

AN EQUINET REPORT

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# HARASSMENT ON THE BASIS OF GENDER AND SEXUAL HARASSMENT: SUPPORTING THE WORK OF EQUALITY BODIES

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*Harassment on the basis of Gender and Sexual Harassment: Supporting the Work of Equality Bodies* is published by Equinet, the European Network of Equality Bodies.

**Equinet** brings together 42 organisations from 32 European countries which are empowered to counteract discrimination as national equality bodies across the range of grounds including age, disability, gender, race or ethnic origin, religion or belief, and sexual orientation. Equinet works to enable national equality bodies to achieve and exercise their full potential by sustaining and developing a network and a platform at European level.

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## 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-employed<sup>1</sup>.

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 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

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<sup>1</sup> 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.

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.



## 1. INTRODUCTION

### 1.1. EQUINET

**Equinet is the European Network of Equality Bodies**, a membership-based organisation bringing together 42 equality bodies from 32 European countries including all EU Members States.

Equality bodies are public organisations assisting victims of discrimination, monitoring and reporting on discrimination issues, and promoting equality. They do so in relation to one, some or all the grounds of discrimination covered by European Union law – **gender, race and ethnicity, age, sexual orientation, religion or belief, and disability – and other grounds covered by their national equal treatment legislation.**

Equinet aims to promote equality in Europe by enhancing the strategic capacity of its members and developing the skills and competences of their staff. Equinet also works to identify and communicate the learning from the work of equality bodies, and enhance their recognition and strategic positioning in relation to all stakeholders at European level.

### 1.2. THE EQUINET WORKING GROUP ON GENDER EQUALITY

The Working Group on Gender Equality was established in 2013 following the incorporation of the work of the Network of Gender Equality Bodies (coordinated by the European Commission) into Equinet, as Equinet's platform for staff members of equality bodies working on gender issues. The working group aims to enable discussion, exchange of good practices, reflection among staff members of equality bodies, as well as action on the effective promotion of gender equality and to combat gender discrimination by equality bodies.

During its first meetings in 2014, working group members exchanged views on the importance of tools supporting their everyday work on harassment on the basis of gender, and sexual harassment. The topic of harassment and sexual harassment was therefore selected for the second Equinet Training on Gender Equality, which took place in Warsaw on 23-24 September 2014 and was hosted by the Polish Equinet member equality body: the Human Rights Defender of Poland.

This Equinet *Report on Harassment on the Grounds of Gender, and Sexual Harassment* is part of the work of the Gender Equality Working Group for 2014 as approved by the Equinet Executive Board and adopted by the membership. The Report is a follow up to the training on the same topic, in order to share experiences and ensure a correct interpretation of existing provisions, as well as to provide ideas on how to tackle harassment on the basis of gender, and sexual harassment.

Following the rich discussions during the training, the Working Group has identified lessons learnt for equality bodies and for improving the context. They include recommendations to national equality bodies, European and national policy makers and other stakeholders.

### 1.3. HARASSMENT, SEXUAL HARASSMENT AND VIOLENCE AGAINST WOMEN

**Harassment** on the basis of gender is prohibited by EU equal treatment legislation in employment relations, goods and service provision, and for self-employed workers. It is defined as unwanted conduct relating to the sex of a person which 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** is prohibited as well, in the same domains, and is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which 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.

Sexual harassment is at the same time a form of gender-based violence or violence against women, discrimination, and a violation of human rights.

**Gender based violence** can be understood as violence directed against a person because of that person's gender, or violence that affects persons of a particular gender disproportionately.

Due to the high prevalence of women amongst the victims of sexual harassment, and of the root causes of sexual harassment in a historically unequal power relation between women and men, sexual harassment can be understood as a form of **violence against women**.

**Violence against women** is defined under the Istanbul Convention (Council of Europe, Convention on preventing and combating violence against women and domestic violence) as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

The Istanbul Convention includes sexual harassment under the forms of violence against women, as does the [FRA EU-wide Survey on Violence against Women](#).

This report will elaborate on harassment on the basis of gender, and sexual harassment as forms of discrimination and inequality, but also in the framework of law and policies against violence against women and protection of women's human rights.

### 1.4. PURPOSE AND APPROACH OF THIS REPORT

This 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. In its first part it presents the contents discussed during the training event. It draws on the presentations of speakers and experts, as well as the experiences shared by equality bodies working on gender equality and against harassment on the basis of gender and sexual harassment. The second part draws some conclusions which can be used to improve the work of equality bodies and the context in which they operate.

The Report was drafted and finalised with the assistance and input of the Equinet Working Group on Gender Equality.

Equinet is grateful for all contributions to this report from speakers, workshop facilitators, training participants and working group members.

The purpose of this Equinet publication is to:

- Inform the policy and legal debate on harassment on the basis of gender and sexual harassment at EU and national levels.
- Enhance the work of equality bodies to prevent and fight harassment on the basis of gender and sexual harassment by examining the issues they face in this work and by identifying good practice in responding to these issues.
- Identify relevant lessons and good practices from the work of equality bodies.
- Recommend possible ways forward to European and national policy makers, as well as other relevant stakeholders, in order to improve the context.

The Report addresses:

- The context of harassment on the basis of gender and sexual harassment in the EU
- Key issues in the work of equality bodies on harassment on the basis of gender, and sexual harassment
- Action that could be taken by equality bodies to tackle harassment on the basis of gender, and sexual harassment and build a culture of rights
- Action that could be taken at EU and national levels to improve the context and enhance the work of equality bodies on harassment on the basis of gender, and sexual harassment.

## 1.5. THE TRAINING EVENT

The Equinet training on Combating Harassment and Sexual Harassment held in Warsaw on 23-24 September 2014 strived to provide staff members of equality bodies with a space for peer learning and for discussing key challenges as well as good practices in the field.

This training aimed at exploring approaches and activities equality bodies can put in place to:

- Have a clear identification of the prevalence of harassment on the basis of gender and sexual harassment and the underlying dynamics.
- Support employers, providers of goods and services and education institutions to put in place procedures avoiding harassment and sexual harassment.
- Support a culture of rights which recognises and refuses harassment and sexual harassment.

This Equinet training was dedicated to an audience of 65 staff members of equality bodies with responsibilities in dealing with gender equality. The training programme allowed for participants with different professional backgrounds, including legal, policy and communication experts.

The Equinet Gender Equality Working Group had identified the key themes for the training:

- Legal concept: what is harassment, what is sexual harassment, differences from bullying, discrimination, specificities
- Victimisation: specificities of victimization in case of harassment and sexual harassment and how to ensure that victims report
- Good practices: experiences from national equality bodies
- Awareness-raising campaigns
- Investigation
- The burden of proof
- Sanctions
- Findings on harassment and sexual harassment from social science research

- Responsibility, third party liability
- How to build a case: gathering evidence
- Cooperation between different actors
- Under-reporting
- Strategic approach to work on harassment and sexual harassment

### 1.5.1. THE AGENDA OF THE TRAINING

AGENDA		
DAY 1		
08.30 – 09.00	<b>Registration and Welcome</b>	
09.00 – 10.30	<b>OPENING SESSION</b>	
	<b>Opening Address</b>	
09.00 – 09.30	<i>Evelyn Collins</i> – Chair of Equinet and Chief Executive of the Equality Commission for Northern Ireland	
	<i>Stanisław Trociuk</i> – Deputy Ombudsman, Human Rights Defender of Poland	
09.30 - 10.20	<b>Keynote address - Harassment and sexual harassment: why it happens, how to stop it</b>	
	<i>Kat Banyard</i> – Co-Founder and Executive Director, UK Feminista	
10.20 – 10.30	<b>Questions &amp; Answers</b>	
10.30-10.40	<b>Coffee break</b>	
10.40 – 12.10	<b>SESSION 1 – HARASSMENT AND SEXUAL HARASSMENT IN EUROPE</b>	
	Chair: Sandra Ribeiro, Member of Equinet Board, Moderator of Equinet Gender Equality Working Group and President of CITE, Portugal.	
	<i>This session aims at discussing the current context on harassment and sexual harassment on the basis of gender in Europe. The prevalence of sexual harassment and relevant patterns will be presented by FRA following their survey on violence against women. The European Commission will present existing EU legislation and policies on this topic.</i>	
10.40 – 11.00	<b>FRA survey on violence against women: findings concerning sexual harassment</b>	<b>Sami Nevala</b> Head of Sector Statistics and Surveys, Freedoms and Justice Department, EU Agency for Fundamental Rights (FRA)
11.00 – 11.25	<b>EU activities on harassment and sexual harassment</b>	<b>Emilie Jarrett</b> DG Justice, Gender Equality Unit European Commission
11.25 – 12.00	<b>Questions &amp; Answers – Discussion</b>	
12.00 – 13.30	<b>Lunch break</b>	

## SESSION 2 – BUILDING A CULTURE OF RIGHTS

Chair: Mari-Liis Sepper, Member of Equinet Board and Gender Equality and Equal Treatment Commissioner of Estonia.

