

Executive Summary

Harassment on the basis of gender and sexual harassment are recognized as forms of discrimination and prohibited by the EU Gender Equal Treatment Directives. The Directives indicate that Member States have to ensure that an equality body is in place to provide independent assistance to victims of harassment and sexual harassment, conduct independent surveys, publish independent reports and make recommendations, in matters of employment and vocational training, in the access to and supply of goods and services, and for the self-employed¹.

In this context, **national equality bodies have an important role to play**. They can support victims of harassment on the basis of gender and sexual harassment, they can interact and cooperate with relevant stakeholders to build a culture of rights refusing harassment and sexual harassment, and they can develop appropriate tools to prevent all forms of harassment and sexual harassment. A proactive role of equality bodies is key in the fight against harassment on the basis of gender and sexual harassment.

This Equinet Report is based on the **Equinet training on combating harassment on the basis of gender and sexual harassment** held in Warsaw on 23-24 September 2014. It gathers the ideas and experiences shared by experts from national equality bodies and key partners to inform on the context of harassment on the basis of gender and sexual harassment at EU and national levels and to support the work of equality bodies in the field.

This Report analyses harassment on the basis of gender and sexual harassment as forms of discrimination and inequality, but also in the framework of gender-based violence and as violation of human rights.

The Equinet training

The first part of the Report presents the contributions made by speakers and facilitators of the working groups of the Equinet training event in the form of event proceedings.

The first session touches upon the context of **harassment and sexual harassment in Europe**: according to the Fundamental Rights Agency survey on violence against women, up to 55% of women have experienced sexual harassment since the age of 15 in the EU-28, and 75 % of women in qualified professions or top management jobs have been sexually harassed. Existing legislation and policies at EU level to combat these phenomena are presented thanks to the contribution of the European Commission.

The second session presents the outcomes of exchanges between equality bodies' representatives and key partners on **how to build together a culture of rights**. The contribution by the Council of Europe expert analyses the possibilities that the Convention on preventing and combating violence against women and domestic

¹ 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 (recast); Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services; Directive 2010/41/EC on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity.

violence (Istanbul Convention, including sexual harassment under the forms of violence against women) brings to equality bodies. The representative of the European Women's Lobby adds to the picture by outlining the current work carried out by civil society and suggesting equality bodies to support prevention, protection, prosecution, provision and partnership.

Discussions with the representative of the European Institute for Gender Equality focuses on gender stereotypes and data collection. Equality bodies exchanged with Transgender Europe on the specificities of the experience of trans people on harassment and sexual harassment. With the European Women's Lobby, they discussed how to change societal culture via education and awareness.

The outcomes of workshops on **equality bodies' practices** are then presented. This includes the work of the Human Rights Defender in Poland on sexual harassment in the uniformed services, in cooperation with civil society, and the Ombud for Equal Treatment in Austria's moot court training to sensitize on harassment. The Irish Equality Authority supports the attention on harassment and sexual harassment within the framework of equality mainstreaming. The Commission for Equality in Labour and Employment in Portugal guides discussions on the importance of strategizing the work on harassment to combat it. The Ombudsman for Equality in Finland presents their campaign in educational institutions and their findings on gender-based harassment and sexual harassment in schools. The cooperation of equality bodies and of civil society for combating underreporting is also presented thanks to the intervention of the Defender of Rights in France.

The last session presents the content shared on **supporting victims, on the legal work of equality bodies**, including a review of existing legislation and the identification of **how to win a case**.

Lessons learnt

Some **lessons learnt** emerged from the discussions and experiences shared during the training, and from exchanges between members of Equinet's Working group on Gender Equality.

They include **ways forward for improving the work of equality bodies** in tackling harassment on the basis of gender and sexual harassment.

Equality bodies can make recommendations to policy makers on gaps in existing legislation; make use of cases to increase awareness; conduct relevant research on the topic and ensure data collection and comparability; play a role in combating gender stereotypes and sexism in society; prevent the culture of harassment by raising-awareness of duty bearers, advertising professionals, the general public and training; in particular they can focus on preventive tools in the school place.

National equality bodies can cooperate with women's organisations, civil society, employers and trade unions, schools and labour inspection. They can promote positive examples and proactive approaches to make visible their work and role in the fight against harassment and sexual harassment. This should include attention to the intersectionality of harassment.

Training and awareness-raising activities should target employers and employees, teachers and students, judges, lawyers, media professionals, service providers, trade unions, police officers and aim at creating a culture of equality and rights. Moreover, national equality bodies could participate in the process of monitoring of the Council of Europe Istanbul Convention on preventing and combating violence against women and domestic violence.

Possible **ways forward for European level policy makers** include the monitoring of the correct implementation of EU Directives prohibiting harassment on the basis of gender and sexual harassment. EU policy makers should monitor that in every Member State, equality bodies are given a clear mandate and resources to cover the three areas of employment, self-employment and access to goods and services. The exclusion of media, advertisement and education from the scope of EU protection against harassment on the basis of gender and sexual harassment should be reviewed.

Cases dealt with by equality bodies allow identifying some good practices in terms of legislation which could be promoted at EU level and with national policy-makers: the positive duty on employers and schools to investigate and take measures to stop harassment and the positive duty on employers and schools to make equality plans annually, in which special attention must be given to measures that ensure the prevention and elimination of sexual harassment and gender based harassment.

A coordinated monitoring system in the area of cyber harassment, as well as a coherent system for collecting statistics on gender-based violence, are necessary to prevent harassment on the basis of gender, and sexual harassment. Moreover, EU policy makers could launch the procedure for the accession of the EU to the Istanbul Convention on violence against women and domestic violence. The European Commission could reconsider the possibility of having a EU-wide strategy and an action plan to combat all forms of violence against women and girls including sexual harassment.

EU policy makers could widely disseminate information about EU programmes and funding to combat harassment on the basis of gender, sexual harassment and violence against women. They could investigate links between lack of balance in decision making and segregation of the labour market with the high levels of sexual harassment experienced by women in management.

National equality bodies have a key role in combatting harassment on the basis of gender, and sexual harassment. To be able to do so, standards on their independence and resources should be foreseen at EU level in order to protect their effectiveness.

Possible **ways forward for national policy makers** include the importance of ensuring a comprehensive legal framework covering the scope of employment, the self-employed and access to goods and services, but also in the field of education, media, and advertising. Such legislation could include positive duty on employers, providers and school directors to have policies to prevent harassment and sexual harassment, and to report it; but also positive duty on schools, employers, and providers of goods and services to make equality plans annually. National legislations should foresee a consistent set of tools to protect people against harassment and sexual harassment under antidiscrimination, health and safety, and criminal legislation and provisions allowing for the recognition of multiple discrimination and intersectionality. Cases of sexual harassment where there is high risk of victimisation, should accord special

protection. All European countries should ratify and properly implement the Istanbul Convention on violence against women and domestic violence.

Other relevant stakeholders such as social partners, at European level and national level, should adopt formal agreements to implement written anti-harassment policies in collective agreements, reflecting a real commitment to recognising the importance of the fight against harassment and sexual harassment in the workplace. Employers and trade unions should involve national equality bodies in the development of anti-harassment policies. Trade union representatives can be key allies in the struggle to combat underreporting and they should be provided with information on the reporting methods for claims against harassment and sexual harassment, including where they should be reported and which evidence should be kept as proof of the harassing behaviour.

Workplaces and educational institutions should prepare an annual gender equality plan in order to assess the gender equality situation and progress. Sexual harassment needs to be addressed and framed in the context of equality mainstreaming and equal access to dignity for all. Political leaders should take a stance against trivialisation of sexism.