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Committee on Women's Rights and Gender Equality

2014/2254(INI)

6.5.2015

OPINION

of the Committee on Women's Rights and Gender Equality

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of fundamental rights in the European Union (2013-2014)
(2014/2254(INI))

Rapporteur: Daniela Aiuto

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SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas Article 2 of the Treaty on European Union (TEU) states that the EU's founding values are 'human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities';
- B. whereas equality between men and women is a fundamental right and a common principle of the EU, and is still far from being achieved; whereas Articles 21 and 23 of the Charter of Fundamental Rights of the European Union set out a prohibition on any discrimination on the grounds of sex, and whereas violence against women is a brutal manifestation of gender inequality and is one of the most widespread types of violation of human rights in Europe;
- C. whereas Article 4 of the Charter of Fundamental Rights of the European Union prohibits all forms of inhuman or degrading treatment;
- D. whereas sexual and reproductive health and rights (SRHR) are grounded in basic human rights and are essential elements of human dignity¹; whereas the denial of lifesaving abortion amounts to a serious breach of human rights;
- E. whereas, in spite of a certain degree of progress made in some areas in recent years, one in two women have at some point in their lives experienced one or more forms of sexual harassment, and one in three women in the EU have, after the age of 15, experienced physical and/or sexual violence at some point in their lives²; whereas approximately 500 000 women in the EU have been subjected to female genital mutilation³, and whereas violence against women and girls is a major obstacle to gender equality and constitutes an infringement of fundamental rights, and remains one of the most widespread forms of violation of human rights in the EU;
- F. whereas, according to the findings of a survey conducted in 2014 by the European Union Agency for Fundamental Rights, most women who have been subjected to violence do not report what has happened to the police;
- G. whereas violence against women as a form of gender discrimination is not explicitly included in European law, and is present in only three national legal systems (Spain, Sweden and Germany), and as a result, violence against women is not seen as a substantive equality issue; whereas the Member States adopt an ad hoc approach to defining violence against women and gender-based violence, with definitions varying widely in national legislation, thus rendering data incomparable;

¹ ICPD Programme of Action § 7.2 and 7.3.

² European Union Agency for Fundamental Rights (FRA) 'Violence against women: an EU-wide survey. Main results' (2014) http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results_en.pdf

³ According to figures given by the Commission in a study entitled 'European Commission actions to combat violence against women' (January 2015).

- H. whereas, while punishments proportionate to the crimes committed do act as a deterrent against fundamental rights violations, the primary goal must remain to prevent crime (by means of education and cultural measures) rather than to take action after the event;
- I. whereas violence against women is the most widespread violation of fundamental rights in the European Union and throughout the world, and whereas it affects all levels of society, regardless of age, education, income, social position and country of origin or residence, and represents a major barrier to equality between women and men;
- J. whereas the violence suffered by women and girls includes physical and psychological abuse, rape, child abuse, abuse related to religious or other beliefs, sexual harassment and stalking, and domestic violence, also because of new technologies and the internet, through misogynistic language, threats and online slurs, and whereas in some cases this violence results in femicides and/or so-called crimes of honour, constituting a violation of women's fundamental right to dignity, equal treatment and access to justice as defined by the UN; whereas women and girls are entitled to the equal enjoyment and protection of all fundamental freedoms in the political, economic, social, cultural, civil or any other field¹;
- K. whereas access to justice is a human right, and equal access to justice for men and women is fundamental to achieving gender equality; whereas women often face both socio-economic barriers to justice, such as economic dependence, lack of financial resources or legal aid, and cultural stereotypes leading to fear and shame, and procedural barriers to justice, such as lengthy criminal proceedings, discriminatory practices and low conviction rates; whereas disabled, rural, minority, migrant, refugee, or LGBTI women and girls may face greater institutional bias in access to justice than other women;
- L. whereas the trafficking and sexual exploitation of women and children are a clear violation of human rights, human dignity and the fundamental principles of law and democracy; whereas today women are more vulnerable to these threats due to increased economic uncertainty and the higher risk of unemployment and poverty;
- M. whereas in a labour market which is traditionally gender-segregated, the difficulty of balancing work and family life and the undervaluation of women's skills and work are among the complex causes of the persistent gender pay and pension gap;
- N. whereas gender discrimination affects the labour market participation of women, and particularly of older women, single parents, women with a disability, migrant women and women from ethnic and cultural minorities;
- O. whereas mass access to the internet has opened up still further opportunities for physical and psychological abuse of women, including online grooming;
- P. whereas discrimination based on sex continues to this day, having serious repercussions on work, family and private life, and whereas this frequently happens in the field of education, training and services; whereas there are often cases of multiple discrimination against women on grounds other than gender, such as ethnic origin, belief, class, sexual

