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## Putting an end to sexual violence and harassment of women in public space

### Report<sup>1</sup>

Committee on Equality and Non-Discrimination

Rapporteur: Ms Françoise HETTO-GAASCH, Luxembourg, Group of the European People's Party

### Summary

Sexual violence and harassment of women in public space, which are strongly condemned by the Istanbul Convention, are a universal problem that is widely ignored. The events in Cologne on New Year's Eve 2015 showed that a public debate on this issue was necessary.

This report aims at raising awareness of the full extent of the phenomenon and of the need to fight against this type of violence. Potential witnesses have an important role to play in this context, but they seldom react. This failure to take action exacerbates the psychological impact of such violence on the victims, namely feelings of insecurity, guilt and shame, and only helps to perpetuate violence. The report underlines the positive role which men can play in preventing violence in public space, as well as the media, which have a duty to report objectively on the problem.

Member and observer States are called upon, among other things, to ratify the Istanbul Convention, to put an end to impunity by prosecuting the perpetrators of violence, to raise public awareness through specific campaigns on the subject and to combat gender stereotypes from a very young age.

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1. Reference to committee: Bureau decision, Reference 4183 of 29 January 2016.



<b>Contents</b>	<b>Page</b>
A. Draft resolution .....	3
B. Explanatory memorandum by Ms Françoise Hetto-Gaasch, rapporteur .....	5
1. Introduction .....	5
2. Objectives and scope of the report .....	5
3. Street harassment and sexual violence .....	6
3.1. Definitions .....	6
3.2. Illustration of the problem .....	7
3.3. Psychological impact on victims .....	8
3.4. Profile of the perpetrators .....	9
4. Combating street harassment and sexual violence in public space .....	10
4.1. The lessons of Cologne .....	10
4.2. New technologies .....	10
4.3. The role of the media .....	11
4.4. Women's occupation of public space .....	11
4.5. Inspiring awareness campaigns .....	12
4.6. The role of men .....	13
5. Conclusions .....	13

## A. Draft resolution<sup>2</sup>

1. The Parliamentary Assembly condemns unreservedly all forms of violence against women and reiterates that this violence is a manifestation of historically unequal power relations between women and men and cannot be brought to an end unless there is a fundamental change of mindsets.
2. In its [Resolution 2093 \(2016\)](#) “Recent attacks against women: the need for honest reporting and a comprehensive response”, the Assembly acknowledged that violence in crowds represents another dimension of violence against women. In this connection, the Assembly notes with concern the magnitude of the phenomenon of sexual violence and harassment of women in public space. This phenomenon is universal and can affect all women, while the perpetrators of this violence come from all social categories and all cultures and are of all ages.
3. Although this violence takes place in public, sometimes in front of dozens of people, women often find themselves facing their attackers alone because witnesses fail to act. This widespread indifference only increases the victims’ feeling of insecurity and helplessness. Most do not dare to lodge a complaint for fear of not being understood or of the incident being trivialised. The Assembly deplores this tacit approval of sexual violence and harassment of women in public space, which contributes to perpetuating the attackers’ impunity.
4. The feeling of fear and insecurity in public space as well as in public transport has a psychological impact on victims and affects the daily lives of women. They end up adapting their behaviour, including by adopting avoidance strategies or even withdrawing from public space. Moreover, the layout of public space favours men, either because it gives priority to structures and facilities reserved for their use or because it is not safe enough for women.
5. The Assembly welcomes the various awareness campaigns aimed at preventing and combating sexual violence and the harassment of women in public space. They play a key role in raising public awareness and could put an end to witnesses’ apathy to this violence. The media also have an important responsibility to cover the facts objectively by focusing on the violence and its impact on the victims instead of on the behaviour of the women subjected to that violence or on the actual or presumed origins of their attackers. The media can also be effective means of publicising awareness campaigns.
6. The Assembly is convinced that men have a positive role to play in preventing and combating sexual violence and the harassment of women in public space. As fathers, friends, decision makers, journalists, public officials and political and religious leaders, they can publicly condemn violence by other men, challenge the values and social norms that perpetuate discrimination and promote ideas that emphasise non-violence and gender equality.
7. In the light of these considerations, the Assembly calls on Council of Europe member and observer States to:
  - 7.1. sign and ratify without delay, if they have not yet done so, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “Istanbul Convention”) and to ensure its full implementation, which presupposes the inclusion of sexual violence and harassment in public space in national criminal codes;
  - 7.2. put an end to impunity by prosecuting perpetrators of sexual violence and harassment in public space;
  - 7.3. conduct inquiries into sexual violence and the harassment of women in public space in order to gain a better understanding of the magnitude of the phenomenon and initiate action that may help eliminate the taboos surrounding this issue;
  - 7.4. launch and support awareness-raising campaigns on the need to prevent and combat sexual violence and harassment in public space, including campaigns that call on witnesses of violence to react and intervene, and campaigns that specifically target men;
  - 7.5. implement specific preventive measures, especially by developing school sex- and relationship-education programmes and by providing support for education staff responsible for delivering them, with the aim of informing children about gender equality, gender stereotypes, the impact of sexual violence on victims and the notion of consent;

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2. Draft resolution adopted unanimously by the committee on 18 May 2017.