**13.30-14.55** *The high prevalence of cases of harassment and sexual harassment and the victimization risks make it key to ensure a proactive role of equality bodies in building a culture of rights and organisational tools to prevent harassment and sexual harassment. The Istanbul Convention and the new possibilities it brings for equality bodies will be presented, as well as some advice from the civil society. Pending confirmation, an insight on the US context will be presented as well.*

13.30 – 13.55	<b>The Istanbul Convention – preventing and combating sexual harassment</b>	<b>Lisa Gormley</b> Expert, Council of Europe
13.55 – 14.15	<b>The perspective of civil society</b>	<b>Edite Kalnina</b> European Women’s Lobby
14.15 – 14.20	<b>Response from the Chair opening the Q&amp;A session</b>	
14.20 – 14.40	<b>Questions &amp; Answers – Discussion</b>	
14.40 – 15.00	<b>Coffee break</b>	

## SESSION 3 – WORKSHOPS: BUILDING TOGETHER A CULTURE OF RIGHTS

**15.00 – 16.20** *This workshop session will discuss how equality bodies can interact with the context presented during the plenaries and build a culture of rights together with other stakeholders.*

### Workshops hosted by:

- **EIGE (European Institute for Gender Equality)**, *Therese Murphy*
- **TGEU (Transgender Europe)**, *Richard Köhler*
- **European Women’s Lobby**, *Edite Kalnina*

## SESSION 4 – WORKSHOPS: EQUALITY BODIES’ PRACTICES

**16.20 – 18.00** *This workshop session will discuss equality bodies work allowing to ensure a proactive and preventive approach to harassment and sexual harassment in different areas. Participants will rotate between the different groups every 50 minutes so that each participant gets to discuss two different experiences.*

### Participants will rotate in order to attend the different group discussions hosted by national equality bodies

- **Human Rights Defender, Poland**, *Katarzyna Wilkońska-Żuromska, Karolina Kedziora & Krzysztof Śmiszek*: Sexual harassment in the uniformed services
- **Ombud for Equal Treatment, Austria**, *Cornelia Amon-Konrath*: Moot Court training to sensitise stakeholders on harassment
- **Equality Authority, Ireland**, *Stefania Minervino*: Framing harassment and sexual harassment within equality mainstreaming

## SOCIAL EVENT (19.00 – 21.00)

DAY 2

9.00 – 10.20 SESSION 5 – WORKSHOPS: EQUALITY BODIES' PRACTICES CONTINUED

Participants will rotate in order to attend the different group discussions hosted by national equality bodies

- **CITE, Portugal, Sandra Ribeiro:** Strategising the work on harassment and sexual harassment in employment
- **Ombudsman for Equality, Finland, Jussi Aaltonen:** Campaigning against sexual harassment in educational institutions
- **DDD, France, Sandra Bouchon & Marilyn Baldeck:** Cooperation with NGOs in handling complaints on sexual harassment

10.20 – 10.35

*Coffee break*

SESSION 6 – SUPPORTING VICTIMS

10.35 – 11.50

Chair: Anna Błaszczak - Member of Equinet Board and Deputy Director of the Constitutional and International Law Dep., Human Rights Defender of Poland

*This session will discuss the legal background and possible ways forward for supporting the individual victims in building their cases.*

10.35 – 11.05

**Discrimination versus dignity:  
Harassment related to Sex and Sexual  
Harassment Law in European  
Countries and in the EU**

**Krzysztof Śmiszek**

Polish Society of Antidiscrimination Law

11.05 - 11.35

**How to build a case**

**Clare Hockney**

UK- GB Equality and Human Rights  
Commission

11.35 – 11.50

*Questions & Answers – Discussion*

11.50 – 12.50

SESSION 7 – WORKSHOPS: CASE STUDIES

*This workshop session will work on case studies to implement what was discussed in the plenary session concerning how to build a case.*

**Case studies will be discussed in different groups**

CLOSING OF THE SEMINAR

12.50 – 13.00

**Anne Gaspard** – Executive Director, Equinet Secretariat

**Mirosław Wróblewski** - Director of the Constitutional and International Law Dep., Human Rights Defender of Poland

## 2. SUMMARY OF THE TRAINING EVENT – SPEAKERS AND EXPERTS’ PRESENTATION

This chapter is a compilation of ideas shared by the speakers and experts during the training event, which do not necessarily reflect the position or opinion of Equinet and equality bodies. The information contained in this chapter relies on the notes taken by the Equinet Secretariat during the training, which might not reflect the nuances of the speakers’ presentations. Speakers and experts were asked to provide a short contribution based on their presentations and the discussions during the training. The contributions received have been integrated into the text.

### 2.1. OPENING SESSION

#### 2.1.1. OPENING ADDRESS ON BEHALF OF EQUINET

**By Evelyn Collins, Chair of Equinet and Chief Executive of the Equality Commission for Northern Ireland**

Evelyn Collins opened the training event by welcoming all the participants and speakers, and thanking the host Human Rights Defender of Poland. She underlined the importance of this training for Equinet and the work of equality bodies: sexual harassment is a particular form of discrimination between men and women in the labour market (and in the field of goods and services) but also a form of violence against women. The high prevalence of cases of harassment and sexual harassment, and the difficulty to tackle them, make it key for equality bodies to find tools to combat harassment and sexual harassment, support victims, and build a culture of rights.

Evelyn Collins underlined the relevant work of Equinet and the Working Group on Gender Equality in promoting gender equality and combating gender discrimination. In this context, she recalled the two key-publications [Equality Bodies and the Gender Goods and Services Directive](#) (2014) and [Equal Pay for Equal Work and Work of Equal Value: The Experience of Equality Bodies](#) (2013).

#### 2.1.2. OPENING ADDRESS ON BEHALF OF THE HUMAN RIGHTS DEFENDER OF POLAND

**By Stanisław Trociuk, Deputy Ombudsman, Human Rights Defender of Poland**

Stanislaw Trociuk described harassment as a behaviour aimed at the infringement of human dignity. He underlined that the notion of harassment must refer to and be interpreted under the legal category of human dignity. He moreover highlighted the importance of creating positive conditions and ensuring the right to compensation, including material compensation of the moral harm, to victims of harassment.

#### 2.1.3. KEYNOTE ADDRESS: HARASSMENT AND SEXUAL HARASSMENT: WHY IT HAPPENS, HOW TO STOP IT

**By Kat Banyard, Co-founder and executive Director, UK Feminista**

Kat Banyard started her presentation by displaying images of women in advertising. The attention was focused on ways in which the women’s body is shown in sexualized and erotized depictions, and how media representation reflects and reinforces sexism in society. Women are often presented as **sexual**

**objects** in mass media images, their bodies promoted as a product for male pleasure and consumption. Men are persuaded to think of women as their **subservient** pleasure providers. The **sexual objectification** of the female body and the proliferation of sexual images of women in the media, which are becoming increasingly violent, reflect and perpetuate **gender inequalities**, and create a hostile and intimidating environment for women facilitating the prevalence of **sexual harassment** against women and girls.

