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## TEXTS ADOPTED

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### **P8\_TA(2017)0417**

### **Combating sexual harassment and abuse in the EU**

#### **European Parliament resolution of 26 October 2017 on combating sexual harassment and abuse in the EU (2017/2897(RSP))**

*The European Parliament,*

- having regard to Articles 2 and 3 of the Treaty on European Union (TEU) and Articles 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union, which entered into force with the Treaty of Lisbon in December 2009, and in particular Articles 20, 21, 23 and 31 thereof,
- having regard to the 2014 report by the European Union Agency for Fundamental Rights (FRA) entitled ‘Violence against women’<sup>1</sup>,
- having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation<sup>2</sup>,
- having regard to Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services<sup>3</sup>, which defines and condemns harassment and sexual harassment,
- having regard to the Gender Equality Index Report of the European Institute for Gender Equality,
- 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 July 2017 by Estonia, Bulgaria and Austria on equality between women and men,

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<sup>1</sup> <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

<sup>2</sup> OJ L 204, 26.7.2006, p. 23.

<sup>3</sup> OJ L 373, 21.12.2004, p. 37.

- having regard to the 1993 UN Declaration on the Elimination of Violence against Women,
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995, and to the subsequent outcome documents adopted at the United Nations 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,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council 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<sup>1</sup> (the Victims’ Rights Directive),
- having regard to the Framework Agreement on Harassment and Violence at Work (2007) between ETUC/CES, BUSINESSSEUROPE, UEAPME and CEEP,
- having regard to the report of the European Network of Equality Bodies (EQUINET) entitled ‘The Persistence of Discrimination, Harassment and Inequality for Women. The work of equality bodies informing a new European Commission Strategy for Gender Equality’, published in 2015,
- having regard to the Istanbul Convention on preventing and combating violence against women and domestic violence<sup>2</sup>, in particular Articles 2 and 40 thereof, and to its resolution 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<sup>3</sup>,
- having regard to its resolutions of 20 September 2001 on harassment at the workplace<sup>4</sup>, of 26 November 2009 on the elimination of violence against women<sup>5</sup>, of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women<sup>6</sup>, of 15 December 2011 on the mid-term review of the European strategy 2007-2012 on health and safety at work<sup>7</sup>, of 25 February 2014 with recommendations to the Commission on combating violence against women<sup>8</sup> and the accompanying European Added Value Assessment of November 2013, and of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women<sup>9</sup>,
- having regard to its resolutions of 14 March 2017 on equality between women and men in the European Union in 2014-2015<sup>10</sup>, of 10 March 2015 on progress on equality

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<sup>1</sup> OJ L 315, 14.11.2012, p. 57.  
<sup>2</sup> <https://rm.coe.int/168008482e>  
<sup>3</sup> Texts adopted, P8\_TA(2017)0329.  
<sup>4</sup> OJ C 77 E, 28.3.2002, p. 138.  
<sup>5</sup> OJ C 285 E, 21.10.2010, p. 53.  
<sup>6</sup> OJ C 296 E, 2.10.2012, p. 26.  
<sup>7</sup> OJ C 168 E, 14.6.2013, p. 102.  
<sup>8</sup> OJ C 285, 29.8.2017, p. 2.  
<sup>9</sup> Texts adopted, P8\_TA(2016)0451.  
<sup>10</sup> Texts adopted, P8\_TA(2017)0073.

between women and men in the European Union in 2013<sup>1</sup>, and of 24 October 2017 on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies<sup>2</sup>,