7.6. carry out preventive action in facilities accommodating refugees and asylum seekers, thus enabling discussions to take place on the equality values and social codes prevailing in their new environment;

7.7. launch a dialogue with the media on their responsibility for providing objective information on sexual violence and harassment in public space and encourage them to give prominence to awareness campaigns and to associations working to combat violence against women;

7.8. adopt and vigorously implement a zero-tolerance policy towards violence against women in public space, by ensuring the visible presence in sufficient numbers of police officers who have been educated and trained to help victims of violence at major events, and by regulating and controlling the consumption of drugs and alcohol at events with a high risk of disturbances and violence;

7.9. design so-called welcoming towns and cities by taking into account gender dimension in urban planning and in public transport so as to ensure the security and well-being of everyone.

8. The Assembly urges parliamentarians, including those belonging to parliaments that have partner for democracy status, to condemn all forms of violence perpetrated against women, especially sexual violence and harassment in public space, and to support and actively contribute to efforts to raise awareness.

## B. Explanatory memorandum by Ms Françoise Hetto-Gaasch, rapporteur

### 1. Introduction

1. The attacks in Cologne and other European cities on the night of 31 December 2015 to 1 January 2016 left a lasting impression. According to the police, 1 200 women were victims of harassment and sexual violence in Germany that night.<sup>3</sup> Many victims filed complaints, not only so as to have action taken against the perpetrators of the violence, but also in order to break the silence surrounding it.

2. The extent of those attacks has been without parallel in Europe so far, but they were not an isolated event. All too often, we read about harassment and sexual violence in newspaper reports or witness such acts in the street or on public transport. Passers-by and other passengers rarely react, whether to harassment or to sexual violence. This daily violence in public space has become “commonplace and invisible”, according to the sociologist Dr Marylène Lieber, Associate Professor of Gender Studies at the University of Geneva.<sup>4</sup>

3. Online testimonies on various websites are instructive and endorse this theory. Harassment in particular has become a common event on the street, at the workplace or in universities. It is played down when it is denounced, and women are accused of not knowing how to accept a compliment and of no longer being able to distinguish between harassment and what is perhaps an ungainly attempt at seduction. Comments made following the publication of articles on harassment reflect this desire to play down the phenomenon.

4. To avoid receiving derogatory remarks or, worse, being attacked, women and girls choose to dress in such a way as to hide their figure before travelling on public transport. Hence this violence creates a feeling of fear that is not only infuriating but may also change habits, behaviour or lifestyle, thus calling into question women’s presence in public spaces and their freedom to move unhindered around them.

5. Harassment and sexual violence in public space are not specific to a few countries. The results of a survey carried out by the European Union Agency for Fundamental Rights show that from the age of 15 between 45% and 55% of women in the European Union have been victims of sexual harassment and that one woman in three has been a victim of physical or sexual violence.<sup>5</sup> This is therefore a universal phenomenon and can affect all women.

6. This report touches on fundamental issues of gender equality, living together and mutual respect. It follows on from Mr Jonas Gunnarsson’s report on “Recent attacks against women: the need for honest reporting and a comprehensive response”, which was debated by the Parliamentary Assembly in plenary session during an urgent debate in January 2016.<sup>6</sup> The Committee on Equality and Non-Discrimination was seized for report by the Assembly as part of the follow-up action to that report.<sup>7</sup>

### 2. Objectives and scope of the report

7. This report deals with the question of sexual violence and harassment in the street, on public transport, at public events and in public space in general.<sup>8</sup> It focuses on ways of combating this violence, on how it affects victims and on the need to consider occupancy of public space. Do women and men occupy public space in the same way? If not, what is women’s status there? Is it a place for everyone or is it reserved for a few men who view with contempt the decades of emancipation and empowerment? Is the occupancy of urban space gender-based?

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3. “Allemagne: 1 200 femmes auraient été agressées le 31 décembre 2015, certaines par plusieurs hommes”, *Le Monde*, 11 July 2016.

4. Marylène Lieber, *Genre, violences et espaces publics. La vulnérabilité des femmes en question*, Paris, Les Presses de Sciences Po, 2008.

5. The European Union Agency for Fundamental Rights spoke to 42 000 women from 28 EU member States: “Violence against women: an EU-wide survey. Results at a glance”, March 2014.

6. [Doc. 13961](#), [Resolution 2093 \(2016\)](#).

7. Reference 4183 of 29 January 2016.

8. With regard to the other relevant work of the committee, see [Resolution 2144 \(2017\)](#) and [Recommendation 2098 \(2017\)](#) on ending cyberdiscrimination and online hate, [Resolution 1962 \(2013\)](#) on stalking and [Resolution 2084 \(2015\)](#) on promoting best practices in tackling violence against women.

8. When preparing this report, I held a number of bilateral meetings during the part-sessions in Strasbourg, especially with Ms Sophie-Anne Durringer, the Bas-Rhin Delegate for Women's Rights and Equality, Mr Thomas Foerhlé, Director of the organisation SOS Femmes Solidarité, and Ms Françoise Bey, Deputy Mayor of Strasbourg in charge of women's rights. These meetings made me aware of the arrangements in place in Alsace to combat sexual violence and harassment in public space.