Kat Banyard recalled that in every society on earth, women and girls have less access to resources, opportunities and political power than men, and that at least one in three women around the world has been beaten, coerced into sex, or otherwise abused in her lifetime.

According to the World Health Organization, **school** is the most common setting for sexual harassment and coercion. Kat Banyard reported that one in three 16-18 year-old girls have experienced unwanted sexual touching at school in the UK, and nearly one in four 16-18 year-olds say that their teachers never said unwanted sexual touching, sharing of sexual pictures or sexual name calling are unacceptable.

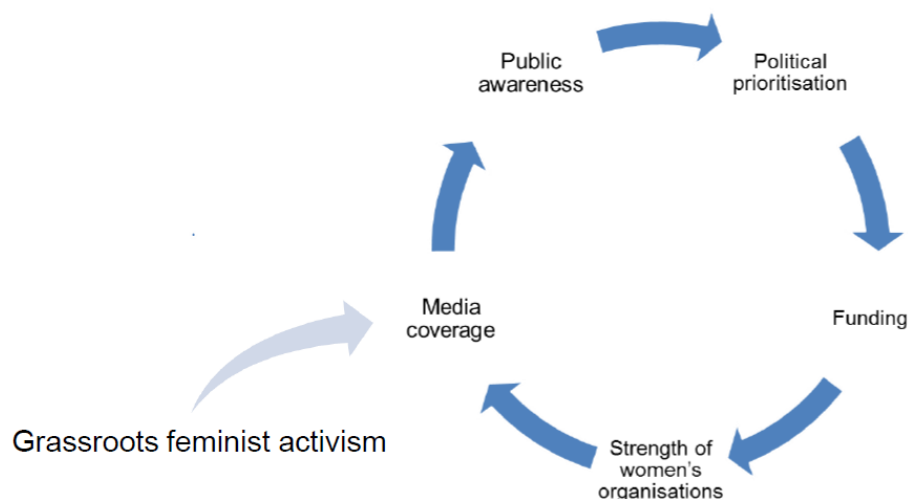
Kat Banyard underlined that Sexual Harassment is about **power**, it can happen at work, at school, in the street. It creates a **culture of impunity** and it has a serious impact on the status of women.

Sexual harassment must be understood in the context of **gender inequality**: sexual harassment is a consequence of structural gender inequalities in which sexual harassment can flourish and escalate, and it is important to prevent and address it in schools.

Where to begin and what we need?

### *Build a strong feminist movement*

## **Powering a movement**



According to Kat Banyard this movement must be continuously visible, it must generate public awareness so that women and men can stand up and speak out to stop the culture of impunity and to take on sexism in school, university and the community. It is necessary to support people to campaign for a world where women and men are equal by providing training and resources and offering a powerful force for change.



## *Strong institutional responses*

Sexism in all its forms should be challenged through strong institutional responses. Schools have a unique and critical role to play in addressing harmful attitudes and abusive behaviours. Schools should make gender equality a priority and support students who are standing up against sexism. She mentioned that UK Feminista supports young students and teachers to take action against sexism and promote gender equality. It offers workshops for schools and colleges to enable young people to learn about feminism, as well as to create a space for boys and girls to share their experiences.

## *Join the dots*

According to Kat Banyard it is important to understand what feeds the culture of men's entitlement to access women bodies. Men's access to the sex industry and pornography has become easier, and erotic and pornographic material often contains violent depictions. Pornographic pictures of women in newspapers, music videos and advertising promote male dominance, which reinforces and perpetuates sexual inequality. If women are portrayed as sexual objects, they will be treated like this. Sex establishments like striptease and lap dancing clubs normalise the sexual objectification of women and promote a **culture of pornography**. This sends messages to men that it is their natural right to enjoy pornography and the women's body in an unbalanced power relation.

Kat Banyard added that, according to her, prostitution is another issue to be addressed and it is important to find the right way to deal with it. She referred to the "Nordic Model" also known as the "Swedish Model" based on the approach adopted by Sweden in 1999 as a good practice: a set of laws and policies that penalize the demand for commercial sex while decriminalizing individuals in prostitution. She underlined that it provides women and men with tools to challenge the exploitation of women's bodies.

## 2.2. HARASSMENT AND SEXUAL HARASSMENT IN EUROPE

### 2.2.1. FRA survey on violence against women: findings concerning sexual harassment

**By Sami Nevala, Head of Sector Statistics and Surveys, Freedoms and Justice Department, EU Agency for Fundamental Rights (FRA)**

Sami Nevala opened his presentation by introducing [the FRA survey on violence against women in the EU](#). The survey is based on interviews with 42,000 women across the 28 Member States of the European Union. In each Member State, a minimum of 1,500 women aged 18-74 took part in the survey. All interviews were conducted face to face by female interviewers in interviewees' homes, using a standard questionnaire for all countries. The survey asked women about their experiences of physical, sexual and psychological violence, including domestic violence, since the age of 15 years and during the 12 months before the interview. The interviews took place between April and September 2012.

The survey also included **questions on sexual harassment**, including **cyber harassment**.

The survey used a list of 11 items to ask women about their experiences of sexual harassment<sup>2</sup>.

The 11 items represent various acts of sexual harassment and can be split into 4 broad forms of sexual harassment<sup>3</sup>.

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<sup>2</sup> FRA – European Union Agency for Fundamental Rights, Violence against women: an EU-wide survey. Main results, 2014, page 97.

<sup>3</sup> FRA – European Union Agency for Fundamental Rights, Violence against women: an EU-wide survey. Main results, Austria, 2014, page 97.

### Physical forms of harassment

- Unwelcome touching, hugging or kissing?\*

### Verbal forms of harassment

- Sexually suggestive comments or jokes that made you feel offended?\*
- Inappropriate invitations to go out on dates?
- Intrusive questions about your private life that made you feel offended?
- Intrusive comments about your physical appearance that made you feel offended?

### Non-verbal forms of harassment

- Inappropriate staring or leering that made you feel intimidated?
- Somebody sending or showing you sexually explicit pictures, photos or gifts that made you feel offended?\*
- Somebody indecently exposing themselves to you?\*
- Somebody made you watch or look at pornographic material against your wishes?\*

### Cyber harassment

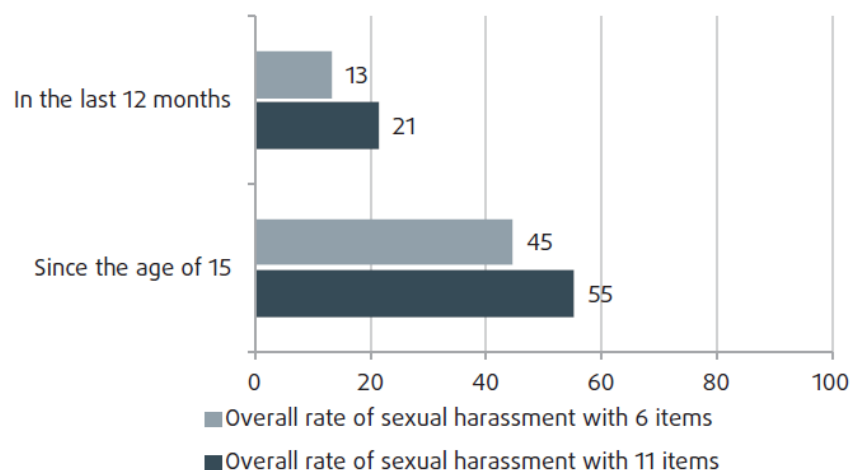
- Unwanted sexually explicit emails or SMS messages that offended you?\*
- Inappropriate advances that offended you on social networking websites such as Facebook, or in internet chat rooms?

Out of the total list of 11 items, six items were selected and considered as the most serious ones (see the asterisk “\*”).

