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## **Sexual harassment: The elephant in the room**

By Madi Sharma

The Parliament Magazine (22.11.2018) - <https://bit.ly/2OXUcoa> - Soothing words are spoken, policies are put in place, victims are encouraged to come forward, protection is promised and then boom, you may as well be assaulted again, this time in front of an audience.

I am sickened that since the #MeToo movement, nothing has changed. There are known cases in all of the EU institutions. But how many prosecutions? None.

Gender-based violence, sexual harassment, harassment, are all abuses of power and amount to psychological violence that may or may not be associated with physical abuse. Intimidation, humiliation, a reduction of an individual's worth, are all acts of the perpetrator. This leads to stress, an inability to work and time off work.

The majority of victims are women, but more and more men and LGBTQI individuals also suffer. "We cannot act without names" says the human resource director (and the journalist).

Yet once the name was out, the individual becomes the target. The victim is urged to: "think of your career, you will never get another job in Brussels, no one else has reported abuse, you are the only one, it would be better not to make a formal complaint."

Of course, as there are no other formally reported cases, the victim remains helpless, feeling it was their mistake. Meanwhile the perpetrator is free to continue their activities, even more empowered as they have got away with it yet again. Now, the human resource director is also complicit. The cover-up becomes more powerful than the disclosure.

I have to commend Antonio Tajani, President of the European Parliament, for clamping down on any hint of harassment – sexual or otherwise. However, as parliament employees rightly say, more needs to be done, and they have launched their disclosures blog.

At the same time, I have to condemn Luca Jahier, President of the European Economic and Social Committee, for allowing harassment to continue despite numerous reports. I shocked the House of Civil Society when I dared to make a formal complaint about another member, listing their abusive activities towards both staff and members.

I was told: “there are no procedures in place to deal with a member, there is no legal framework.” An internal investigation has taken place that has been filed as “internal and confidential”, the staff have been offered medical services and I have a nice letter admitting there is a problem. Action? None.

These cases of harassment and sexual harassment continue and go unpunished for one reason: “the reputation of the institution will be damaged if it enters the public domain.” Where are our values, our morals, our respect for dignity? Where do we show that we value our employees?

I was forced to contact OLAF, and I would ask those with harassment cases to report their situation to OLAF. OLAF is responsible for addressing harassment as well as its duty to ensure there is no abuse of public funds. Institutional funds used to defend institutional reputation and members is a misuse of public funds.

In 2016, €55,000 was used to defend a case of harassment regarding an MEP and an employee of the EESC. The institution lost the case and had to pay compensation and costs. The same member has had further harassment allegations levelled against them.

An institution that investigates and prosecutes perpetrators is one with an effective ethical code of practice. The rest are complicit in the crimes.

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## **Domestic sexual abuse of girls – new study**

European Parliament (26.11.2018) - <https://bit.ly/ZYWx9y> - The study provides a definition and conceptual model of domestic sexual abuse of girls, as well as analyses of prevalence and risk factors across the EU. It goes on to review policies and actions to address domestic sexual abuse of girls at the EU and Member State levels, and sets out case studies of four countries (Poland, Sweden, Spain and the United Kingdom). It ends by providing recommendations for Member States and EU institutions.

[Link to study](#)

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## **Human Rights Without Frontiers debate on child marriage**

EU Reporter (14.10.2018) - <https://bit.ly/2CTvNPh> - Welcome to the first of a series of EU Reporter discussion programmes, brought to you in partnership with Human Rights Without Frontiers.

Today we're looking at Child Marriage, defined as a marriage in which one or both of the people getting married is below the legal age of consent in that country. Of course, in nearly every case, it's the girl who is underage.

