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*Plenary sitting*

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**B8-0578/2017**

24.10.2017

## **MOTION FOR A RESOLUTION**

to wind up the debate on the statement by the Commission

pursuant to Rule 123(2) of the Rules of Procedure

on combating sexual harassment and abuse in the EU  
(2017/2897(RSP))

**Iratxe García Pérez, Maria Arena, Inés Ayala Sender, Zigmantas Balčytis, Hugues Bayet, José Blanco López, Vilija Blinkevičiūtė, Biljana Borzan, Nessa Childers, Viorica Dăncilă, Isabella De Monte, Tanja Fajon, Monika Beňová, Knut Fleckenstein, Eugen Freund, Eider Gardiazabal Rubial, Enrico Gasbarra, Neena Gill, Ana Gomes, Karoline Graswander-Hainz, Anna Hedh, Liisa Jaakonsaari, Karin Kadenbach, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Olle Ludvigsson, Edouard Martin, Costas Mavrides, Marlene Mizzi, Clare Moody, Jens Nilsson, Maria Noichl, Pier Antonio Panzeri, Massimo Paolucci, Pina Picierno, Tonino Picula, Kati Piri, Soraya Post, Evelyn Regner, Christine Revault d'Allonnes Bonnefoy, Liliana Rodrigues, Maria João Rodrigues, Inmaculada Rodríguez-Piñero Fernández, Tibor Szanyi, Marita Ulvskog, Elena Valenciano, Josef Weidenholzer, Martina Werner, Flavio Zanonato, Carlos Zorrinho, Richard Corbett**  
on behalf of the S&D Group

**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 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,
- having regard to its resolutions of 20 September 2001 on harassment at the workplace (2001/2339(INI))<sup>1</sup>, of 26 November 2009 on the elimination of violence against women<sup>2</sup>, of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women<sup>3</sup>, of 15 December 2011 on the mid-term review of the European strategy 2007-2012 on health and safety at work<sup>4</sup>; of 25 February 2014 with recommendations to the Commission on combating violence against women<sup>5</sup> and 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<sup>6</sup>, 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<sup>7</sup>,
- 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,

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<sup>1</sup> OJ C 77 E, 28.3.2002, p. 138.

<sup>2</sup> OJ C 285 E, 21.10.2010, p. 53.

<sup>3</sup> OJ C 296 E, 2.10.2012, p. 26.

<sup>4</sup> OJ C 168E , 14.6.2013, p. 102.

<sup>5</sup> OJ C 285, 29.8.2017, p. 2.

<sup>6</sup> Texts adopted, P8\_TA(2016)0451.

<sup>7</sup> Texts adopted, P8\_TA(2017)0329.

- 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<sup>1</sup>,
  - having regard to Directive 2011/99/EU of 13 December 2011 on the European protection order<sup>2</sup> and to Regulation (EU) No 606/2013 of 12 June 2013 on mutual recognition of protection measures in civil matters<sup>3</sup>,
  - 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<sup>4</sup> 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<sup>5</sup>, 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<sup>6</sup>, and of 10 March 2015 on progress on equality between women and men in the European Union in 2013<sup>7</sup>,
  - having regard to the Gender Equality Index Report of the European Institute for Gender Equality released in October 2017,
  - having regard to its resolution of 8 March 2016 on gender mainstreaming in the work of the European Parliament<sup>8</sup>,
  - 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’, issued in September 2017, 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

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<sup>1</sup> OJ L 315, 14.11.2012, p. 57.

<sup>2</sup> OJ L 338, 21.12.2011, p. 2.

<sup>3</sup> OJ L 181, 29.6.2013, p. 4.

<sup>4</sup> OJ L 204, 26.7.2006, p. 23.

<sup>5</sup> OJ L 373, 21.12.2004, p. 37.

<sup>6</sup> Texts adopted, P8\_TA(2017)0073.

<sup>7</sup> OJ C 316, 30.8.2016, p. 2.

<sup>8</sup> Texts adopted, P8\_TA(2016)0072.

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 sexual violence and harassment in the workplace is a matter of health and safety and should be treated immediately and prevented as such;
- E. whereas the European Union Agency for Fundamental Rights report of March 2014 entitled ‘Violence against women: an EU-wide survey’ shows that one in 10 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;
- F. whereas violence against women is linked to the unequal distribution of power between women and men, to sexism and to gender stereotypes that have led to men’s domination over women and discrimination against them and to women’s full advancement being prevented;
- G. 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;
- H. whereas 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;
- I. 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;
- J. whereas exposure to physical, sexual or psychological violence and abuse has a severe impact on victims which may result in physical, sexual, emotional or psychological harm or economic damage; whereas this impact is also felt by families and relatives and by society as a whole;
- K. 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;
- L. 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’;

- M. whereas violence and sexual harassment in public spaces is widespread across the European Union;
- N. whereas violence and harassment in political life is disproportionately targeted at women because of their gender;
- O. 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);
- P. 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;
- Q. whereas gender mainstreaming training for MEPs and Parliament staff, particularly those in management positions, is key to promoting a gender perspective in all policy areas and at all levels; whereas insufficient funds and human resources are being allocated to ensure real progress as regards gender mainstreaming in Parliament’s activities;
- R. whereas sexual harassment is defined in Article 12a of the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union;
- S. whereas the Commission adopted a Decision on 26 April 2006 on the Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment;
- T. 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. 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;
3. 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;
4. Calls on the Commission to propose clear measures to combat sexual harassment in the workplace more effectively; regrets the fact that, despite EU law protecting individuals from discrimination in employment, 30 % of trans jobseekers have experienced discrimination when looking for a job and that trans women were the most likely to have felt discriminated against in the year preceding the European Union Agency for Fundamental Rights' LGBT survey; points out that this is a violation of the Charter of Fundamental Rights of the European Union;
5. 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;
6. Calls on the Member States to make raising awareness about sexual consent and sexual harassment compulsory in their education systems;
7. 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;
8. Welcomes the EU's signing of the Istanbul Convention on 13 June 2017; urges the Member States to speed up negotiations on the ratification and implementation of the Istanbul Convention; urges the Estonian Presidency to accelerate the EU's ratification of the Istanbul Convention;
9. 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;

10. 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;
11. Calls on the Commission to submit a legal act to support Member States in the prevention and suppression of all forms of violence against women and girls and of gender-based violence;
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 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;
14. Calls on the Commission to improve the collection of comparable disaggregated data on gender-based violence at EU level;

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

15. 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;
16. 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;
17. 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;
18. Underlines the need to have an open and ongoing dialogue with national parliaments with a view to promoting a shared approach and further developing best practices in advancing gender mainstreaming and combating sexual harassment in parliaments;
19. 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;

20. 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;
21. 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;
22. 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;
23. Resolves to set up an institutional network of confidential counsellors to support and assist victims, as is the practice in the Commission;
24. 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;

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