The survey shows that the prevalence rates of women that have experienced sexual harassment since the age of 15 in the EU-28 range from 45% to 55%, depending on the set of sexual harassment items (6 questions and 11 questions, respectively).

Moreover, it has been estimated that 13% to 21% of women in the EU-28 have experienced sexual harassment in the 12 months before the interview.

### *Prevalence of Sexual Harassment (%)*



Source: FRA Violence against women: an EU-wide survey, 2014

The survey outlines the frequency of various forms of sexual harassment that women have been exposed to since the age of 15. Inappropriate staring or leering that made women feel intimidated

(30%) and unwelcome touching, hugging or kissing (29%) are the forms of sexual harassment women have experienced most frequently since the age of 15<sup>4</sup>.

**Forms and frequency of sexual harassment since the age of 15(%)**

Forms of Sexual Harassment	6 or more times	2-5 times	Once	Total
Inappropriate staring or leering that made you feel intimidated	10	14	6	30
Unwelcome touching, hugging or kissing	6	13	9	29
Sexually suggestive comments or jokes that made you feel offended	8	11	5	24
Intrusive comments about your physical appearance that made you feel offended	7	9	4	20
Intrusive questions about your private life that made you feel offended	4	8	5	16
Somebody indecently exposing themselves to you	1	5	10	16
Inappropriate invitations to go out on dates	2	7	6	16
Unwanted sexually explicit emails or SMS messages that offended you	2	3	2	7
Inappropriate advances that offended you on social networking websites such as Facebook, or in internet chat rooms	1	3	2	6
Somebody sending or showing sexually explicit pictures, photos or gifts that made you feel offended	1	2	3	5
Someone made you watch or look at pornographic material against your wishes	0	0	1	2

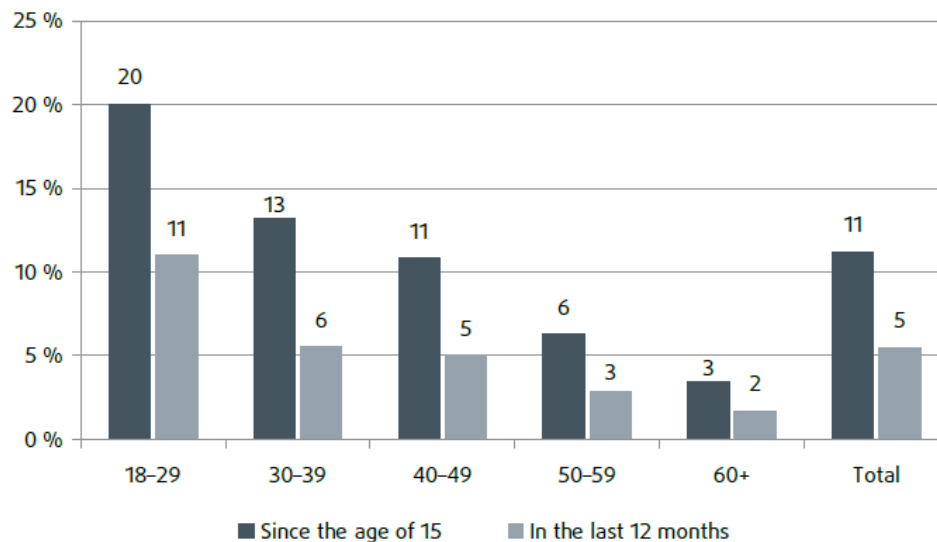
*Notes: Taken individually, the sum of categories '6 or more times', '2-5 times' and 'Once' can differ from the total indicated in the table by +/- one percentage point. This difference is due to rounding.*

*Source: FRA Violence against women: an EU-wide survey, 2014*

<sup>4</sup> FRA – European Union Agency for Fundamental Rights, Violence against women: an EU-wide survey. Main results, Austria, 2014, page 102.

Two items can be analysed as forms of **cyber harassment**: “unwanted sexually explicit emails or SMS messages” and “Inappropriate advances that offended you on social networking websites”. According to the FRA survey’s assessment on the **prevalence of cyber harassment across age groups** in the EU-28, one in 10 women (11%) has faced at least one of the two forms of cyber harassment since the age of 15, and one in 20 (5%) in the 12 months before the interview<sup>5</sup>.

### *Sexual Cyber harassment by age group (%)*



Source: FRA Violence against women: an EU-wide survey, 2014

Sami Nevala underlined that the variation in the prevalence of cyber harassment across Member States reflects the use of internet as a communication tool for both victims and perpetrators in different Member States. Acts of cyber harassment are more common in countries with high rates of internet access<sup>6</sup>.

Taking into account all forms of sexual harassment (11 items), women were asked to focus on the most serious incident that has happened to them since the age of 15. It came out that in many cases the perpetrator of the most serious incident is an unknown person (42%), followed by somebody from the employment context or somebody the victim knows (18%). The vast majority of perpetrators are men. Feelings of vulnerability, anxiety and loss of self-confidence are the most common psychological consequences experienced by women as a result of the most serious incident of sexual harassment. 35% of women having experienced a serious incident of sexual harassment did not talk about it to anyone before the interview.

As a follow up to the results of the FRA survey, Sami Nevala mentioned **5 key priorities**:

- Ratification of the Istanbul Convention.
- Member States should review adequacy of existing policies with regard to sexual harassment online.
- Internet and social media platforms should take steps to proactively assist victims of stalking to report abuse.
- Employers’ organizations and trade unions should further promote awareness of sexual harassment and encourage reporting.
- High levels of sexual harassment experienced by women in management must be addressed.

<sup>5</sup> FRA – European Union Agency for Fundamental Rights, Violence against women: an EU-wide survey. Main results, Austria, 2014, page 104.

<sup>6</sup> According to the FRA survey, Denmark and Sweden (18%) and Slovakia and the Netherlands show the highest prevalence rates of cyber harassment. The lowest rates are in Romania (5%) and in Lithuania and Portugal (6%).

He concluded his presentation by proposing different actions that should be taken to improve the context:

- Policy responses from different fields working together: employment, education, health.
- Reviewing scope and implementation of existing laws and policies and targeting men and women for gender equality.
- Training organizations, employers, healthcare, police.

## 2.2.2. EU activities on harassment and sexual harassment

By Emilie Jarrett, DG Justice, Gender Equality Unit European Commission

Emilie Jarrett started her presentation by underlining that **sexual harassment** is a form of **gender-based violence, discrimination, and a violation of fundamental rights**.

She recalled the **definition of harassment related to sex and sexual harassment** contained in the [Directive 2006/54/EC of the European Parliament and the Council 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 \(recast\)](#).

*“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**” (Article 2(1)(c).*

*“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” (Article 2(1)(d).*

Harassment can happen at work (from bosses, colleagues, costumers), in school and at university (from teachers, professors and peers), in the street and online or through new technologies (cyber harassment).

Emilie Jarrett presented the actions undertaken by the European Commission in the field of harassment on the basis of gender and sexual harassment.