Talking about the issue are: Elisa Van Ruiten, a Gender Specialist at Human Rights Without Frontiers International; Mohinder Watson, who is a researcher and activist against child marriage, who escaped a forced marriage of her own as a teenager; and Emilio Puccio, the Coordinator of the European Parliament Intergroup on Children's Rights, which is a cross-party and cross-national group comprising over 90 MEPs and 25 child-focused organizations. The presenter is EU Reporter's Jim Gibbons.

Every day somewhere in the world, 39,000 young girls are married before they reach the age of majority; more than a third of them are younger than 15, according to the Council of Europe. We may be well into the 21st century but too many girls are still forced to live in a bygone age of male dominance. Human Rights Without Frontiers has just produced a report on women's rights and the Abrahamic faiths of Christianity, Islam and Judaism.

Watch the video here: [https://youtu.be/wgOK0\\_XA6Vg](https://youtu.be/wgOK0_XA6Vg)

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## **STUDY: Sexual and reproductive health rights and the implication of conscientious objection**

European Parliament FEMM committee (10.2018) - <https://bit.ly/2rlhc76> - This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee. It aims to provide a comparative overview of the situation in the European Union, with particular focus on six selected Member States, in terms of access to sexual and reproductive healthcare goods (such as medicines) and services (such as abortion and family planning), from both legal and practical perspectives. The study looks at the extent to which conscientious objection affects access to sexual and reproductive rights (SRHR). The study will contribute to formulating a clear framework for the improvement of access to sexual and reproductive healthcare goods and services in the EU.

[Link to study](#)

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## **European Parliament committee urges end to child marriage**

***EU should act against the unlawful practice globally – and at home***

HRW.org (16.04.2018) - <https://bit.ly/2HovyNH> - The European Union could do more to help end child marriage, and members of the European Parliament are working for it to do just that.

On Thursday, the parliament's Women's Rights and Gender Equality Committee adopted an opinion calling for the EU's diplomatic arm to develop a clear strategy and dedicate funds to eradicating child and forced marriage by 2030.

This could not be more timely. Under the United Nations Sustainable Development Goals, countries around the world pledged to end child marriage – any marriage in which one or both spouses are under age 18 – by 2030.

Achieving this will be difficult. Child marriage occurs in every region of the world, in staggering numbers. About 15 million girls under 18 marry each year – one every two seconds. Every seven seconds, a girl under 15 marries. Most girls marry men over age 18 – in some cases, much older.

Research shows that child marriage is severely harmful. Married children often drop out of school and are locked in poverty as a result. Married girls often quickly become pregnant, and early pregnancy involves serious health risks – including death – for girls and their babies. Girls who marry are at higher risk of domestic violence than women who marry as adults.

The EU has a key role to play. The EU and many of its member states contribute significant amounts of aid to countries with high rates of child marriage. Donors can provide critical assistance for legal and policy reform in these countries. They can also help provide the support – access to education, sexual and reproductive health information and services, economic security, and social empowerment – girls need to escape child marriage.

There is also work for the EU to do at home. A number of EU member states still permit child marriage. Several countries – the Netherlands, Germany, and Sweden – have banned child marriage (and non-EU Norway is considering doing so). But others – including Austria, Belgium, Italy, Spain, and the United Kingdom, to name a few – have laws allowing children younger than 18 to marry under some circumstances.

The European Parliament's committee is on the right path to push the EU on this issue. The Foreign Affairs committee and the full parliament should not only adopt this opinion, but ultimately deliver a resolution calling on EU member states to take concerted action. Girls' lives depend on it.

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## **Combating violence against women: all EU countries must ratify the Istanbul Convention**

***MEPs called on the 11 member states that haven't ratified the Istanbul Convention to do so, in a plenary debate with Commissioner Ansip on Monday evening.***

- The Council of Europe Convention on preventing and combatting violence against women entered into force in 2014
- To date, 11 member states still have not ratified the Istanbul Convention
- One in three women in the EU has experienced physical and/or sexual violence

European Parliament Press Release (13.03.2018) - <http://bit.ly/2p8TrOn> - To date, the 11 member states that still haven't ratified the [Council of Europe Convention on preventing and combatting violence against women and domestic violence](#), known as the Istanbul Convention, are: Bulgaria, Croatia, Czech Republic, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Slovakia and the United Kingdom.