9. On 14 February 2017, I also made a fact-finding visit to Cologne, where I met the city's public prosecutor, the chief of police and his team working on combating sexual violence, the Chair of the North Rhine-Westphalia regional parliament's Special Commission of Inquiry into the violence committed during the 2015-2016 New Year celebrations, a representative of the city authority and several non-governmental organisations (NGOs). The visit enabled me to assess the results of the aforementioned inquiry and to see what action has since been taken to prevent harassment and sexual violence in public space.

10. Lastly, the Committee on Equality and Non-Discrimination held a hearing in Paris on 20 March 2017 with the participation of Ms Chris Blache, consultant in ethno-sociology and co-founder of Gender and City (Paris), and Ms Jo-Ann Enright, Communications, Campaigns and Digital Coordinator of ActionAid Ireland.

11. I would like to thank everyone who agreed to meet me and share their experience and also to thank the members of the committee for their contributions. I also want to thank the secretariat of the German delegation to the Parliamentary Assembly for its invaluable help in preparing the fact-finding visit to Cologne. The subject remains sensitive in Germany, as that night was even described as having profoundly changed the country. However, I was able to hold open talks on the events, the reactions to them and possible management failings by the authorities.

12. I hope this report will help raise awareness of the need to take action on harassment and sexual violence in public space, not only among public authorities but also in respect of NGOs and anyone who may find themselves a witness to acts of violence at any time.

### **3. Street harassment and sexual violence**

#### **3.1. Definitions**

13. Harassment is a form of violence against women that is often ignored or considered less serious than physical violence. However, Article 34 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") firmly condemns it. This article requires the States Parties to "take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised". Harassment, which is a manifestation of a desire for domination, is characterised by insults, comments on physical appearance, threats and insulting remarks aimed at creating a feeling of insecurity.

14. In its opinion<sup>9</sup> on sexist harassment and sexual violence on public transport, France's High Council for Gender Equality proposes a relatively complete definition of sexist harassment: "Making any comment or imposing any conduct on the basis of a person's gender, orientation or presumed or actual sexual identity, with the aim or having the effect of creating an intimidating, humiliating, demeaning or offensive situation, thus undermining personal dignity. It may take various forms, such as whistling or comments on a person's physical attributes, which are not punishable by law, or insults, which are punishable." According to the High Council, "sexual violence covers exhibitionism and sexual harassment as well as sexual aggression (touching, rubbing), including rape".

15. The Istanbul Convention also condemns sexual violence. Article 36 calls on the States Parties to make it a criminal offence to engage in non-consensual vaginal, anal or oral penetration, to engage in other non-consensual acts of a sexual nature with another person, or to force others to submit to acts of a sexual nature with another person. This article also emphasises the issue of consent, which must be given voluntarily.

16. In order to prevent and effectively combat harassment and sexual violence in public space, it is essential to ratify and implement the Istanbul Convention without delay. National legislation should make this violence a criminal offence, irrespective of the identity of the perpetrator or the place where the violence occurred, and explicitly mention the importance of consent.

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9. Published on 16 April 2015.

### 3.2. Illustration of the problem

17. In order to illustrate the problem, I would like to focus on a number of key events in recent years, including documentaries and studies that have contributed to launching a public debate on street harassment and sexual violence and to changing attitudes to these issues.

18. The attacks on women in Cologne on the night of 31 December 2015 to 1 January 2016 triggered considerable debate and undeniably brought the issue of violence against women in public space into the political arena. Mr Jürgen Mathies, the chief of police in Cologne, confirmed during our meeting on 14 February 2017 that the police had been surprised by the attacks and their magnitude. They had no longer had the situation under control and had been overtaken by events. Mr Jakob Klaas, the prosecutor of the City of Cologne, said that 1 222 complaints had been lodged, including 513 concerning sexual assaults (28 instances of rape or attempted rape). His office had made use of every possible means available (267 investigations conducted simultaneously). A total of 348 suspects had been identified, including 87 in connection with sexual assaults. To date, two suspects have been found guilty of sexual assault (twelve months' imprisonment) and one of "sexual insults".

19. Mr Peter Biesenbach, Chair of the North Rhine-Westphalia regional parliament's Special Commission of Inquiry, explained that the commission had not uncovered any evidence to substantiate the claim that the attacks were pre-organised. Moreover, the distribution of roles between the different police forces had been inadequate. Between 1 500 and 2 000 young men were present in the station square and the station itself on the night in question, but only around forty police officers. According to Mr Biesenbach, police reinforcements were not called upon in time by the officer in charge on the spot. He criticised the planning and the lack of co-ordination of the action taken. He also regretted the fact that the police did not speak out about the attacks until 4 January 2016, despite the fact that they had received 200 complaints as early as 1 January. In this connection, I wish to emphasise that the Cologne police were very well prepared for the 2016-2017 New Year, with a 1 500-strong police presence and the implementation of a zero-tolerance policy towards the slightest offence.

20. The attacks caused a public outcry, contributed to changing attitudes and undeniably speeded up the ratification of the Istanbul Convention and the introduction of the "No means no" principle in the Criminal Code, which had been under preparation in Germany for around ten years. There was a really open debate on the issues of harassment and sexual violence in public space. Recently, this time in Berlin, a young woman was pushed and seriously injured at an underground station, and the assault made front-page headlines and reopened the debate on the safety of women in public space.