In terms of **legislation and policies**, she mentioned:

- [The Strategy for Equality between Women and Men 2010-2015](#): The Strategy identifies the priorities regarding gender equality at EU level and actions to be implemented by the Commission. Among the six priority areas set by the Strategy, key actions to end gender-based violence are foreseen and described and it is specifically stated that sexual harassment is a form of gender-based violence.
- The [Directive 2006/54/EC on equal treatment in employment and occupation \(recast\)](#): This Directive stipulates that *“harassment and sexual harassment are contrary to the principle of equal treatment and constitute discrimination on the grounds of sex for the purposes of this Directive. These forms of discrimination occur not only in the workplace, but also in the context of access to employment, vocational training and promotion. They should therefore be prohibited and should be subjected to effective, proportionate and dissuasive penalties”* (preamble, par. 6). Paragraph 7 clarifies that *“in this context, employers and those responsible for vocational training should be encouraged to take measures to combat all forms of discrimination on grounds of sex and, in particular, to take preventive measures against harassment and sexual harassment in the workplace and in access to **employment, vocational training and promotion, in accordance with national law and practice**”*
- The [Directive 2004/113/EC on equal treatment in the access to and supply of goods and services](#): The preamble of this Directive specifies that *“discrimination based on sex, including harassment and sexual harassment, also takes place in areas outside the labour market. Such*

*discrimination can be equally damaging, acting as barrier to **the full and successful integration of men and women into economic and social life***" (Paragraph 9)

- The [Directive 2010/41/EU on equal treatment in self-employment](#): The preamble of this Directive stipulates that *"to prevent discrimination based on sex, this Directive should apply to both direct and indirect discrimination. **Harassment and sexual harassment should be considered discrimination and therefore prohibited**"* (Paragraph 11)
- The [Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime](#): In this Directive, special attention is given to special support and protection to victims of certain crimes, including victims of gender-based violence.
- The [Framework Agreement on Harassment and Violence at Work](#) was 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), as well as the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP). The aim of the agreement is to increase the awareness and understanding of employers, workers and their representatives of workplace harassment and violence; provide employers, workers and their representatives at all levels with an action-oriented framework, and identify, prevent and manage problems of harassment and violence at work.

Emilie Jarrett highlighted the **key challenges** in terms of **data collection** such as the under-reporting by victims that often leads to an underestimation of the prevalence of the violence against women, as well as the diversity in policies and legal framework on violence against women in the EU Member States, including the variety of approaches and use of different definitions and categories. Nevertheless, she recalled the important work undertaken in this area by Eurostat, FRA and EIGE.

The European Commission has provided **funding** to civil society organisations, through the **Daphne programme**, and to Member States, through the **Progress programme**. The European Commission will continue providing funding through the [Rights, Equality and Citizenship programme](#). The European Commission took action to combat female genital mutilation and in 2013 published a communication ["Towards the elimination of female genital mutilation \(FGM\)"](#) which focuses on prevention and victim support and describes a series of actions to be implemented over the next few years.

Emilie Jarrett highlighted **5 key challenges** in this area:

- Stereotypes and sexism
- Tackling under-reporting
- Engaging men and boys in gender equality and violence prevention
- Intersectionality: recognizing multiple forms of discrimination
- Emerging forms of violence such as cyber harassment

## 2.3. BUILDING A CULTURE OF RIGHTS

### 2.3.1. The Istanbul Convention – preventing and combating sexual harassment

**Lisa Gormley, Expert, Council of Europe**

Lisa Gormley's presentation focused on the main features of the [Council of Europe Convention on preventing and combating violence against women and domestic violence \(Istanbul Convention\)](#).

She introduced the Convention as a tool for equality bodies to actively participate in the response to violence against women.

She mentioned the valuable input by civil society in the Istanbul Convention during the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) meetings. The CAHVIO group was mandated to prepare the draft of the Convention, which was eventually finalised in December 2010. Non-governmental organisations, academics, social workers, representatives of ministries and prosecutors had the opportunity to intervene with relevant information about their experiences in working in various manifestations of violence against women, the main challenges they faced and possible solutions.

The Istanbul Convention is a powerful tool to prevent and combat violence against women and girls. The adequate implementation of the Convention will make an important difference in the eradication of violence against women as it sets standards for practical measures to address different forms of violence against women from its roots.

Article 2 outlines the scope of the Convention: *“This Convention shall apply to all forms of violence against women, including domestic violence, which affects women disproportionately. Parties are encouraged to apply this Convention to all victims of domestic violence. Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention”*.

The Convention states that *“parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction” (Article 40, Sexual Harassment)*.

The Convention contains an explicit mandate to cooperate and work together with equality bodies when implementing comprehensive policies: *“Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women” (Article 7, para.1), “Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations” (Article 7, para. 2); and running awareness-raising campaigns or programmes: “Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women’s organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence” (Article 13, para. 1)*

Chapter II of the Convention mandates the creation a coordinating body, or a nomination of an existing institution, to collect national data on the extent of the problem of violence against women.

The Convention provides for the setting up of a monitoring mechanism with two pillars to assess how well its provisions are implemented by the States’ parties. One pillar is the Committee of the Parties, a political body. The other pillar is the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body. According to article 66(1), independent equality experts should become members of the GREVIO, and *“GREVIO may receive information on the implementation of the Convention from non-governmental organisations and civil society, as well as from national institutions for the protection of human rights.”(Art. 68(5))*. Lisa Gormley highlighted that equality bodies should participate in the process of monitoring by providing relevant information and their expertise on gender-based violence.

### 2.3.2. The perspective of civil society

#### By Edite Kalnina, European Women's Lobby

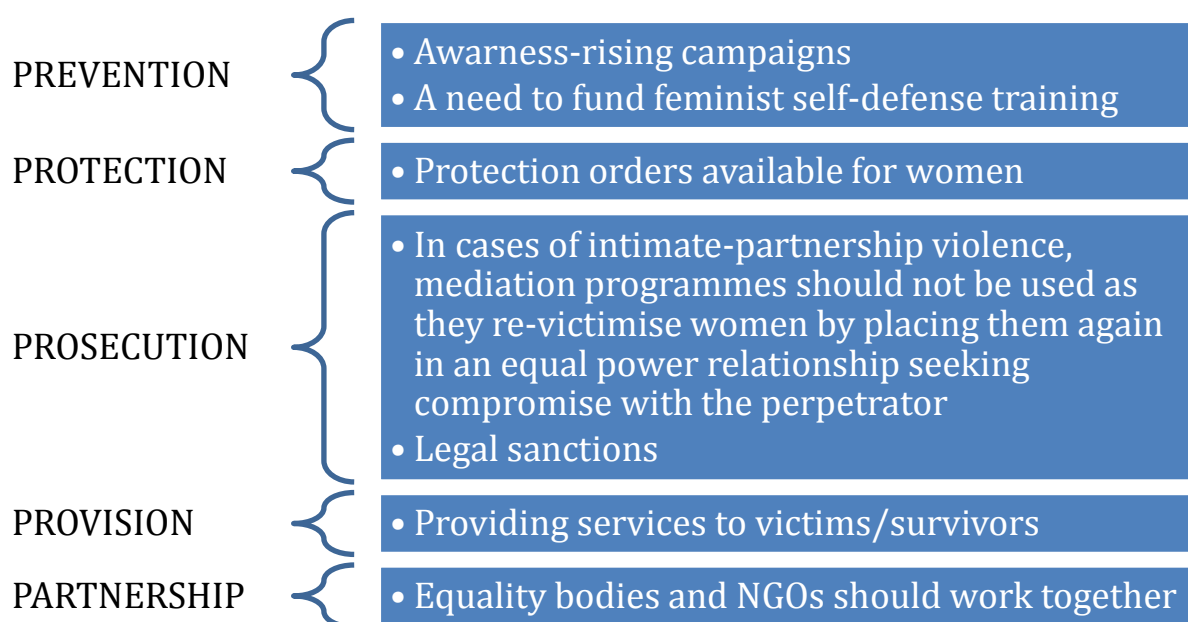
Edite Kalnina started her presentation by highlighting how slowly progress has been made with data collection and diagnostics.

By publishing a first European wide data on violence against women<sup>7</sup> in 1999, the European Women's Lobby drew attention to the fact that violence against women (VAW) is widespread everywhere, and that more than 20% of women suffered have from violence by their partner/ex-partner. It highlighted the huge prevalence of VAW in Europe as a violation of women's human rights and the need for stronger policies at national and EU level.