- having regard to Article 12a of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union,
  - having regard to the guide for Members of the European Parliament entitled ‘Zero Harassment at the Work Place’, issued in September 2017, and the action plan of Parliament’s administration on this crucial matter,
  - having regard to Rules 123(2) and (4) of its Rules of Procedure,
- A. whereas gender equality is a core value of the EU – as recognised in the Treaties and the Charter of Fundamental Rights – which the EU has committed to integrating into all its activities;
- B. whereas the EU is a community of values, based on democracy, the rule of law and fundamental rights, enshrined in its core principles and objectives in the first articles of the TEU and in the criteria for Union membership;
- C. whereas sexual harassment is defined in EU law as ‘where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment’<sup>3</sup>;
- D. whereas sexual harassment is a form of violence against women and girls and is the most extreme yet persistent form of gender-based discrimination; whereas some 90 % of victims of sexual harassment are female and approximately 10 % are male; whereas according to the EU-wide FRA study of 2014 entitled ‘Violence against women’ one in three women have experienced physical or sexual violence during their adult lives; whereas up to 55 % of women have been sexually harassed in the EU; whereas 32 % of all victims in the EU said the perpetrator was a superior, colleague or customer; whereas 75 % of women in professions requiring qualifications or top management jobs have been sexually harassed; whereas 61 % of women employed in the service sector have been subjected to sexual harassment; whereas 20 % of young women (between the ages of 18 and 29) in the EU-28 have experienced cyber harassment; whereas one in ten women have been subjected to sexual harassment or stalking using new technology;
- E. whereas cases of sexual harassment and bullying are significantly underreported to the authorities due to a fairly persistent low social awareness of the issue, insufficient channels for victim support and the perception that it is a sensitive issue for society, despite the existence of formal procedures to tackle it in the workplace and in other spheres;
- F. whereas sexual violence and harassment in the workplace is a matter of health and safety and should be treated and prevented as such;

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<sup>1</sup> OJ C 316, 30.8.2016, p. 2.

<sup>2</sup> Texts adopted, P8\_TA(2017)0402.

<sup>3</sup> [http://ec.europa.eu/justice/gender-equality/files/your\\_rights/final\\_harassement\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/your_rights/final_harassement_en.pdf)

- G. whereas discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation is prohibited by EU law;
- H. whereas sexual violence and harassment are contrary to the principle of gender equality and equal treatment and constitute gender-based discrimination, and are therefore prohibited in employment, including with regard to access to employment, vocational training and promotion;
- I. whereas the persistence of gender stereotypes, sexism, sexual harassment and abuse 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 whereas this has physical, sexual, emotional and psychological consequences for the victim; whereas the unequal distribution of power between men and women, gender stereotypes and sexism, including sexist hate speech, offline and online, are root causes of all forms of violence against women and have led to men's domination over women and discrimination against them and to women's full advancement being prevented;
- J. whereas the Beijing Platform for Action's definition of violence against women encompasses, but is not limited to, physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere<sup>1</sup>;
- K. whereas the Victims' Rights Directive defines gender-based violence as a form of discrimination and a violation of the fundamental freedoms of the victim and includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called 'honour crimes'; whereas women victims of gender-based violence and their children often require special support and protection because of the high risk of secondary and repeat victimisation, of intimidation and of retaliation connected with such violence<sup>2</sup>;
- L. whereas EU law requires that Member States must ensure that an equality body is in place to provide independent assistance to victims of harassment and sexual harassment, conduct independent surveys, publish independent reports and make recommendations in matters of employment and vocational training, in the access to and supply of goods and services, and for the self-employed;
- M. 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;
- N. whereas gender equality is the responsibility of all individuals in society and requires the active contribution of both women and men; whereas the authorities should commit to the development of education and awareness campaigns directed at men and the younger generations, with the aim of involving men and boys as partners, gradually

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<sup>1</sup> <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>

<sup>2</sup> See recital 17 of the Victims' Rights Directive.

preventing and eliminating all forms of gender-based violence and promoting or empowering women;

- O. whereas women in the European Union are not equally protected against gender-based 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; 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;
- P. 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; 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';
- Q. whereas violence and harassment in political life is disproportionately targeted at women; 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;
- R. whereas sexual harassment is defined in Article 12a of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union;
- S. whereas sexual harassment or sexist behaviour is not harmless and whereas trivialising sexual harassment or sexual violence by using understated language reflects sexist attitudes towards women and communicates messages of control and power in the relationship between men and women, impacting on women's dignity, autonomy and freedom;
- T. whereas Parliament has established specific structures and internal rules to address sexual harassment in the House, namely the Advisory Committee dealing with harassment complaints between Accredited Parliamentary Assistants (APAs) and Members of the European Parliament, 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 in order to assess possible cases and to prevent sexual harassment and abuse;
- U. whereas politicians, as elected representatives of citizens, have a crucial responsibility to act as positive role models in preventing and combating sexual harassment in society;

