



EU harassment and sexual harassment legislation and policies

Emilie Jarrett
Gender Equality Unit, DG Justice
European Commission

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

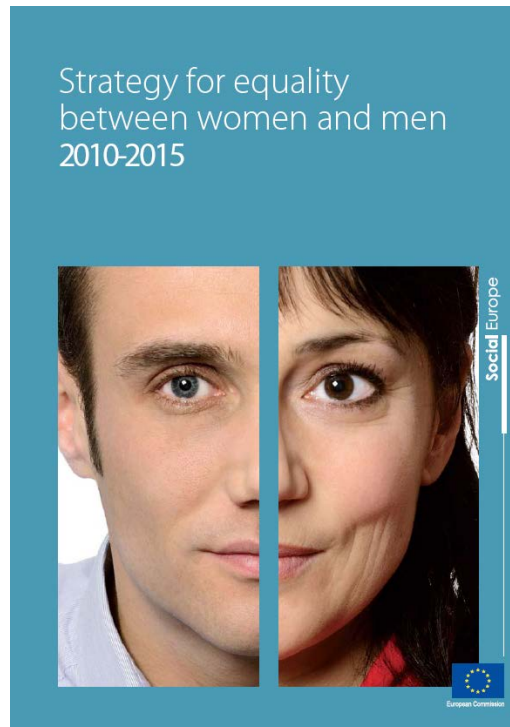
- **Pregnant Workers Directive 92/85**
- **Parental Leave Directives 96/34 and 2010/18**
- **Recast Directive 2006/54**
- **Part-Time Workers Directive 97/81**
- **Fixed-Term Work Directive 99/70**

Domestic legislation is in place!



Strategy for Equality between Women and Men 2010-2015

Adopted on 21 September 2010





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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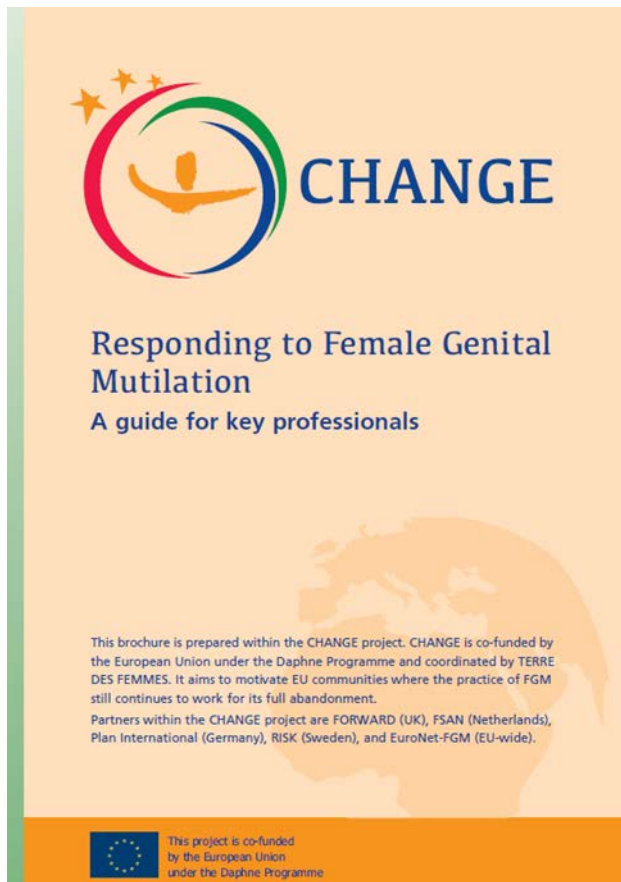
What is the
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FUNDING

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



Funding



- *DAPHNE III Programme (2007-2013)*
- *PROGRESS Programme (2007-2013)*
- *Rights, Equality and Citizenship Programme (2014-2020)*

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



Raising awareness of and preventing sexual harassment and sexual offences

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ELIMINATING FEMALE GENITAL MUTILATION

- Knowledge
- Prevention
- Protection
- Prosecution

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!