¹Articles 1 and 3 of the UN Declaration on the Elimination of Violence Against Women of 20 December 1993 (A/RES/48/104).

orientation, religion and disability;

- Q. whereas the economic crisis and austerity policies implemented in many Member States have imposed the shrinking of available budgets and the reduction of public services to assist victims of violence against women, with a negative effect that undermines fundamental rights and places women at increased risk of poverty, exclusion, discrimination and violence;
1. Urges the Commission to include SRHR, as basic human rights, in its next EU Health Strategy to ensure coherence between the EU's internal and external fundamental rights policy, as called for by Parliament on 10 March 2015¹;
 2. Calls on the Commission and the Member States to recognise the right to access safe and modern contraceptives and sexuality education in schools;
 3. Calls on the Member States to ensure the implementation of national strategies concerning respect for and the safeguarding of women's sexual and reproductive health and rights; insists on the role of the Union in awareness-raising and promoting best practices on this issue, given that health is a fundamental human right essential for the exercise of other human rights;
 4. Calls on the Commission to suggest specific steps that Member States may take to combat multiple discrimination;
 5. Calls on the Commission to promote a strategy and action plan to combat all forms of gender-based violence and homophobia, improving prevention and providing protection and assistance to victims, paying special attention to the most vulnerable people, such as children, the elderly, disabled people, refugees, asylum seekers and victims of discrimination; calls on the Commission to present a concrete and ambitious post-2015 strategy for gender equality;
 6. Calls on the Member States to set up networks of centres providing support and shelter for women who are victims of trafficking and prostitution, ensuring that they receive psychological, medical, social and legal support and encouragement in finding stable employment and accompanying entitlements;
 7. Roundly condemns all psychological and physical violence, including sexual violence, perpetrated against women; calls on the EU and the Member States to ensure that the victims receive assistance and protection;
 8. Calls on the Member States to fully implement Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and Directive 2011/99/EU on the European protection order;
 9. Considers that violence against women such as honour killing, child marriage, trafficking, female genital mutilation and domestic violence are serious violations of human rights that should never be justified by religion, culture and tradition;

¹ Texts adopted, P8_TA(2015)0050.

10. Stresses that in order to effectively combat violence against women and impunity, a change of attitude towards women and girls in society is necessary, where women are too often represented in subordinate roles and violence against them is too often tolerated or undermined;
11. Calls on the Member States to make it easier for women who have been subjected to violence to gain access to justice, and to promote the exchange of best practice;
12. Stresses the need to address gendered barriers to justice in the Member States, in both socio-economic and procedural terms, and urges the Commission and the Member States to take steps to remove them; calls on the Commission and the Member States to improve the collection of gender-disaggregated data on barriers to justice;
13. Urges the Commission and the Member States to ratify the Istanbul Convention, which is a powerful instrument to comprehensively tackle violence against women and girls, including marital rape, domestic violence and female genital mutilation;
14. Expresses serious concern about continuing genital mutilation practices, which are a serious form of violence against women and girls and constitute an unacceptable violation of their right to physical integrity; urges the EU and the Member States to exercise extreme vigilance with regard to such practices within their borders, and to put a stop to them as swiftly as possible; calls in particular on the Member States to adopt a firm and dissuasive approach by training people working with migrants and systematically and effectively prosecuting and punishing the perpetrators of genital mutilation, for which there must be zero tolerance; insists this should be paralleled with information and awareness-raising campaigns targeting the groups concerned; welcomes the fact that EU legislation in the field of asylum views victims of genital mutilation as vulnerable persons and includes genital mutilation among the criteria for the granting of asylum;
15. Calls on the EU institutions and the Member States to look into the impact on fundamental rights of austerity measures, proposed or implemented, in a gender-sensitive manner, taking into account the disproportionate impact of austerity measures on women; calls on the EU institutions to take remedial action immediately where austerity measures have had a negative impact on women's economic, social and cultural rights;
16. Points out that too many women continue to fall prey to sexual harassment at the workplace, in every segment of the labour market; calls on the Member States to implement awareness-raising campaigns in this regard, targeting both the private sector and the civil service; calls on the Member States also to combat impunity in this field;
17. Is alarmed at the under-representation of women in decision-making processes, companies and their boards of directors, science and the political spheres, at both national and international levels (large companies, national and European elections) and, in particular, at local level; calls for women to be supported in their professional development and efforts to accede to executive posts, and calls on the EU institutions to pay greater attention to the finding that a mere 17.8 % of board members of the largest publicly listed companies in the EU are women;
18. Welcomes the fact that the report on the application of the Charter of Fundamental Rights

contains a paragraph on the directive seeking to improve the gender balance among non-executive directors of companies listed on stock exchanges, as a way of promoting fundamental rights in order to achieve genuine equality between women and men on boards of directors;