***Zero tolerance and the fight against sexual harassment and sexual abuse in the EU***

- 1. Strongly condemns all forms of sexual violence and physical or psychological harassment and deplores the fact that these acts are too easily tolerated, whereas in fact they constitute a systemic violation of fundamental rights and a serious crime that must be punished as such; stresses that impunity must end by ensuring that perpetrators are prosecuted;

2. Insists on effective implementation of the existing legal framework addressing sexual harassment and abuse, encouraging at the same time the EU Member States, as well as public and private companies, to take further measures to effectively prevent and end sexual harassment in the workplace and elsewhere; stresses that the dedicated legal procedures established to address sexual harassment cases in the workplace should be followed;
3. Welcomes initiatives such as the #MeToo movement that aim to report cases of sexual harassment and violence against women; strongly supports all the women and girls who have participated in the campaign, including those who denounced their perpetrators;
4. Calls on the Commission and the Member States to adequately monitor the correct implementation of the EU directives prohibiting harassment on the basis of gender and sexual harassment, and to ensure that the EU Member States strengthen the human resource capacity of equality bodies supervising discriminatory practices and make sure that these bodies are given a clear mandate and adequate resources to cover the three areas of employment, self-employment and access to goods and services;
5. Calls on the Commission to assess, exchange and compare the existing best practices of combating sexual harassment in the workplace and to disseminate the results of this assessment as regards the effective measures that Member States could take to encourage companies, social partners and organisations involved in vocational training to prevent all forms of gender-based discrimination, in particular as regards harassment and sexual harassment in the workplace;
6. Highlights the central role of all men in committing to change and to ending all forms of harassment and sexual violence, by combating circumstances and structures which enable, even passively, the behaviour that leads to this and challenging any misconduct or inappropriate behaviour; calls on the Member States to actively involve men in awareness-raising and prevention campaigns;
7. Believes that key actions to combat sexual harassment include tackling the issues of under-reporting and social stigma, establishing procedures of workplace accountability, active engagement of men and boys in violence prevention, and action against emerging forms of violence, e.g. in cyberspace;
8. Is alarmed that harassment of women online and especially on social media, ranging from unwanted contact, trolling and cyber-bullying to sexual harassment and threats of rape and death, is becoming widespread in our digital society, which also gives rise to new forms of violence against women and girls, such as cyber-bullying, cyber-harassment, the use of degrading images online and the distribution on social media of private photos and videos without the consent of the people involved;
9. Calls on the Commission and the Member States to ensure that funding mechanisms for programmes to combat violence against women can be used for awareness raising and to support civil society organisations addressing violence against women, including sexual harassment;
10. Calls on the Commission and the Member States to speed up the ratification of the Istanbul Convention; calls on the Member States to fully implement it, including by setting up a system of disaggregated data collection, which includes data broken down

by the age and gender of the perpetrators and the relationship between the perpetrator and the victim, and which includes sexual harassment;

11. Calls on the Commission to submit a proposal for a directive against all forms of violence against women and girls and of gender-based violence; 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;
12. Calls on the Council to activate the passerelle clause by adopting a unanimous decision to identify violence against women and girls (and other forms of gender-based violence) as an area of crime under Article 83(1) TFEU;
13. Calls for better inclusion of women in decision-making processes, in unions and in senior positions of organisations in the public and private sectors; calls on the Commission and the Member States, together with NGOs, social partners and equality bodies, to step up significant awareness-raising measures as regards the rights of the victims of sexual harassment and gender-based discrimination; stresses the urgent need for Member States, employers' organisations and trade unions to promote awareness of sexual harassment and to support and encourage women to report incidents immediately;
14. Stresses the importance of dedicated training and awareness-raising campaigns regarding existing formal procedures on reporting sexual harassment in the workplace and victims' rights, thus enforcing the principle of dignity at work and promoting a zero-tolerance approach as the norm;

