



2016/2009(INI)

7.9.2016

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 in 2015
(2016/2009(INI))

Rapporteur: Jordi Sebastià

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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:

- having regard to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 18 December 1979,
- A. whereas family reunification, although a basic human right, is currently being systematically delayed and even violated, and whereas women and children are the first victims of this right being denied or delayed;
- B. whereas Articles 21 and 23 of the Charter of Fundamental Rights of the European Union prohibit gender-based discrimination; whereas the EU is committed to promoting gender equality and ensuring gender mainstreaming in all of its actions;
- C. whereas Roma women are often exposed to multiple and intersectional discrimination on grounds of gender and ethnic origin, and have limited access to employment, education, healthcare, social services or decision-making; whereas discrimination can occur within mainstream society in a context of growing anti-Roma racism, but also within the women's own communities by reason of their gender;
- D. whereas violence against women is a violation of fundamental rights which affects all levels of society, regardless of age, education, income, social position or country of origin or residence; whereas gender inequality and gender-based stereotypes raise the risk of violence and other forms of exploitation and hinder the full participation of women in all areas of life;
- E. whereas women still face numerous forms of discrimination in the EU and are still under-represented in all areas of decision-making;
- F. whereas trafficking in human beings is a gross violation of fundamental rights, human dignity and the fundamental principles of law and democracy; whereas trafficking for the purpose of sexual exploitation is still the most widespread form; whereas 76 % of registered victims in the EU are women;
- G. whereas the EU LGBT Survey finds that lesbian, bisexual and transgender people face a disproportionate risk of discrimination on the basis of their sexual orientation or gender identity;
- H. whereas gender itself does not inherently create vulnerability, and there are many contributing factors that can create a situation of vulnerability, including poverty, social exclusion and multiple discrimination;
- I. whereas the latest available estimates from Eurostat show that women in the EU earn on average 16 % less than men;
- J. whereas sexual and reproductive health and rights are grounded in basic human rights and

are essential elements of human dignity¹;

1. Regrets that gender equality has not yet been attained, that in many areas, no improvements are being made, and that women's fundamental rights continue to be breached; stresses that women still suffer from discrimination and social exclusion, as exemplified by their low representation in science, technology and engineering, entrepreneurship and the decision-making process, in both private and public sectors, and by the persisting gender pay and pension gap, also with reference to women living in rural areas; notes that discrimination and lack of representation lead to the perpetuation of gender stereotypes, social and economic exclusion, and violence against women and girls;
2. Underlines the need to combat anti-Roma racism at every level and by every means, and stresses that this phenomenon is an especially persistent, violent, recurrent and commonplace form of racism; calls on the Member States to further strengthen the fight against anti-Roma racism and to support the empowerment of Roma women as part of their National Roma Integration Strategies promoting best practices;
3. Calls for statistics and indicators to be provided on multiple discrimination, which is often hidden under 'mainstream' discrimination (such as that on grounds of poverty and race); recalls that where there exists a risk of discrimination there is an even greater risk that it will be gendered; calls on the European Union Agency for Fundamental Rights (FRA) to publish a report on this subject;
4. Regrets that women still suffer from discriminatory working conditions, including non-standard forms of employment; emphasises that women working in the retail sector are particularly exposed to extended working hours and are liable to be denied their right as workers to a weekly day of rest;
5. Is concerned that in recent years, anti-gender equality movements have gained public ground in a number of Member States; stresses that these movements are challenging existing achievements in the area of gender equality and aim at blocking laws and policies protecting LGBTI people against hate crimes and discrimination;
6. Regrets, in this context, the failure to adopt an EU gender equality strategy for 2016-2020, and, echoing the Council's conclusions on gender equality of 16 June 2016, calls on the Commission to enhance the status of its strategic engagement for gender equality for 2016-2019 by adopting it in the form of a communication;
7. Calls on the Commission to step up efforts to increase the representation of women in decision-making in the political and economic spheres, by pursuing a dual approach that combines gender mainstreaming and targeted measures;
8. Calls on the Commission to improve the collection, analysis and the dissemination of comprehensive, comparable, reliable and regularly updated data on women's participation in decision-making;
9. Condemns any form of surrogate motherhood, since it disregards the rights of all women;