Edite Kalnina outlined the current challenges for civil society in the area of harassment on the basis of gender and sexual harassment:

- According to EIGE's report, over 25,000 shelter places are lacking in the EU ([EIGE Domestic Violence: Support Services](#)).
- Stalking is not defined in the legal framework of a number of EU countries.
- According to the FRA Survey on violence against women (2014), 75% of women in top management jobs across Europe experienced sexual harassment in their lifetime. Edite Kalnina argued that when we work on parity in decision making, including for having more women on boards, we cannot ignore these figures.
- Young women are also particularly at risk: 20% of young women (18-29) have experienced cyber sexual harassment.
- Women with disabilities are four times more likely to experience sexual violence and face forced sterilisation or abortion.
- Lesbian and bisexual women face targeted sexual harassment and abuse, and often receive an inappropriate response from authorities. Transgender people are particularly vulnerable to violence, especially in the public space and in street prostitution.

Edite Kalnina proposed different ways for equality bodies to act. Any action on combating male violence against women has to address five key areas referred to as the 'five Ps':



<sup>7</sup> European Women's Lobby, [Unveiling the Hidden Data on Domestic Violence in the EU](#), 1999.



She ended by inviting all the participants to share EWL's [petition](#) calling on the President of the European Commission to establish 2016 as European Year to end violence against women and girls.

## 2.4. WORKSHOPS: BUILDING TOGETHER A CULTURE OF RIGHTS

### 2.4.1. EIGE (European Institute for Gender Equality), Therese Murphy

The workshop addressed three main topics:

- The importance of the **link between gender stereotypes and sexual harassment**
- The importance of **data collection**
- The **role** that **equality bodies** can play in eliminating sexual harassment, in particular in the first two areas.

Discussions focused mostly on how equality bodies can build change for the elimination of sexual harassment by means of combating gender stereotypes.

In terms of **data collection**, Therese Murphy underlined that the different definitions of sexual harassment in different countries creates problems of comparability and harmonization. In some countries sexual harassment is addressed under criminal law, in others it is not and where it is not a crime, it is difficult to have comprehensive data collection. Equality bodies could play a key role in ensuring data collection on sexual harassment and comparability.

She made reference as well to the [EIGE Gender Equality Index](#), a multi-dimensional measurement tool on gender equality, formed by combining gender indicators into a single measure. One of the eight core domains of the index, measuring gender-based violence against women, had to be left without figures due to lack of data in the EU.

In terms of gender stereotypes, Therese Murphy mentioned the [EIGE Report 2013: a study of collected narratives on gender perception in the 27 EU Member States](#)

Several areas for action have been identified to modify gender stereotypes:

- It was agreed that a pre-condition to modify gender stereotypes is to create consensus on the need for change, on the harm brought by gender stereotypes. It was also agreed that gender stereotypes leading to harassment and sexual harassment are linked to stereotypes in different areas of life.
- The use of parental leave by men and a greater visibility to the caring role of men. This would be beneficial to the society overall due to the societal need of shared caring responsibility, of a care economy.
- The discourse on the cost of gender equality policies should be countered with arguments highlighting that they are an investment.
- Benefits and incentives, as well as positive action, and visibility, should be attributed to choices in contrast with gender stereotypes.
- Gender balance in top management and decision-making is an area where countering gender stereotypes would get visibility: it is important both to 'get women there' and create conditions for them to stay.
- In the area of violence in particular, a big obstacle is the culture of domestic violence as a private problem and gender stereotypes on the acceptance of violent behaviours.
- A move to modify gender stereotypes is to discuss how masculinity is built and to challenge traditional sexist assumptions on manhood. One equality body made a campaign based on the message "You are not a real man if you beat your wife".

The group discussed different roles that can be played by equality bodies to combat gender stereotypes leading to harassment and sexual harassment. It was underlined that equality bodies are attributed to a mandate under three European Directives, to work on harassment and sexual harassment in the areas of employment and vocational training, access to goods and services, and for self-employed workers: [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](#).

Some equality bodies do not work extensively on sexual harassment as it falls under criminal law. It was discussed how gender-based violence is caused and what the obstacles to gender equality are, as well as which role equality bodies could play in the prevention of gender-based violence, in the provision of information, and in the establishment of gender-sensitive research .

Some areas for work include:

- Training for providers and employers, support for the creation of tools for the prevention and reporting of harassment and sexual harassment.
- Cooperation with NGOs and women's organisations.
- Research on gender stereotypes and sexual harassment.
- Work on harassment as discrimination and on third party responsibility and duty bearers responsibility.
- Support the establishment of strong legislation e.g. imposing a duty on employers and schools to investigate any signs of harassment, not allowing them to ignore any signs of harassment (as in Finland).
- Convey to school directors the message that they are responsible for violence in schools, including harassment and sexual harassment.

#### 2.4.2. TGEU (Transgender Europe), Richard Köhler


This workshop was about harassment and sexual harassment experienced by trans people. According to the [FRA LGBT Study 2012](#), 58 % of trans people experienced harassment in public. In the round of introduction, participants discussed their own experiences in dealing with trans-related (sexual) harassment cases.

Richard Köhler outlined the various forms of harassment and sexual harassment trans people face on a daily basis: staring at chest and genitals; ignorance of preferred name/pronoun; inappropriate questions; revealing gender history; name-calling, spitting, black mailing or physical aggression.

Whether a trans person is protected on grounds of gender reassignment, gender identity or gender expression varies across different pieces of EU legislation. Explicit protection of trans people against sexual harassment has only been established in relation to gender reassignment. Richard Köhler pointed out the need for comprehensive legal coverage, covering gender identity and gender expression, and trans-inclusive proactive measures.

## EU Protection for Trans People

	Gender reassignment	Gender identity	Gender expression
Goods & Services	✓		
Employment & Social Security	✓		
Asylum	✓	✓	
Victim's Rights	✓	✓	✓



Richard Köhler recalled some important definitions such as:

- **Gender Reassignment** or gender confirming treatment is a set of medical measures that can but does not have to include psychological, endocrinology and surgical treatments aimed at aligning a person's physical appearance with their gender identity. Not every trans person wishes for or is able to undergo all or any of these measures.
- **Legal Gender Recognition** is the legal recognition of a person's gender identity including change of gender marker and name(s) in public registries and key documents.
- **Gender Identity** – Each person's deeply felt internal and individual experience of gender → every human being has a gender identity
- **Gender expression** refers to people's manifestation of their gender identity, and the one that is perceived by others. Typically, people seek to make their gender expression or presentation match their gender identity, irrespective of the sex that they were assigned at birth.

He underlined the importance of the **intersection between transphobia and misogyny**, which targets trans women. This phenomenon manifests itself in various ways:

- The media regularly depict trans women as sex workers.
- Trans men can be threatened by 'corrective rape'.
- The police ignores or misreads transphobia as 'male on male' violence.
- Rape definitions that require (legal) female gender of victim or presence of vagina (penetration) can be inaccessible for trans people.

Among the **key priorities** to combating harassment and sexual harassment against trans people, Richard Köhler mentioned:

- The ratification of the Istanbul Convention.
- Ensuring explicit gender identity and gender expression protection in non-discrimination and diversity policies, while using criminal law to combat bias-motivated crimes on these grounds.
- Interpreting existing equality protections to cover all trans people.
- Training and support for specialists and support providers working in victim support or law enforcement.
- Communicating possibilities for access to justice and redress to trans communities.

During the interactive part, participants studied trans-specific harassment case studies, discussing the applicability of relevant EU law, as well as the mandate of the equality body and possible ways of support.

### 2.4.3. European Women's Lobby, Edite Kalnina

Edite Kalnina started the workshop by asking all participants to write down what they consider as the key challenges in fighting sexual harassment. Some challenges mentioned were:

- Under-reporting
- Gender inequality in society
- Lack of rights-awareness
- Role of the media and advertising in reinforcing gender stereotypes

Following this, participants collected and discussed ideas for what equality bodies, Member States and the EU could do to combat sexual harassment. Ideas mentioned included:

- The important role of education
- Changing societal culture
- Awareness-raising about rights and remedies
- Taking cases to court
- Establishing 2016 as European Year to end violence against women.

