address the ‘six-P’ framework on sexual harassment and sexual abuse against women (policy, prevention, protection, prosecution, provision and partnership); insists that the Member States ensure that perpetrators are punished in accordance with the gravity of the crime, are required to demonstrate due diligence and to record and investigate all forms of gender-based violence, including sexual harassment crimes, in order to initiate public prosecution, and make plans to develop specific investigative routines for police and health sector professionals, in order to secure evidence of sexual harassment and sexual abuse;

5. Recalls that sexual harassment may take different forms (physical, verbal, written or other) and involve people of the opposite sex or of the same sex; whereas a range of different types of behaviour can be considered to be sexual harassment, such as: promises of some kind of reward (favourable career moves, etc.) in return for sexual favours, or threats of reprisals if such requests are turned down; repetition of coarse or suggestive remarks, or sexual innuendo; use of crude and obscene language and gestures; repeated and exaggerated compliments about the appearance of a work colleague; physical contact, rubbing up against someone, pinching, or deliberate unwanted kisses; acts of voyeurism or exhibitionism; use of pornographic material;

6. Calls on the Member States to criminalise sexual harassment and sexual abuse in all forms, and to commit fully to ensuring that it is eliminated effectively; this includes, though not exclusively: criminalising sexual harassment in public places, political life and the workplace; carrying out awareness-raising campaigns on the rights of victims of sexual harassment and bullying; training police and members of the criminal justice system on the rights of victims and enforcing a strict protocol for supporting victims and investigating instances of sexual harassment and bullying; providing free legal advice and support for victims bringing cases to court;

7. Calls on the Commission to actively promote a change in attitudes and behaviour and to combat sexism and stereotyped gender roles, including by promoting gender-neutral language, making concerted efforts to address the key role of the media and advertising in this area, and encouraging everyone, including men and boys, to play an active part in preventing all forms of violence;

8. Calls on the Member states to make raising awareness about sexual consent and sexual harassment compulsory in their education systems;

9. Calls on the Commission to initiate and invest in a dialogue with the media on their responsibility to provide objective information on sexual violence and harassment in public spaces, at work and elsewhere and to encourage them to give prominence to awareness-raising campaigns and to the work of civil society in combating violence against women;

10. Calls on the Member States to enforce the existing EU directives on this matter, in particular Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation and Directive 2004/113/EC on implementing the principle of equal treatment between men and women in the access to and supply of goods and services, which define and condemn harassment and sexual harassment, and to allocate adequate financial and human resources to preventing and combating violence, sexual harassment and sexual abuse, empowering women and girls, protecting victims and enabling them to be compensated;

11. Calls on the Member States to fully implement Directive 2011/99/EU on the European protection order, Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters and Directive 2012/29/EU on protection of victims; calls on the Commission to issue its implementation report, due as of 1 January 2016;

12. Calls on the Commission to revise the EU framework decision currently in force on combating certain forms and expressions of racism and xenophobia by means of criminal law, in order to include sexism, bias crime and incitement to hatred on grounds of sexual orientation, gender identity and sex characteristics;

13. Calls on the Commission to improve the collection of comparable disaggregated data on gender-based violence at EU level;

***Sexual harassment in parliaments, including the European Parliament***

14. Calls on the Member States to examine the situation of sexual harassment and abuse, to take active measures to combat it in their national parliaments, and to implement and adequately enforce a policy of respect and dignity at work for elected members and staff; calls for the implementation of such a policy to be monitored;

15. Calls on the Member States to provide protective support for parliamentarians engaging with the public, particularly those experiencing sexual abuse and threats of gender-based violence, including online;

16. Calls for a committee of independent experts to be convened with a mandate to examine the situation of sexual harassment and abuse in the European Parliament;

17. Strongly resolves to recognise sexual harassment and sexual abuse in the institution as a crime in cases where the victim did not give consent, so as to ensure that such offences result in automatic prosecution;

18. Resolves to revise and reinforce the functioning of the Advisory Committee dealing with complaints of harassment between APAs and Members of Parliament; calls for the Advisory Committee on harassment and its prevention to be reinforced with a view to strengthening its positive measures and avoiding conflicts of interest regarding members of those important committee structures, and for a special dedicated committee on sexual harassment, including a legal adviser and medical staff representatives, to be set up to investigate formal cases, maintain a confidential register of cases over time and adopt the best means to ensure zero tolerance at all levels of the institution;

19. Resolves to fully support victims lodging cases within the European Parliament and/or with the local police, to activate emergency protection or safeguarding measures where necessary and to fully implement Article 12a of the Staff Regulations, while ensuring that cases are fully investigated and disciplinary measures are taken;

20. Resolves to ensure the implementation of a strong and effective action plan in the interest of prevention and support and mandatory training for all staff and Members on respect and dignity at work so as to ensure that a zero-tolerance approach becomes the norm; resolves to fully engage in awareness-raising campaigns with all Members and services of the administration, with a special focus on groups in the most vulnerable positions, such as trainees, accredited parliamentary assistants (APAs) and contract agents, and to set up an institutional network of confidential counsellors to support and advise victims, as is the practice in the Commission;

o

o o

21. Instructs its President to forward this resolution to the European Parliament, the national parliaments and governments of the Member States, the Council, the Commission and the Parliamentary Assembly of the Council of Europe.

1. OJ C 77 E, 28.3.2002, p. 138. [↑](#footnote-ref-1)
2. OJ C 285 E, 21.10.2010, p. 53. [↑](#footnote-ref-2)
3. OJ C 296 E, 2.10.2012, p. 26. [↑](#footnote-ref-3)
4. OJ C 168E, 14.6.2013, p. 102. [↑](#footnote-ref-4)
5. Texts adopted, P7\_TA(2014)0126. [↑](#footnote-ref-5)
6. Texts adopted, P8\_TA(2016)0451. [↑](#footnote-ref-6)
7. Texts adopted, P8\_TA(2017)0329. [↑](#footnote-ref-7)
8. OJ L 315, 14.11.2012, p. 57. [↑](#footnote-ref-8)
9. OJ L 338, 21.12.2011, p. 2. [↑](#footnote-ref-9)
10. OJ L 181, 29.6.2013, p. 4. [↑](#footnote-ref-10)
11. OJ L 204, 26.7.2006, p.23. [↑](#footnote-ref-11)
12. OJ L 373, 21.12.2004, p. 37. [↑](#footnote-ref-12)
13. Texts adopted, P8\_TA(2017)0073. [↑](#footnote-ref-13)
14. Texts adopted, P8\_TA(2015)0050. [↑](#footnote-ref-14)