¹ ICPD Programme of Action § 7.2 and 7.3

10. Calls on the EU institutions to encourage women's participation in the European electoral process by including gender-balanced lists in the next revision of European electoral law;
11. Regrets that the proposal of 2012 for a directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures is still blocked, and calls on the Council to finally adopt a common position on this proposal;
12. Underlines that the gender pay gap, which currently stands at 16 % on average in the EU, embodies an inadmissible discrimination and runs counter to the EU Treaties (Article 157 TFEU); reiterates its call on the Member States to revise their existing legislation with a view to closing the pay and pensions gap between men and women; notes that measures to increase wage transparency are fundamental to closing the gender pay gap; calls on the Member States to implement the Commission recommendation on wage transparency;
13. Considers it urgent to develop an EU-level definition of work of equal value, taking into account ECJ case law, so as to ensure that factors such as working conditions, responsibility conferred on workers and the physical or mental requirements for the job are taken into consideration;
14. Calls for the full implementation of 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 for it to be revised with a compulsory requirement for companies to draw up measures or plans for gender equality;
15. Notes that women are disproportionately and often involuntarily concentrated in precarious work, and that this includes high levels of part-time work, low-paid work and fixed-term and zero-hours contracts; notes that working part-time contributes to the risk of poverty; recalls in this context that equality between men and women can only be achieved through a fair redistribution of paid and unpaid work as well as of work, family and care responsibilities;
16. Stresses the existence in rural areas of a high proportion of self-employed workers lacking appropriate social protection, as well as the high proportion of 'invisible' work, which affects women in particular; calls, therefore, on the Member States and the regions with legislative powers to improve the legislation regarding gender equality in the labour market, in particular regarding wages, ownership rights and decision-making, as well as to ensure social security provision for both men and women working in rural areas;
17. Underlines the crucial role of high-quality public services in combating poverty, especially female poverty, as women are more dependent on such services;
18. Calls on the Commission to undertake a comprehensive and global legislative action to meet the needs of mothers and fathers with regard to types of leave, namely maternity, paternity, parental and carers' leave, in particular in order to help men play an active role as fathers, enable a fairer distribution of family responsibilities and thus give women equal opportunities to participate in the labour market;
19. Deplores the Commission's decision to withdraw the maternity leave directive, and calls on it to put forward a new proposal on the mandatory right to paid paternity leave;

20. Underlines the fact that only a small proportion of men use their right to parental leave; calls, therefore, for concrete action to be taken in order to move towards parental leave rights that are as individual and non-transferable as possible;
21. Welcomes the proposal to introduce carers' leave as foreseen in the Commission Roadmap on a new start to address the challenges of work-life balance faced by working families; calls on the Commission to put forward a legislative proposal to include this provision;
22. Welcomes the proposed accession of the EU to the Istanbul Convention, and calls for the EU to ratify that Convention as soon as possible in order to ensure protection against and prevention and elimination of all forms of violence against women and domestic violence; reminds Member States that EU membership does not exonerate them from signing, ratifying and enforcing the Istanbul Convention, and urges them to do so; underlines that the Istanbul Convention is the most comprehensive and modern tool available for prevention, protection and collection of data in respect of violence against women (VAW), and deplores the fact that only 14 Member States have ratified it so far;
23. Condemns all forms of violence against women and girls, such as honour killings, forced marriage, trafficking, domestic violence and female genital mutilation; considers that these practices can never be justified and should be criminalised and punished; calls on the Commission and the Member States to take decisive action to combat these practices, worldwide and in the EU; stresses that VAW is a systematic form of abuse of fundamental rights and that 62 million women in the EU have been victims of violence;
24. Considers that all those living in Europe should respect the law and women's rights and dignity;
25. Deplores the acts of harassment and rape in public places in Europe and the high level of impunity and lack of justice for victims, and considers that every woman and girl should feel safe from any form of sexual harassment in any public place in Europe; calls on Member States to organise awareness raising campaigns to combat sexual harassment of women and to take the necessary measures to ensure that such acts are properly sanctioned, that the perpetrators are brought to justice and that appropriate protection is provided to victims;
26. Urges the EU and the Member States to mobilise the necessary means and tools to fight trafficking and sexual exploitation;
27. Stresses that in order to effectively combat gender-based violence, a change of attitude towards women and girls is necessary; considers that they are too often represented in subordinate roles and that violence against them is too often tolerated or minimised; calls on Member States to do more to combat gender-based stereotypes and discrimination against women and girls;
28. Reiterates its call on the Commission to submit a legislative proposal on violence against women and gender-based violence and to present a comprehensive strategy on the subject, including ensuring access to justice for those who have experienced violence;
29. Welcomes the growing momentum across the EU of the movement to eradicate FGM;

notes that Member States are gradually making positive changes in their legal systems in order to criminalise both the act of carrying out FGM and the act of taking a child or a young woman out of the EU to a third country for the purpose of FGM; urges those Member States which have not already done so to ensure that their criminal legislation protects girls and women from FGM;