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

15. Strongly condemns the cases of sexual harassment that have been revealed in the media and expresses its strong support towards the victims of sexual harassment and abuse; stresses that, in order to be taken seriously, it is crucial for the EU institutions to firmly stand against any form of gender discrimination or any action that hinders gender equality;
16. Acknowledges the fact that, by a Bureau decision of 14 April 2014, the European Parliament adopted new rules which included the creation of dedicated bodies such as the Advisory Committee dealing with harassment complaints between Accredited Parliamentary Assistants and Members of the European Parliament and its prevention at the workplace and an earlier Advisory Committee dealing with harassment complaints and its prevention at the workplace for EP staff; notes with satisfaction the introduction of confidential reporting and the launch of an awareness-raising campaign aimed at combating sexual harassment within the House; notes the fact that other EU institutions have created similar bodies;
17. Calls on the President of Parliament and Parliament's administration:
  - to urgently and thoroughly examine the recent media reports on sexual harassment and abuse in the European Parliament, while respecting the privacy of the victims, to share the findings with its Members and to propose adequate measures to prevent new cases;
  - to evaluate and, if necessary, revise the composition of competent bodies so as to

ensure independence and gender balance, and to further reinforce and promote the functioning of its Advisory Committee dealing with complaints of harassment between APAs and Members of Parliament as well as its Staff Advisory Committee for Parliament staff on harassment prevention, while acknowledging their important work;

- to revise its rules to also include trainees in all Advisory Committees on harassment prevention and to reinforce interest in strengthening their positive measures, and to avoid conflicts of interest regarding members of those important committee structures; to investigate formal cases, to maintain a confidential register of cases over time, and to adopt the best means to ensure zero tolerance at all levels in the institution;
  - to set up a task force of independent experts to be convened with a mandate to examine the situation of sexual harassment and abuse in Parliament, which will carry out an evaluation of Parliament’s existing Advisory Committee dealing with complaints of sexual harassment between APAs and Members of Parliament and the Staff Advisory Committee for Parliament staff on harassment prevention, and propose adequate changes;
  - to fully support victims in procedures within 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, ensuring that cases are fully investigated and disciplinary measures applied;
  - to ensure the implementation of a strong and effective action plan against sexual harassment 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; 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, APAs and contract agents;
  - to set up an institutional network of confidential counsellors tailored to Parliament’s structures to support, advise and speak on behalf of victims, when needed, as is the practice for the Commission staff;
18. Calls on all colleagues to support and encourage victims to speak out and report cases of sexual harassment through improved formal procedures within Parliament’s administration and/or to the police;
19. Resolves to adopt internal rules on whistle-blowing to safeguard the rights and interests of whistle-blowers and provide adequate remedies if they are not treated correctly and fairly in relation to their whistle-blowing;
20. Is very concerned that, all too often, assistants of Members (APAs) are afraid to speak out in cases of sexual harassment, as the ‘loss of trust’ clause in the APA statute means they can be dismissed with very short notice; calls for the participation of independent experts in dismissal procedures alongside the representatives of the administration with a view to an unbiased decision being reached;



21. Recommends that the European Ombudsman provide Parliament's High Level Group on Gender Equality and Diversity with data once a year as regards complaints about maladministration relating to gender equality in Parliament, with due respect for the decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties;
  22. Calls on the Member States to examine the situation of sexual harassment and abuse in their national parliaments, to take active measures to combat it, 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;
  23. 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;
  24. Calls for exchanges of best practice to be organised at all levels with other institutions and organisations such as UN Women, the Council of Europe, the EU institutions and stakeholders involved in promoting gender equality;
  25. Calls on all politicians to act as responsible role models in preventing and combating sexual harassment in parliaments and beyond;
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26. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Parliamentary Assembly of the Council of Europe.