21. In Turkey, harassment and sexual violence in public space are also the subject of heated debate. Last September, a woman was assaulted on a city bus in Istanbul for wearing shorts. The incident led to an outcry and to demonstrations condemning violence against women. Many women internet users also voiced their support for the victim and shared photographs of themselves in shorts.

22. However, the most notable event was without doubt the murder, in February 2015, of Özgecan Aslan, a young female student, by the driver of a minibus taking her home, who had tried to rape her. Her violent killing created a shock wave in Turkey. In the days that followed, thousands of people, both women and men, voiced their outrage in several of the country's major cities. Two hundred and fifty thousand women victims of rape and harassment broke the code of silence and testified to the assaults they had suffered using the hashtag #sendeanlat ("#tellyourstory").

23. In 2015, Portugal chose to make street harassment (especially making propositions of a sexual nature) a criminal offence punishable by up to 12 months' imprisonment in order to combat this form of violence (amendments to Article 170 of the Criminal Code). Remarks must be of a sexual nature and a mere compliment may not be considered harassment. This change in the law was the subject of widespread comment and of discussions on the difference between harassing someone and chatting them up.

24. Sophie Peeters' documentary "Woman of the street", broadcast on Belgian television on 26 July 2012, shocked Belgian society by highlighting the issue of everyday sexism. According to the study "My experience of sexism",<sup>10</sup> 98% of Belgian women have been victims of street harassment at some time in their life.<sup>11</sup> All too often, victims do not know that they can lodge a complaint and think nothing can be done about harassment. However, an Act on combating sexism in public space came into force in Belgium on 3 August 2014. It defines sexism as "any gesture or behaviour that, under the circumstances referred to in Article 444 of

10. "My experience of sexism", a study conducted by JUMP in summer 2016.

11. "98% des femmes victimes de harcèlement de rue", Louise Vanderkelen, *La Libre Belgique*, 6 March 2017.

the Criminal Code, is clearly aimed at expressing contempt for a person because of their gender or at considering them, for the same reason, inferior or essentially reduced to their sexual dimension, thus resulting in a serious breach of their dignity". The penalty is "one to twelve months' imprisonment and a fine of fifty to one thousand euros", or only one of these penalties. The victim can lodge a complaint and/or become a civil party to proceedings so as to seek damages, and the Institute for Gender Equality can do likewise. The victim and the Institute can also initiate proceedings against the perpetrator before the courts. An investigating police officer can also establish the commission of an offence *in flagrante delicto*. To date, few complaints about sexism have been lodged.

25. Specific studies have also been carried out concerning harassment on public transport. In France, according to the aforementioned opinion issued by the High Council for Gender Equality, 100% of female users of public transport have suffered some form of harassment on transport at least once.<sup>12</sup> In the context of the survey "Women and travel [on public transport]",<sup>13</sup> the testimony of 5 218 women living in Bordeaux was collected in 2016. This survey shows that there is massive harassment of a sexual, racial, religious and homophobic nature or harassment linked to a disability. More than half of the women questioned said they had suffered between two and five instances of harassment over the last twelve months. The survey also shows that different modes of transport pose different risks. Women on bicycles are said to be the most exposed to the risk of harassment, especially when they stop at traffic lights. On buses, they congregate close to the driver to feel more secure. Female students are the principal victims of harassment on public transport, as they use it most and go out more often in the evening. An action plan to combat harassment on public transport in France was launched in July 2015 and includes awareness campaigns.

### 3.3. Psychological impact on victims

26. Street harassment and the resulting sense of insecurity are unquestionably a source of stress. According to the survey conducted by the feminist organisation "Osez le féminisme" (Dare Feminism) in 2014,<sup>14</sup> three-quarters of women say they adapt their behaviour: they lower their eyes, adapt the way they dress (i.e., wear clothes that will not attract attention) and put on trainers in the evening so as not to be heard and to be able to run faster. Some decide to wear a headset without music and pretend they cannot hear the insulting remarks being made, while at the same time remaining attentive to what is happening around them.<sup>15</sup> They also employ, either consciously or unconsciously, avoidance strategies that limit their mobility. They choose a particular route, avoid certain places at certain hours, limit the number of times they go out at night, go out in the company of others or avoid using public transport. In a way, they exclude themselves from public space.

27. Women also take measures to protect themselves in the event of being assaulted. Mention can be made, for example, of the growing popularity of Krav Maga, a method of self-defence the aim of which is to neutralise an opponent as quickly and as effectively as possible using one's bare hands.

28. The sense of insecurity perceived in public space can also result in withdrawal and a feeling of isolation. Victims can develop a sense of guilt because they failed to defend themselves against their assailant and also experience extreme anger or even a sense of shame. They will not necessarily speak about their ordeal or lodge a complaint and will keep their emotions to themselves. Victims also have highly impaired self-esteem and run the risk of developing anxiety disorders, paranoia or even depression. They may suffer from post-traumatic stress disorder, which manifests itself in a permanent feeling of distress and regular flashbacks that make them relive their trauma. This results in a need for therapy to help them recover.

