EU harassment and sexual harassment legislation and policies

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What is gender-based violence?

It can be defined as violence directed against a person because of that person's gender (including gender identity/expression) or as violence that affects persons of a particular gender disproportionately.
What are the different forms of violence?

*It can be physical, sexual and/or psychological, and includes:*

- **Violence in close relationships;**

- **Sexual violence (including rape, sexual assault and harassment or stalking);**

- **Slavery;**

- **Harmful practices, such as forced marriages, female genital mutilation (FGM) and so-called ‘honour’ crimes;**

- **Cyberviolence and harassment using new technologies.**
What is harassment?

‘Harassment: where unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment’

‘Sexual harassment: 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’

Directive 2006/54/EC 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 (recast)
Where does it happen?

- At work (from bosses, colleagues, customers);
- In school and at university (from teachers, professors and peers);
- In the street; and
- Online or through new technologies.
Sexual harassment in the FRA survey

Up to 55% of women have been sexually harassed in the EU.

32% of all victims in the EU said the perpetrator was a boss, colleague or customer.

75% of women in qualified professions or top management jobs have been sexually harassed.

61% of women employed in the services sector have been subjected to sexual harassment.

20% of young women (18-29) in EU-28 have experienced cyber harassment.
Eurofound and European Agency for Safety and Health at Work (EU-OSHA) research

- **Sexual harassment** is reported by three times as many women as men.

- Employees whose jobs are customer-oriented are more likely to experience sexual harassment (third party violence). There is a concentration of women in these sectors.

- Women on **fixed-term contracts or temporary agency workers** report higher levels than those on indefinite contracts.

- Younger employees are more exposed than older ones.

- Women in **male-dominated sectors** are more likely to be harassed.
What is the Commission doing?
LEGISLATION & POLICIES

- Sexual harassment
- Trafficking
- Child abuse
- Minimum rights for victims
- European Protection Orders

What is the Commission doing?
Legal basis for EU action on gender equality

- Since 1957, the Treaty of the European Community provides a legal basis for legislation, policy and funding for gender equality.

- With the entry into force of the Treaty of the European Union, gender equality is a "fundamental value" (art.2 TUE) and an "objective" (art.3 TUE) of the EU.

- The Union is required to promote equality between men and women in all its activities (Art. 8) and to combat discrimination in defining and implementing its policies (Art. 10).
The law promotes gender equality

The Primary Legislation (from Rome to Lisbon and the EU Charter)

Secondary Legislation

- Pregnant Workers Directive 92/85
- Parental Leave Directives 96/34 and 2010/18
- Recast Directive 2006/54
- Part-Time Workers Directive 97/81
- Fixed-Term Work Directive 99/70

Domestic legislation is in place!
Equal economic independence

Equal pay for equal work and work of equal value

Equality in decision-making

Dignity, integrity and an end to gender-based violence

Gender equality in external actions

Horizontal issues
Legislation

- **Sexual harassment:**
  - Directive 2006/54/EC on equal treatment in employment and occupation (recast);
  - Directive 2004/113/EC on equal treatment in the access to and supply of goods and services;
  - Directive 2010/41/EU on equal treatment in self-employment;

- **Victims' rights:**
  - Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime
Framework agreement on harassment and violence at work

*Signed in 2007 between:*
- the European Trade Union Confederation (ETUC/CES),
- the Confederation of European Business (BUSINESSEUROPE),
- the European Association of Craft Small and Medium-sized Enterprises (UEAPME)
- the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP)
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DATA COLLECTION
- Fundamental Rights Agency
- EIGE
- Eurostat
- Member States

What is the Commission doing?
Data and gaps

Gaps and issues
- Under-reporting
- Recording by different authorities
- Classification

Sources of data
- Administrative sources of data at the national level
- Surveys based on face-to-face interviews
Towards EU data on gender-based violence

International classification of Crimes as of 2015

2014 Survey on violence against women released by FRA

Eurostat data on crimes as of 2015
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What is the Commission doing?

FUNDING
- DAPHNE III Programme
- PROGRESS Programme
- Rights, Equality and Citizenship Programme
Funding

- **DAPHNE III Programme (2007-2013)**
- **PROGRESS Programme (2007-2013)**

Finland: "**Right to choose - End to sexual violence and harassment**" project (Progress programme)

Raising awareness of and preventing sexual harassment and sexual offences
ELIMINATING FEMALE GENITAL MUTILATION

• Knowledge
• Prevention
• Protection
• Prosecution

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ELIMINATING FEMALE GENITAL MUTILATION

What is the Commission doing?
Female Genital Mutilation (FGM)

- European Commission and EEAS Communication "Towards the elimination of female genital mutilation (FGM)", published on 25 November 2013
  - Focus on prevention and victim support;
  - Series of actions to be implemented over the next few years.
Successful policies show the way

- The Commission organises regular exchanges of good practice on violence against women:
  - UK and Greece in February 2012: awareness-raising
  - Spain and Ireland in April 2013: using new technologies to prevent; perpetrator programmes
Impact of EU legislation and developments at the national level

- New laws or amendments since Recast Directive

- Voluntaristic, non-legislative approach:
  - national agreement between trade and business unions, e.g. Luxembourg;
  - codes of practice, e.g. Ireland.
Challenges

- Stereotypes: the return of sexism?
• **Tackling under-reporting and social stigma**
• Engaging men and boys in gender equality and violence prevention
• **Intersectionality: recognising multiple forms of discrimination**
Emerging forms of violence, eg. cyber harassment
Thank you for your attention!