During the debate, a vast majority of MEPs regretted the fact that these countries (including Bulgaria, which is currently holding the Council Presidency) fail to consider the Convention as the best available instrument when it comes to fighting violence against

women. They stressed that reluctance to ratify the text was often based on misconceptions and misleading arguments regarding how the word “gender” is used in the Convention. They urged the EU Commission and the Council to take tangible action to help all member states to ratify the text as quickly as possible.

Some MEPs expressed fierce opposition to what they consider “the ideological baggage” of the text and its definition of gender. They rejected the idea that the EU has any competence on the issue and called for respecting “the internal order of every society”.

Commissioner Andrus Ansip reiterated that the Convention was about preventing violence against women, without any other hidden purpose, and hoped that member states that still have doubts about fully implementing the Convention will consider its fundamental purpose: supporting female victims of violence.

### **Context**

The Istanbul Convention, the most comprehensive international treaty on fighting violence against women, was adopted by the Council of Europe in 2011. It entered into force in August 2014 and was signed by the EU in June 2017.

According to the European Commission, one in three women in the EU has been a victim of physical and/or sexual violence since the age of 15, over half of women have experienced sexual harassment and one in 20 has been raped.

### **Further reading:**

[After Bulgaria, Slovakia too fails to ratify the Istanbul Convention](#)

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## **New EU Gender Equality Index for 2017**

By Mia Haas-Goldberg

HRWF (11.10.2017) – Today, the European Institute for Gender Equality (EIGE) released its 2017 Gender Equality Index. At its core, the Index serves as a comprehensive measure for assessing and monitoring progress in gender equality across EU member states. The Index has been recognized for its critical contribution to policy-making and increased awareness at EU and national levels.

This third edition includes a new intersectional approach to data collection for men and women, as well as information on social power and health behaviors. For the first time, the Index also measures gender gaps in decision-making in research, media, and sports in an attempt to strengthen public discourse and policy within these respective spheres.

According to the 2017 Index, there is a definite increase in the share of women engaged in political and economic decision-making since 2010, while gender inequalities in the domain of time use for care and social activities are “persistent and growing.” Overall, the Index points to slow growth in gender equality across all member states and domains over the past ten years.

[See the full Gender Equality Index here.](#)

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## **EU guidelines on LGBTI: key tool to promote human rights worldwide**

***MEPs denounced the persecution of same-sex orientation persons outside the EU and urged a better implementation of the EU Guidelines on human rights of LGBTI, on Monday.***

European Parliament (25.09.2017) – <http://bit.ly/2wTYzrh> – The Subcommittee on Human Rights hosted a public hearing on the human rights of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons outside the EU and the implementation of the EU Guidelines on Monday afternoon.

“Sexual orientation and gender identity are in essence an individual choice, which should under no circumstances be subject to any legal codification or discriminatory practices”, said the Chair of the Subcommittee on Human Rights, Pier Antonio PANZERI (S&D, IT). “Unfortunately, more than 72 countries worldwide still criminalise homosexuality with at least five applying the death penalty”, he added.

MEPs discussed with a wide range of experts the status of consensual same-sex relations worldwide. They called for an end to violence and all forms of discrimination against the LGBTI community in Chechnya and urged the Russian authorities to respect human dignity and urgently conduct investigations on the cases reported.

DROI Members welcomed the recent commitment of the Tunisian government to guarantee the protection of human rights of LGBTI persons. Members committed themselves to raising the LGBTI situation in their future meetings with their counterparts. They stressed the need to repeal laws such as article 230 which are not in line with the rule of law and individuals rights as enshrined in the Constitution.