29. With their "male gaze", some men look at and judge a woman's body, which comes down to objectification, i.e. seeing a woman as an object. A consequence of being subjected to the "male gaze" can also be self-objectification, where women develop an outside view of themselves<sup>16</sup> and may put themselves down and feel shame about their body. Sexual objectification may generate a feeling of anxiety and insecurity and contribute to the emergence of various disorders.

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12. "Avis sur le harcèlement sexiste et les violences sexuelles dans les transports en commun" (Opinion on sexist harassment and sexual violence on public transport), High Council for Gender Equality, April 2015.

13. "Trois sociologues ont étudié le harcèlement de rue à Bordeaux, leurs conclusions sont inquiétantes", Marine Le Breton, *Huffington Post*, 25 November 2016.

14. <http://osezlefeminisme.fr/take-back-the-metro/>

15. Colloquy on violence against women entitled "Mon corps m'appartient" (My body belongs to me), Strasbourg, 17 November 2015.

16. "L'objectivation sexuelle des femmes: un puissant outil du patriarcat – le regard masculin".

30. Witnesses' failure to react or indifference exacerbates the violence's impact on victims by strengthening their feeling of insecurity, culpability and shame. In addition, it helps to make the perpetrators of violence more convinced that public space belongs to them and that they can do anything they want.

31. Although initially hard to understand, the lack of a reaction from witnesses – which is tantamount to indirectly accepting the behaviour in question – can be explained in social psychology by the “by-stander effect”, a phenomenon that refers to an individual’s failure to react to a situation of distress, but only in the presence of one or more people. Accordingly, the probability that an individual will help a person in distress will be greater if that individual is alone rather than in the presence of a group. The presence of others in some way deters the person who wishes to intervene. This phenomenon can mainly be explained by the “diffusion of responsibility” process, whereby people divide personal responsibility for dealing with a situation among the witnesses. Thus, in response to a situation involving a person in danger, each of the witnesses assumes that their neighbour will step in to help. The result is that none of the witnesses takes any action. A witness may also be afraid of becoming in turn a victim of violence.

### **3.4. Profile of the perpetrators**

32. It may be difficult to establish a standard profile of street harassers. According to the national survey conducted in 2014 by the American organisation Stop Street Harassment, 70% of female and 48% of male victims of street harassment identified the aggressor as being male. Marylène Lieber, whom we have already mentioned, points out that harassers are “from all social categories, from all cultures and of all ages”.<sup>17</sup> They have heterogeneous profiles and, contrary to what most people might think, do not always come from disadvantaged or immigrant backgrounds.<sup>18</sup>

33. Street harassers perceive a woman as an object of desire they can use for purposes of sexual gratification. Many researchers link the objectification process to the phenomenon of dehumanisation, which comes down to making an individual lose his/her human character. Dehumanisation manifests itself in the aggressors' lack of empathy towards their victims, whom they no longer consider as persons but as objects. The perpetrators of violence often have little respect for women and consider them easy prey in public space. They want to intimidate and humiliate women in order to assert their domination. In a way, they want to control not only a woman’s body but also her sexuality.

34. Street harassment may be perpetrated by an individual or a group. In the latter case, it can be termed a “deindividuation” phenomenon, which corresponds to a loss of the individual’s identity within the group. This phenomenon strengthens the individual’s anonymity and enables aggressors to carry out acts they would not carry out on their own. Furthermore, the group effect is considered as disinhibiting individuals and reducing their sense of individual responsibility in respect of an aggression in such a way as to bring about the abandonment of personal values.

35. As far as the perpetrators of the violence in Cologne are concerned, the victims and the police officers present indicated that most of these men – the overwhelming majority of whom were of North African origin<sup>19</sup> – were under the influence of alcohol. The group effect and the apparently very low self-control threshold of the individuals concerned, probably in the wake of excess consumption of alcohol and drugs, were no doubt factors that increased their lack of empathy towards their victims.

36. As in the case of street harassers, it is also difficult to establish a standard profile of perpetrators of rape, but it is possible to identify certain common personality traits and characteristics. Often, but not always, these individuals have suffered sexual or physical abuse in childhood. Most of the time, they lack empathy, are impulsive and intolerant of frustration, suffer from a form of underlying anger, find it hard to control their emotions and have a tendency to dominate and control women and be aggressive towards them.<sup>20</sup> Rape is considered to be a means whereby they can take control and assert their power over the victim. However, perpetrators of rape do not always have a personality disorder. In cases of collective rape, the aspects linked to the group effect are all-important.

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17. “Halte au harcèlement de rue”, *Tribune de Genève*, 1 September 2016.

18. Marianne Blidon and Marylène Lieber, Genre, violences et espaces publics. La vulnérabilité des femmes en question, *Genre, sexualité & society* [online], 4 | Autumn 2010, <http://gss.revues.org/1694>.

19. Report of the North Rhine-Westphalia regional parliament’s Special Commission of Inquiry, pp. 364-365, Drucksache 16/14450, 23 March 2017.

20. “Existe-t-il une psychopathologie des auteurs d’agressions sexuelles à type de viol sur adultes?”, Dr Arnaud Martorell.