19. Calls on the Commission to raise awareness of the need to foster a culture of respect and tolerance with a view to putting an end to all forms of discrimination against women;
20. Points out that over half of all postgraduates are women; considers that until there is equal representation of men and women in decision-making posts, positive discrimination measures should be taken in this respect; invites the Member States to take all necessary measures to promote the appointment of women to high-level posts;
21. Points out that the pay gap between men and women constitutes unacceptable discrimination and runs counter to the EU Treaties (Article 157 TFEU); deplores the fact that, in the EU, women still receive 16 % less than men, on average, for the same work; urges the Member States to ensure that the principle of equal pay for equal work is applied in all segments of the labour market;
22. Calls on the Commission to monitor the fundamental rights situation in the EU on the basis of gender-disaggregated data;
23. Calls on the Member States to give the National Institutes for Gender Equality independence and financial autonomy so that they can acquire the necessary staff and play an authoritative role; emphasises the importance of the Member States cooperating with Parliament in gender equality work to implement action plans and targeted recommendations as regards boosting equality, combating violence against women and achieving a higher level of inclusion of women in society, regardless of the Member State the women are in;
24. Calls on the Commission to step up funding for projects and partnerships between the Member States and NGOs with recognised experience in assisting women who are victims of trafficking and prostitution;
25. Calls on the Commission and the Member States to take account of demographic developments and changes in the size and composition of households when designing their fiscal policies, social security and public services; notes that the number of single person households is on the rise in most Member States, but that most policies directly or indirectly discriminate against them and put them at an undue disadvantage; believes that people should not be rewarded or punished for the particular size and composition of the household they are part of; calls, therefore, for policies to be neutral with regard to household size or composition;
26. Calls on the Member States and the EU institutions to cooperate with the European Institute for Gender Equality (EIGE) and the Agency for Fundamental Rights, in keeping with the shared determination to work together to combat violence and gender discrimination;
27. Calls upon the Member States to step up their response to social media trolls who have

targeted women disproportionately with online harassment;

28. Calls on the Commission and the Member States to recognise and promote the role of formal and informal education in helping to bring about gender equality through the empowerment of women and people identifying as LGBTI, thus protecting their fundamental rights;
29. Calls on the Member States to review their national legislation and repeal provisions that discriminate against women, as was recently the case as regards the rules governing one Member State's national retirement scheme, which determined the 'normal retirement age' differently depending on the gender of the person concerned, and, where women applicants were concerned, depending on the number of children they had raised¹;
30. Calls on the EU and the Member States to recognise the inalienable rights of women and girls to bodily integrity and autonomous decision-making.

¹Judgment of the Court of Justice of the European Union of 11 April 2013, Blanka Soukupová v Ministerstvo zemědělství, EU:C:2013:223.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	6.5.2015
Result of final vote	+: 27 -: 5 0: 1
Members present for the final vote	Daniela Aiuto, Maria Arena, Catherine Bearder, Beatriz Becerra Basterrechea, Malin Björk, Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, Viorica Dăncilă, Iratxe García Pérez, Anna Hedh, Mary Honeyball, Teresa Jiménez-Becerril Barrio, Elisabeth Köstinger, Agnieszka Kozłowska-Rajewicz, Angelika Mlinar, Angelika Niebler, Maria Noichl, Marijana Petir, Terry Reintke, Liliana Rodrigues, Jordi Sebastià, Michaela Šojdrová, Ernest Urtasun, Ángela Vallina, Beatrix von Storch, Anna Záborská, Jana Žitňanská, Inês Cristina Zuber
Substitutes present for the final vote	Rosa Estaràs Ferragut, Constance Le Grip, Georg Mayer, Branislav Škripek, Monika Vana, Julie Ward
Substitutes under Rule 200(2) present for the final vote	Isabella Adinolfi