30. Recognises that the average age of entering into prostitution is between 13 and 14, and that sexual exploitation is a highly gendered issue and a form of gender-based violence running contrary to the principles of human rights among which gender equality is a core principle;
31. Underlines the important role of parents in the context of an educational framework for promoting gender equality;
32. Calls on the Member States to implement laws and policies that target perpetrators directly, in order to reduce demand for sexual exploitation while decriminalising individuals in prostitution and providing them with support services, including high-quality social, legal and psychological assistance for those who wish to exit prostitution;
33. Calls on the Member States to fully implement Directive 2012/29/EU on the rights, support and protection of victims of crime and Directive 2011/99/EU on the European protection order, so as to ensure appropriate protection and assistance to women and girls who are victims of violence;
34. Strongly deplores the fact that the Council has still not adopted the 2008 proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation; welcomes the prioritisation of this directive by the Commission; reiterates its position on the Equal Treatment Directive and its call on the Council to adopt the proposal as soon as possible;
35. Condemns all forms of discrimination and violence against LGBTI people; calls for further action to push for the strengthening of criminal and anti-discrimination laws across the EU in order to close the legislative gaps that still exist with regard to the punishment of homophobic, biphobic and transphobic hate crimes;
36. Is concerned at the increase in cyberviolence against women and girls, as well as the use of ICT and the internet for trafficking in women and children, especially for sexual and labour exploitation; calls on the Commission and the Member States to adopt measures to prevent and address the use of new technologies as a tool of recruiting mostly women and girls as victims of trafficking in human beings, as well as of cyberharassment and cyberstalking;
37. Notes the FRA report on the fundamental rights of intersex people, as well as the paper by the Council of Europe's Human Rights Commissioner on human rights and intersex people; calls on the Commission to encourage Member States to take measures to protect and respect the fundamental rights of intersex people;
38. Calls on the Member States to ensure that children and young people can enjoy their right to seek, receive and impart information related to sexuality, including sexual orientation, gender identity and gender expression, in an age-appropriate and gender-sensitive

manner;

39. Calls on the Member States to introduce gender-sensitive educational programmes as well as actions on girls' and women's rights, gender equality, gender identities and gender relations at all levels of educational systems; calls also for education in peace, anti-discrimination and anti-racism for both girls and boys in schools from an early stage;
40. Reiterates that access to sexual and reproductive health and rights, including safe and legal abortion, should be guaranteed to every woman in the EU, and calls on the EU and the Member States to decriminalise abortion and the performing of abortion-related care; underlines that the sexual and reproductive health and rights of all women and girls must be respected, including their right to their bodies and sexuality and their right to be free from coercion, discrimination and violence;
41. Welcomes all the efforts made to fully implement the UN Convention on the Rights of Persons with Disabilities; recalls that women and girls with disabilities are particularly exposed to discrimination and are thus prevented from enjoying their fundamental rights on an equal basis with others;
42. Encourages the responsible committees of Parliament to look into the issue of the protection of the human rights of intersex people in the EU and put forward an own-initiative report;
43. Calls on the Commission and the Member States to implement measures to protect women and LGBTI people against harassment in the workplace;
44. Calls on the Commission to combat unfair treatment of women and images of gender inequality in the media industry by instituting the exchange of best practices for enabling media companies to better apply a gender-equal approach in broadcasting and advertising;
45. Calls on the Member States, in cooperation with the Commission, to take all necessary measures to ensure the protection of women and girls who are migrants, refugees or asylum seekers, as well as of LGBTI refugees and asylum seekers, to include legal advice, access to healthcare, safe spaces for women and children, separate sanitary facilities, and enjoyment of their sexual and reproductive health and rights, including access to safe abortion;
46. Expresses its deep concern at the situation of refugee women and girls who are living in makeshift conditions across the EU and on its borders, as well as of the more than 10 000 unaccompanied minors who have gone missing since entering the EU; points out that women and girls represent the biggest group and a particularly vulnerable group within the migratory flows and that specific and careful assessment of their needs within the asylum and reception procedures is required; reiterates in this regard that specific approaches, programmes and measures have to be provided for them;
47. Emphasises the need to open legal and safe asylum routes, in order to avoid trafficking networks as well as to enable women, children, old people and persons with disabilities to seek refuge without risking their lives;
48. Reiterates the fundamental right of all women to access to public healthcare systems, and

in particular to primary, gynaecological and obstetric healthcare as defined by the World Health Organisation;