37. During my research, my attention was drawn to a specific category of harassers in public space: so-called “frotteurs”. Frotteurism is a phenomenon currently observed on public transport in many Council of Europe member States. It is defined as the act of touching or rubbing oneself against a non-consenting person with the aim of deriving a form of sexual gratification. The majority of frotteurs are men<sup>21</sup> who have great difficulty in maintaining long-term mature interpersonal relationships with women.<sup>22</sup> Frotteurism is a form of giving into one's pulsions and a manifestation of fantasies of sexual potency (being with several women) through an aggressive component. The woman is non-consenting and unable to flee because her path is sealed off by the crowded situation on public transport. The impact of such acts on women is still underestimated, since few women victims of frotteurism dare to lodge a complaint. In response to this phenomenon, the City of Paris has set up “anti-frotteur brigades” on public transport,<sup>23</sup> police officers who keep an eye on behaviour on underground trains and platforms. A frotteur can be sentenced to two years' imprisonment.

#### **4. Combating street harassment and sexual violence in public space**

##### **4.1. The lessons of Cologne**

38. I wish to include in this report a description of what has been done in Cologne since last year to prevent fresh outbreaks of violence. In particular, co-ordinated action to prevent sexual violence is now being taken. Since January 2016, a representative of the city authority's office for gender equality has been participating in security meetings and in the co-ordination of preventive action with the police. After the attacks, several NGOs and the City of Cologne formed the “Cologne initiative against sexual violence”. The participating organisations endeavour to co-ordinate their activities and boost their impact. They are supported by the city authority and the police.

39. With regard to prevention, Mr Peter Biesenbach, Chair of the North Rhine-Westphalia regional parliament's Special Commission of Inquiry, believes it is necessary to be able to anticipate a risk situation in order to plan ahead and take appropriate action. A mobile advice service (Beratungsmobil) is now installed at major events in the city, with two female counsellors and security personnel present, and a woman who feels unsafe can call it or seek refuge there. It was available at New Year 2016-2017 and during the city's carnival.<sup>24</sup> A mobile police station has also been installed on the station square since the attacks.

40. Furthermore, the “sichere Kneipen” (safe pubs and bars) project, currently in its preparatory phase, will permit restaurants and bistros to display a logo indicating that women can be safe and secure there. The staff of these restaurants will be trained and women who want to take refuge will be able to phone and ask for assistance. This project follows on from a similar one already implemented in Münster.

41. Generally speaking, security personnel presence has been reinforced on public transport. There is also an emergency call button at each underground station, and the number of minutes' wait before the next train arrives is systematically displayed. Finally, a mobile telephone app makes it possible to enter one's route home and obtain a virtual escort in order to feel safer.

##### **4.2. New technologies**

42. New technologies permit the development of new ways of combating harassment and sexual violence in public space. The “HandsAway” app is an interesting initiative in this connection. It is a mobile alarm app to combat gender-based assaults in the street and on public transport. Since the geolocation service is free of charge, it enables so-called “street angels” to provide assistance, witnesses to make statements (describing an assault at which they were present) and an alarm to be issued (by creating a geolocated alert). Therefore, when a woman is the victim of an assault or street harassment she can report it via this app. An alert is immediately sent to all “street angels” who are users of the app and are currently in the vicinity. They can come and comfort or simply listen to the victim or act as witnesses. The Municipality of Paris is a partner of this app, which also provides information on associations operating in this field as well as telephone numbers and details of how to lodge a complaint.

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21. “100% des femmes ont déjà été harcelées dans les transports”, *L'Express*, 16 April 2015.

22. “Les paraphilies”, Bais Céline, CRIAVS LR- CHRU de Montpellier.

23. “Dans le métro parisien, avec la brigade chargée de débusquer les “frotteurs””, Ferial Alouti, *Le Monde*, 3 March 2017.

24. A similar initiative was put in place at the Munich Oktoberfest.

43. The “Mon chaperon” bodyguard app has also recently been launched in France. It enables women to provide information on their journey and have themselves accompanied. Another app, “App-Elles” enables an assault to be reported. The bSafe mobile personal safety app (in place in Paris, London and New York) provides similar options: GPS tracking system available to a limited group of people, possibility of alerting one’s bSafe contacts in the event of a problem, automatic SOS message if at the end of the scheduled time for returning home, that is to say after the time objectively allocated for completing such a journey, the user does not deactivate it.

44. In Germany, the “WayGuard” mobile app recently launched by AXA Germany enables the user’s geographical position to be continuously transmitted to an AXA approved control centre, which can alert the rescue services in an emergency. Family members or certain friends can also monitor the journey and receive notification of the individual’s arrival. The user simply has to designate them as “escorts” on her journey and they can then see her position in real time on a map. Preventive advice is also available to the user, especially with regard to how to react in the event of improper advances.

#### **4.3. The role of the media**

45. The media have an important role to play in combating harassment and sexual violence in public space. Firstly, they must provide the fairest possible journalistic coverage of violence perpetrated against women. The “Prenons la une” collective of female journalists, which works to ensure fair representation in the media and professional equality in French editorial offices, has drawn up a number of recommendations in this regard. In particular, it recommends that the nationwide telephone number for listening to and assisting female victims of any form of violence [3919] should be mentioned, as far as possible, in coverage of violence against women. It also calls for the media not to give advice or instructions such as “Do not go out in the evening” or “Remain discreet”, since women are not responsible for the violence they suffer.

46. Furthermore, the assistance measures in place, awareness campaigns and, more generally, associations working to combat sexual violence and street harassment, should be given sufficient prominence in the media in order to be able to inform as many people as possible.