## 2.5. WORKSHOPS: EQUALITY BODIES' PRACTICES

### 2.5.1. Sexual harassment in the uniformed services

**By the Human Rights Defender, Poland, Katarzyna Wilkołaska-Żuromska, Karolina Kedziora & Krzysztof Śmiszek**

During the workshop two main topics were discussed:

- How to influence uniformed services policies on harassment and sexual harassment
- How to combat under-reporting in closed bodies such as the police or army which do not appreciate external influences.

The Human Rights Defender of Poland has some key competences in relation to sexual harassment in the uniformed services: within the Department of Labour Law and Social Insurance there is a special Unit of Soldiers and Officers Affairs.

It was pointed out that what is effective in such cases is to **examine each case on-the-spot**. At this stage, the Defender's representatives try to earn officers' trust by highlighting the Defender's independence and its power to collect anonymous complaints. Thus, officers are more likely to confide cases of discrimination even though they do not make official complaints.

What the Defender's representatives can do is to **demand explanations** and aim to **solve the problem on-the-spot** by talking to superiors, who may know nothing about the problematic situation; **address a motion to the body** whose activity has been found to have caused an infringement; and **make a request for the initiation of disciplinary proceedings**.

In 2013 after a case which was discussed in the media, the Human Rights Defender made a request to the Minister of Interior asking for the introduction of anti-mobbing procedures in the police and uniformed services. **As a result of a strong commitment of the Plenipotentiary of the Chief of Police for the Protection of Human Rights**, the Chief of Police appointed a Team for Equal Opportunities Strategy within the Police. The police also established anti-discrimination and anti-bullying procedures for both civilians and officers to help resolve cases of victims of discrimination. The Team for Equal Opportunities Strategy within the Police aims at **analysing the existing legislation and procedural solutions** used in the uniformed services in terms of equal treatment for men and women; **identifying proposals for legislation and organizational changes affecting** the implementation of the principle of gender equality in the uniformed services; **organizing exchanges**

**of knowledge between the uniformed services** in such areas as research, regulations and best practices relating to the situation of women in the uniformed services.

Participants in the workshop were asked three questions:

- Why are there so few complaints?
- What actions can equality bodies carry out to increase awareness-raising amongst managers and officials?
- How can NGOs and equality bodies work as allies to eradicating harassment and sexual harassment in uniformed services?

Under-reporting is a significant problem. Some key reasons were identified:

- Internal hierarchy (culture of obedience) and fear of interruption of the career path.
- In some cases, legislation may limit national equality bodies' mandate and power.
- People don't perceive the support from equality bodies as successful.
- It's a male dominated sector and the organisational culture is prone to harassment, which is often perceived as normal.
- Previous unsuccessful cases may have a deterrent effect. It is moreover very rare that officers win legal cases against officials in higher position.
- Lack of confidentiality.
- There are not many women in uniformed services and the few that are there tend to follow the sexist culture for fear of 'not-belonging'. Moreover, it is difficult for women to enter the army, and if they complain, they run the risk of taking large steps backward.
- Lack of culture of reporting.

The participants in the workshop collected some key ideas on the role of equality bodies in the context:

- Raising awareness on harassment and sexual violence in uniformed services, also through media coverage.
- National equality bodies can support the establishment of equality internal policies in all uniformed services.
- Organizing training with a top-bottom approach: training the leadership.
- Make regular on-the-spot visits and submit anonymous questionnaires in order to assess the situation of women within the uniformed services
- Make sure that when the complaint is made, there will be an independent investigation and adequate sanction.

Even when legislation limits the equality bodies' mandate and powers, there can be space for soft strategies. NGOs and equality bodies should inform each other of strategies and seek reciprocal support by relying on their expertise. Equality bodies can ask NGOs to inform them of complaints that they receive from the uniformed services. In some countries (e.g. France), NGOs refer the victim to the equality body especially in cases where legal issues have to be solved.

### **2.5.2. Moot Court training to sensitise stakeholders on harassment**

**By the Ombud for Equal Treatment, Austria, Cornelia Amon-Konrath**

This workshop started with Ms. Cornelia Amon-Konrath presenting the experience of the Austrian Ombud for Equal Treatment with using a "moot court" activity, with participants taking part in simulated court proceedings, to sensitise stakeholders on discrimination cases. She explained how the

moot court is an engaging and therefore effective way to sensitise on the problem of sexual harassment.

The Ombud for Equal Treatment used the moot court system to train people on legal issues. A moot court is an activity used by many law schools in which participants simulate court proceedings based on hypothetical legal cases. The Ombud adapted and used it in workshops and seminars for stakeholders. By taking up roles, participants have the possibility to learn the practical side of practicing law and understand the dynamics and implications of a case.

This idea derived from the Austrian Ombud's experience in providing advice and legal aid to women and men who experience discrimination in the workplace, and in particular sexual harassment. She highlighted that preventive work is very important and combating harassment and sexual harassment clearly demands a top-down strategy, especially in hierarchical organizations. Therefore the Ombud informs stakeholders, such as trade unions, but also duty bearers including people who work in senior management, about discrimination, their responsibilities and possible ways to set up mechanisms to handle complaints.

During the workshop, Cornelia Amon-Konrath gave practical examples on how to set up a moot court to train stakeholders on discrimination cases, which can cover different grounds. Once the participants in the seminars or workshops choose their role, it is important to provide them with detailed scripts containing information on what to do (e.g. filing a written statement, explaining the reasons and implications of the undergone discrimination(s), identifying possible witnesses). All participants should receive close support from trainers who have to attend to all questions and difficulties that might arise. It is also important to allow all participants to be present at the proceedings. After the Court's "verdict", it is important to have a discussion with feedback from the participants, especially on how they felt in their role.

The participants in the workshop discussed how this tool could be effectively used. Most participants had had not yet used moot court exercises for their trainings, but many of them concluded that this is a new approach and tool that they might use in the future.

### 2.5.3. Framing harassment and sexual harassment within equality mainstreaming

#### **By Stefania Minervino, Equality Authority, Ireland**

This workshop's objective was to outline the principles of equality mainstreaming as a whole-organisational approach for preventing and re-dressing harassment and other gender-based discrimination. The workshop also aimed at presenting a rationale for clearly positioning harassment and sexual harassment within equality policies in workplaces.

The Equality legislation in Ireland covers the prohibition of discrimination, harassment and sexual harassment on nine grounds (gender, civil status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community). While the legislation provides valuable standards of non-discrimination for most organisations in the private and public sector, it also states that the promotion of equality is one of the key functions of the national equality body (i.e. Equality Authority) and it points therefore to a more substantive model of equality.

The Equality Authority is mandated to produce a statutory code on harassment and sexual harassment, which was last amended in 2012. The code provides useful guidelines for employers. While there is no legal obligation to translate the code into local organisational policies, most Irish workplaces would have a set of policies which normally refer to 'dignity at work', or 'dignity and respect' and which normally cover harassment, sexual harassment and bullying. While bullying can clearly have a discriminatory intent or impact, it is not defined under equality legislation and does not require to be linked with any of the nine protected grounds. There is often a certain degree of

confusion about the definitions of harassment, sexual harassment and bullying, and their respective legislative frameworks. On the other hand, it might be argued that harassment with a discriminatory intent will also amount to bullying if it becomes repeated, inappropriate behaviour.

Harassment is a unique form of discriminatory behaviour under the Irish Equality legislation. In the Irish context it can be a once off episode, but it can also be part of a discriminatory pattern.

The Equality Authority has been promoting proactive approaches to creating and sustaining a culture of equality within organisations such as workplaces and service providers, mainly by supporting equality mainstreaming initiatives in workplaces and in further education and training programmes.

Equality mainstreaming is the systematic integration of an equality perspective into everyday work and organisational practices. It aims at changing organisational culture through a medium and long term strategy. The main ingredients of equality mainstreaming are the adoption and promotion of equality policies (related to employment and access to goods and services), as well as the creation of meaningful sustainable processes which will aid the formulation and implementation of equality action plans and other equality initiatives. To maintain the equality agenda alive, it is also key to have equality liaison persons (or 'champions') and equality committees, as well as periodical equality training and awareness raising events. Other relevant processes may include: equality proofing of policies and practices, equality data monitoring, equality impact assessments of policies, active engagement and leadership on equality issues by staff, managers, trade unions and service users' panels.