49. Notes that 70 % of the identified victims of trafficking in human beings in the EU are EU nationals, and that the majority of reported victims are female EU nationals from central and eastern Europe¹; calls on the Member States to fully implement Directive 2011/36/EU on preventing and combating trafficking in human beings, as well as Directive 2011/92/EU on combating child sexual abuse and exploitation, in order to protect women and girls from trafficking, violence and sexual exploitation; calls on the Member States also to address the demand side of trafficking and exploitation of human beings in their national strategies and action plans;
50. Stresses that undocumented migrant women and girls should be able to fully enjoy their basic fundamental rights, and that channels for legal migration should be developed;
51. Expresses its serious concern at the situation of migrants and asylum seekers who are smuggled to the EU, with women and children facing heightened risks of sexual and gender-based violence; recalls that women and children may be compelled to exchange sex for protection or basic support, in order to survive, and that this is in some cases due to gaps in assistance, failures of registration systems, family separation or the absence of safe and legal means of entry into the EU, as well as to the absence of successful measures against traffickers; underlines that women and children engaging in survival sex are not considered to be trafficking victims and thus cannot receive the assistance they need;
52. Points out that domestic workers are predominantly women, and calls on the Member States to speed up the process of ratifying and implementing the ILO Domestic Workers Convention, in the wake of Council Decision 2014/51/EU and as a key instrument for ensuring decent working conditions;
53. Expresses its strong opposition to the detention of refugees, including that of pregnant women, children and breastfeeding mothers;
54. Calls for the strengthening of the right to family reunification across the EU, as well as for the improvement of its implementation, using swifter and less costly processes; stresses the need for family reunification procedures to include the individual rights of women and girls joining their families in the EU, so as to ensure their independence in terms of accessing healthcare, education or work;
55. Expresses its concern at the lack of data regarding Roma women and children who are at risk of being trafficked for forced labour or services, including begging; calls on the Commission to provide data on Romani women and children recognised as trafficking victims, including figures on how many have received victim assistance and in which countries;
56. Calls on the Commission to introduce gender mainstreaming in all areas of policymaking, with a view to the more effective promotion of gender equality, as well as in all proposed legislation, including systematic gender impact assessments as part of the fundamental rights compliance assessment and as an integrated criterion in dialogue with, inter alia,

¹ Europol, Situation Report: Trafficking in human beings in the EU (February 2016)

countries which are candidates for accession;

57. Calls on the Commission and the Member States to implement gender budgeting as a tool for ensuring that budgetary decisions take the gender dimension into account and address differentiated impacts;
58. Calls on the Commission to introduce a gender equality pillar into the Europe 2020 strategy, and to ensure the fuller inclusion of the gender mainstreaming perspective in the European Semester, by introducing a gender dimension into the annual growth survey and the formulation process of the CSRs;
59. Recognises that the adoption of austerity measures and the excessive focus on fiscal consolidation by the EU and its Member States, introduced as a response to the economic crisis, have exacerbated poverty and social exclusion across Europe, especially in the case of women and other groups experiencing social disadvantage, and that these impacts must be taken into account in the economic CSRs;
60. Regrets that levels of gender discrimination remain high, including in areas other than employment;
61. Recognises that upholding women and girls' fundamental rights can only truly be guaranteed through further economic, political and social empowerment, representation and inclusion;
62. Highlights the need for targeted policies to guarantee the fundamental rights of vulnerable women who are members of specific groups, such as women refugees and asylum seekers, Roma women, women from ethnic minorities, elderly women, or women with disabilities;
63. Calls on the EU institutions to introduce specific indicators on gender equality, including the Gender Equality Index of EIGE, in the monitoring and safeguarding system of the future EU mechanism on democracy, the rule of law and fundamental rights;
64. Calls on the EU institutions and all Member States to work actively in the areas of gender mainstreaming, wage mapping and the fair division of parental leave; notes that social vulnerability and weak social inclusion stem from the fact that fewer women than men are in employment and more women than men work part-time;
65. Calls for the EU to adopt an approach under which human, labour, consumer and environmental rights should guide transnational and national trade and investment, and not the other way around;
66. Calls on the EU institutions and the Member States to undertake a concerted action to increase awareness of the already existing forms of protection and ensure better practical implementation and application of the Equality Directives.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	5.9.2016
Result of final vote	+: 13 -: 4 0: 2
Members present for the final vote	Daniela Aiuto, Maria Arena, Angelika Mlinar, Margot Parker, Marijana Petir, Jordi Sebastià, Anna Záborská, Jana Žitňanská
Substitutes present for the final vote	Stefan Eck, Eleonora Forenza, Arne Gericke, Constance Le Grip, Evelyn Regner, Marc Tarabella
Substitutes under Rule 200(2) present for the final vote	Sylvia-Yvonne Kaufmann, Olle Ludvigsson, Georgi Pirinski, Josep-Maria Terricabras, Claudiu Ciprian Tănăsescu