#### **4.4. Women’s occupation of public space**

47. Harassment and sexual violence in public space raise questions about the status of women in our society. This violence is in fact closely associated with the image of women and its perception by the population. Women are reduced to mere bodies, which are considered available and they are expected to pay attention to the way they behave. The result is that merely sitting on a bench in the street may transform a woman into a quarry and make her seem to be making an appeal to certain men. In addition, gender stereotypes, which become part of individuals’ consciousness from a very young age, give men a certain confidence that enables them to monopolise public space. They think they can utter insults, whistle or issue invitations to have a sexual relationship without being challenged.<sup>25</sup> The aim of this harassment is to manifest a sense of male domination and confine women to private space.<sup>26</sup> As a consequence, women are instinctively more restrained in public areas than men for fear of being assaulted.<sup>27</sup> They have internalised their vulnerability in public space.

48. Since attitudes, convictions and types of conduct are shaped from a very young age, it is important to promote gender equality, mutual respect in interpersonal relationships and non-violence as early as possible. In this context, it is necessary to work with people involved in the education sector in order to combat gender stereotypes and discrimination. In this regard, Article 14 of the Istanbul Convention emphasises the need to produce teaching materials for all levels of schooling that promote the principles of gender equality, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships. The Convention also states that these values should be promoted in informal educational facilities (such as community or religious education services and summer camps) as well as in sports, cultural and leisure facilities and the media. These educational measures can also enable the impact of harassment and sexual violence to be explained.

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25. *Why Loiter?: Women and Risk on Mumbai Streets*, Shilpa Padkhe Sameera Khan and Shilpa Ranade, Penguin Books, 2011.

26. <http://alter1fo.com/femmes-hommes-quels-usages-de-la-ville-98117>.

27. Garance ASBL, “Rapport intermédiaire des marches exploratoires autour du quartier de la gare de Namur”, September 2016.

49. The gender-based occupation of public space is also said to be due to the way that space is organised, which puts men at an advantage as they often find themselves in greater numbers there and feel self-confident.<sup>28</sup> In recent years, facilities have been built to “channel” the alleged violence of boys, such as skate parks or various multi-sports grounds. These facilities are mainly used by boys or young men. Men are there in force and women and girls are not welcome. This permits the conclusion that public space is arranged in a way that fosters a form of male domination.<sup>29</sup> Moreover, a study has shown that in France 85% of the budget for the development of facilities planned in priority areas is allocated to boys.<sup>30</sup> Massive public investments in rugby or football fields will rarely benefit women.

50. According to Chris Blache, co-founder of the think tank Genre et Ville (Gender and the City), public space is not neutral. It is necessary to create new urban narratives with a less gender-based organisation where women also occupy public space. She promotes the idea of egalitarian towns and cities that welcome everyone, are laid out in such a way that everyone feels at ease and no longer contain any areas exclusively for men. She encourages the creation of multi-use spaces, such as parks where everyone can meet to play, stroll or have a picnic. Girls should be invited to participate in activities within existing structures, and mixed leisure activities should ultimately be offered.

51. It is also important to emphasise the role of public-space managers and planners, who can contribute to the creation of safer and more secure spaces for women. In this connection, I would like to mention walking safety audits, which enable the degree of insecurity of certain public spaces to be analysed and evaluated. The first walking safety audits were carried out in Canada in the 1990s and are currently also being organised in Europe. They consist of field surveys conducted by groups of women, who choose a neighbourhood, street or space and try to identify the elements that may create a sense of insecurity, such as insufficient lighting, poor maintenance of premises or defective road signs. Safety audits allow women to belong again in public space and realise what measures need to be taken to reduce their feeling of insecurity.<sup>31</sup> The organisation of these walking safety audits should become as widespread as possible, since everyone will benefit from a public space that is not only safe but also welcoming.

52. At our hearing on 20 March 2017, Chris Blache expressed reservations concerning walking safety audits, which could in her opinion lead to the sterilisation of public space and make it intimidating. She believes that public space should not simply be considered in security terms and that it is more necessary to take action and avoid a situation in which women refrain from using public spaces. She also called for women’s right to stroll about public space and regretted that “men occupy public space while women occupy themselves in the public and the private space”. In this connection, the activities of the “Place aux femmes” (A space for women) collective in Aubervilliers (France) aim to bring about a gender mix in the town’s cafés, which are seen as being reserved for men.

#### **4.5. Inspiring awareness campaigns**

53. I would like to mention several campaigns established in the last few years to prevent and combat harassment and sexual violence in public space. They play a key role in raising public awareness of these issues and can also be effective in calling for responses and contribute to ending the apathy of witnesses of acts of violence.

54. The global initiative “Safe Cities and Safe Public Spaces” was launched by UN Women in 2010 with the aim of preventing and responding to the sexual harassment and other forms of sexual violence in public places of which women and girls are victims.<sup>32</sup> The NGO ActionAid launched the Safe Cities project in 2010 in Brazil, Ethiopia, Nepal, Cambodia, Liberia and Kenya by organising walking safety audits to identify safety and security problems in towns and cities. The campaign went global in 2014. In Ireland, ActionAid has supported street theatre performances on harassment as part of this campaign.