### ***Filling in the gap between words and actions***

How the EU Guidelines on the promotion and protection of the human rights of LGBTI people should better promote and protect the human rights of LGBTI persons was the core of the second panel discussion.

“These Guidelines are a great instrument”, stated Alexander Hammelburg from the Federation of Dutch Associations for Integration of Homosexuality (COC). Members agreed that the European Union could make a significant difference for LGBTI people across the world through the engagement on the ground of the EU Delegations.

In last year’s Annual Report on Human Rights and Democracy in the World, MEPs called on the European Commission and the EEAS to start working on a proper and active implementation of the guidelines. In this regard, Daina Ruduša from ILGA-Europe identified some recommendations such as better engaging with civil society organisations, training EU Delegation staff or leading by example.

MEPs agreed with Scott Busby, Deputy Assistant Secretary of the U.S. Department of State, that the EU and the United States should strengthen their cooperation on the multilateral level, in particular by supporting the mandate of a UN Independent Expert on Sexual Orientation and Gender Identity. They agreed to work hand in hand on the swift appointment of a new independent expert after the recent and regrettable resignation of Vitit Muntarhorn.

## European Court of Justice rules against the wearing of the headscarf in the private sector

European Parliament Anti-Racism and Diversity Intergroup (ARDI) (14.03.2017) - <http://bit.ly/2lZsRIR> - The European Court of Justice (ECJ) issued a ruling against two women employees who were dismissed because they wore the headscarf. *"An internal rule of an undertaking which prohibits the visible wearing of any political, philosophical or religious sign does not constitute direct discrimination,"* the court said in a statement. *"However, in the absence of such a rule, the willingness of an employer to take account of the wishes of a customer no longer to have the employer's services provided by a worker wearing an Islamic headscarf cannot be considered an occupational requirement that could rule out discrimination."*

The Court also ruled that a ban may also constitute *"indirect discrimination"* if people adhering to a particular religion or belief were specifically targeted. The Court added that indirect discrimination is permissible if it is *"objectively justified by a legitimate aim,"* such as a company's policy of neutrality, as long as the means of achieving it are appropriate and necessary.

The two cases concern two female Muslim employees in [Belgium](#) and [France](#) who had been dismissed for refusing to remove their headscarves, which did not cover the face.

The Belgian woman had been working as a receptionist for G4S Secure Solutions, which has a general ban on wearing visible religious or political symbols, while the French claimant is an IT consultant who was told to remove her headscarf after a client complained.

The case of the Belgian women stems from an "unwritten rule" where G4S banned employees from wearing signs of their political, philosophical or religious beliefs, although the company only updated its workplace regulations the day after the woman started wearing a hijab.

Although they rules apply to all beliefs, the ECJ said it was possible that such rules could be deemed indirect discrimination for targeting Muslims or other religious groups with visible manifestations of their faith and referred the issue back to the Belgian Court of Cassation.

Soraya Post, Co-President of ARDI, said: *"I welcome the decision that employers are not now allowed to pander to the prejudices of their clients. However at a time of increasing hate crimes against Muslims, this ruling sends the wrong signal and will lead to only further direct and indirect discrimination against Muslims both in the labour market and in society at large. Muslim women already face high levels of discrimination and difficulties in accessing the labour market according to the European Network Against Racism's Forgotten Women project and this decision will prevent more Muslim women from being able to access the labour market. Moreover in countries where national law doesn't provide appropriate safeguards, this ruling opens a Pandora's Box and will result in many Muslim women and those who wear visible manifestations of their faith being fired under the guise of neutrality. This is anything but neutrality."*

Sajjad Karim, Vice-President of ARDI, said: *"Today's ruling in effect makes Muslim women and people from other religious groups have to choose between their fundamental right to religious expression and access to the labour market. This is unacceptable and will only isolate people with religious convictions who wish to express their belief."*

**More reading:** [Court of Justice of the European Union PRESS RELEASE No 30/17](#)