55. The association Womenability has conducted a seven-month world tour from Sweden to Japan to study women’s occupation of public space.<sup>33</sup> Members went to Prague, Sofia, Malmö, Rosario, Houston, Baltimore, Montevideo, Kawasaki, Bombay, Kaifeng, Cape Town, Francistown and Wellington. 59% of women questioned by the Womenability teams said they had been victims of harassment at least once a month.

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28. “Halte au harcèlement de rue”, *Tribune de Genève*, 1 September 2016.

29. “La place des femmes dans l’espace public”, Recherche Appliquée en Sciences Sociales – RECAPSS, 2014-2015.

30. “La rue, fief des mâles”, Fanny Arlandis, *Le Monde*, 4 October 2012.

31. Guide méthodologique des marches exploratoires (Methodological guide to walking safety audits), *Cahiers pratiques*, Hors-série (2012).

32. Creating safe public spaces, UN Women.

33. “Les femmes et leur place en ville, de Baltimore à Bombay”, Ferial Alouti, *Le Monde*, 21 January 2017.

56. The “Take Back The Metro” campaign has been launched by the “Osez le féminisme” (Dare Feminism) collective in France and encourages women to use public transport. It refers to the Take Back the Night marches initiated in the United States in the 1970s, which exclusively involved women and aimed to assert women’s right to use public spaces without fear of sexual harassment or assault. The Stop Street Harassment collective carries out public education and awareness raising measures in the Paris underground and regional express train networks. On 16 April 2015, it invited users to participate in a happening aimed at condemning sexist harassment and sexual assaults on public transport by performing harassment scenes at a station, so as to have passers-by react to insults, and by distributing pamphlets.

#### **4.6. The role of men**

57. As pointed out above, sexual violence and harassment in public space are mainly committed by men. Moreover, although most men do not commit or tolerate this violence, they help to perpetuate it by remaining silent when it is perpetrated by their peers. So it is necessary to involve them in combating sexual violence and harassment in public space by raising their awareness and informing them about this problem.

58. I am convinced that men have a positive role to play in this context. As fathers, friends, decision makers, journalists, public officials and political and religious leaders, they can publicly condemn violence by other men, challenge the beliefs, values and social norms that tolerate gender inequality, respond to sexist remarks and encourage the adoption of alternative ideas on masculinity in society that emphasise non-violence and gender equality.

59. In this connection, it is important to highlight certain encouraging initiatives pointing to a greater involvement of men in combating violence against women. Mention can be made in particular of the “UNiTE to End Violence against Women” campaign launched in 2009 by United Nations Secretary-General Ban Ki-moon. The key characteristic of this campaign is the recognition that men are duty-bound to prevent violence and have a role as agents for change. In the context of that campaign, Ban Ki-moon set up the Network of Men Leaders to persuade men to participate in the search for solutions to eliminate violence against women. More recently, in 2014, UN Women launched the HeForShe campaign with the aim of involving men and boys in the fight for gender equality and women’s rights and received support from male politicians such as Barack Obama, Justin Trudeau and Stefan Löfven.

60. In addition, the MenEngage international alliance, launched in 2004, groups together more than 400 organisations worldwide that work with men and boys to promote gender equality and put an end to violence against women and girls. Finally, mention should be made of the White Ribbon Campaign, which was set up in 1991 and was a pioneer in the mobilisation of men to combat violence against women worldwide.

## **5. Conclusions**

61. Sexual violence and the harassment of women in public space take place in all countries. They are a reflection of a sexist and patriarchal society that fosters men’s occupation of public space and creates obstacles to women’s mobility and the expression of their rights. We must be vigilant with regard to this violence and no longer tolerate a lack of response. Women should not have to change their lifestyle because of the risk of harassment and sexual violence or be accused of being provocatively dressed or being in the wrong place at a late hour. Women are never responsible for the violence of which they are victims, no matter the perpetrator, the type of violence or where it takes place.

62. The Istanbul Convention is to date the most advanced international legal instrument with regard to combating all forms of violence against women. Its effective implementation brings about changes to the law that can contribute to combating harassment and sexual violence in public space.

63. I am also convinced that it is impossible to combat harassment and sexual violence in public space effectively if we do not engage in awareness campaigns and take specific prevention measures – and do so from a very early age. Measures to educate young people, especially regarding gender equality and in order to combat gender stereotypes, as well as about the impact of violence on victims and the concept of consent, are particularly important. Awareness campaigns will make it possible to combat the “by-stander effect” and prompt any witnesses of violence to react. Men can play a key role in preventing and combating street harassment and sexual violence.

64. As the attacks in Cologne showed, the media and the way they report harassment and sexual violence in public space have a big impact on public opinion and too often tend to refer more to the origin of perpetrators of violence than the violence itself and its impact on victims. We must support the approach of

the Istanbul Convention, which is to make victims of violence the focus of any policy or discourse dealing with gender-based violence. The media can play a leading role in preventing and combating these phenomena and act as effective interfaces for awareness campaigns.

65. Sexual violence and harassment in public space are not an inevitable or unavoidable phenomenon. Women should be able to go anywhere they want without fear. We should not simply resign ourselves to the gender-based occupation of public space and women's adoption of avoidance strategies. It is our responsibility to promote proactive policies to this end.