While most workplaces in Ireland have a policy to deal with harassment and sexual harassment, this policy may be seen as disjointed from a wider equality agenda. It is sometimes forgotten that harassment and sexual harassment are forms of discriminatory behaviour which may be underpinned by structural inequalities in society and in the workplace.

Ideally, every equality policy should include a clear reference to harassment and sexual harassment and should be aiming at building a culture of rights and substantive equality, which would not leave room for any form of harassment. In this context, monitoring any informal or formal complaints, whether arising from staff or service users, may help to identify patterns of harassment, sexual harassment, direct or indirect discrimination. Harassment on the basis of gender often also intersects with other characteristics and/or grounds (family status, civil status, race, etc.).

The Equality Authority has funded and supported a number of equality mainstreaming projects and initiatives since 2008. Most projects presented sectoral or partnership approaches through the involvement of workers, employers and trade unions. In 2010, for example, the Equality Authority supported a project with the association of Commercial Mushroom Producers, the Migrant Rights Centre and SIPTU, the relevant Trade Union for the sector. This project successfully targeted female migrant workers in the mushroom industry who were vulnerable to harassment and discrimination in their workplaces. Union representatives reported that the project allowed hundreds of women to tackle successfully harassment in the workplace, by collective actions and improvement of their terms and conditions of work. Another project funded in 2011, applied a whole organisation approach to equality within three major trade unions: IBOA, CWU and Mandate. This project promoted the adoption and implementation of equality policies targeting discrimination and harassment; the policy implementation was supported through the piloting of a specific equality training module for Trade Union Representatives and an Equality Handbook focussing on discrimination, harassment and sexual harassment. Another project saw 6 major universities (DCU, NUIG, UCC, UCD, UL and TCD) team up through the Irish University Association's Equality Network to design and implement an e-learning tool on equality in the workplace. These universities have already equality infrastructures and policies in place, but needed a tool to promote a more effective implementation of the same. The e-learning programme includes a specific module on Dignity and Respect, which is focussed on how to tackle harassment, sexual harassment and bullying in the workplace.

The workshop discussion also focussed on the diverse mandates of equality bodies as well as the legal frameworks in relation to harassment and sexual harassment, and whether legal redress should be covered by civil or criminal law. Furthermore, some equality bodies would only have a mandate in relation to employment while some could only engage with the public sector, but their mandate would not necessarily cover the private sector.

The workshop discussion highlighted some challenges in relation to dealing with harassment on the basis of gender identity and multiple grounds.

Some of the northern European countries warned that their model of equality action planning may become a 'tick-the-box' exercise if related processes do not involve in a participatory manner all relevant stakeholders in institutions or workplaces.

In general, fear of reporting harassment and sexual harassment was perceived as being on the rise, due to more precarious work conditions and more uncertain terms of employment in the employment arena.

It also emerged that in some countries, harassment cases are often investigated by human resources departments and these investigations are not perceived as either independent or impartial, while in a few countries there are provisions for investigations by an independent body or actor.

It was also noted that the perceptions of harassment and sexual harassment vary greatly in multicultural work environments and societies, where cultural norms and values may present a greater variation and interfacing.

#### 2.5.4. Strategising the work on harassment and sexual harassment in employment

**By Sandra Ribeiro, CITE – Commission for Equality in Labour and Employment, Portugal**

This workshop discussed the importance of building and using a strategy to fight harassment and sexual harassment, using the experience of CITE as a case study. Participants talked about examples of strategies which may be helpful in tackling harassment and sexual harassment in their work.

Sandra Ribeiro guided the participants on discussing:

- **What is a strategy?**

She defined it as a method or plan chosen to bring about a desired future situation: the achievement of a goal or the solution to a problem.

- **What do we need to know before designing a strategy?**

We need to know the reality: we need data, we need numbers and we need to know the legal system.

- **How to build a strategy?**

She guided the discussion with five interlinked questions:

1. What are the concrete goals against which we can measure our progress?
2. Across the potential field available to us, how and where will we choose to play and not play?
3. In our chosen place to play, how will we choose to try to win against the competitors there?
4. What capabilities are necessary to win in our chosen manner?
5. What tools and cooperative agreements are necessary to operate to build and maintain the key capabilities?

The group discussed some examples of strategies:

- Sweden: Strategic litigation. How to try to find precedents and take cases depending on the bigger picture by selecting cases that are important for the whole society.



- UK: Test-case strategy. How to look for cases in areas where there is a gap such as cases on goods and services and on third party liability.
- Portugal: Strategic use of research and engagement of actors. Portugal is preparing a national survey on harassment in the workplace and in parallel creating a platform of engagement between CITE (equality body), the Lawyers Association, the Judiciary Study Centre, the Lisbon Council and the Labour Inspection, to study the survey results and develop concrete instruments for professional trainings with the aim of preventing harassment situations in Portugal.
- Media engagement to give visibility to cases and to engage the public.
- Germany: Prioritising and giving visibility to discrimination grounds. The Federal Anti-Discrimination Agency has one ground of discrimination per year to focus on (next year it will be gender).
- Norway: Engaging schools. They teach schools to recognize harassment e.g. harassment online.
- Not focusing solely on investigating cases but also on preventing cases.
- Making a business case against sexual harassment and harassment including loss of productivity: Companies like their reputation.
- Cooperation between several public services and authorities.
- Using education curricula to prevent harassment.
- Creating national surveys to have evidence and using them strategically to raise awareness and build consensus for change..

### 2.5.5. Campaigning against sexual harassment in educational institutions

#### By Jussi Aaltonen, Ombudsman for Equality, Finland

Jussi Aaltonen presented the Finnish Ombudsman for Equality's [campaign against sexual harassment in schools](#), which was launched in spring 2014.

He underlined that sexual harassment is a common phenomenon in Finnish schools and of upper comprehensive school students, 61% of girls and 46% of boys have experienced sexual harassment at some time or repeatedly. Moreover, 70 % of LGBT youth have experienced bullying or harassment.

Traditionally sexual harassment has been dealt with as a working life issue and harassment in schools has been approached as bullying. Schools have the obligation to intervene in sexual harassment and enforce a culture of zero tolerance for harassment. If harassment is approached as bullying it can be really difficult to understand the real essence of this issue, which is a gender issue.

School principals were often not aware of sexual harassment dynamics: the Ombudsman for Equality used to get replies from principals saying that sexual harassment is not a problem in their school. Over the past few years however, schools have become aware of an increased frequency of sexual harassment but there were no tools to tackle this problem. The Ombudsman for Equality decided to produce educational material for schools so that they could start to discuss the topic with pupils and students. The material has been conceived for secondary schools but it is suitable also for upper secondary schools and vocational schools. It includes a short film, a presentation for a structured lesson, instructions for teachers and a questionnaire for pupils to assess the prevalence of harassment in their schools.

Jussi Aaltonen underlined the main findings:

- Typical excuses for not intervening include: naming harassment differently, considering harassment as flirting or showing interest so that the unwanted nature of harassment doesn't come to light, blaming the victim of harassment and sexual harassment.

- Cases of harassment and sexual harassment in schools often take place in front of an audience (in classroom or in corridor).
- Harassment and sexual harassment can be more described as a process rather than an event. They are like a continuum of disrespectful and discriminatory behaviours.
- Harassing becomes a rule of the space and it leaves no space for the victim to defend him or herself or feel offended.

#### 2.5.6. Cooperation with NGOs in handling complaints on sexual harassment

**By Sandra Bouchon Defender of Rights, France & Marilyn Baldeck, European Association against Violence against Women at Work**

This workshop was based on the experience of cooperation between the Defender of Rights and the European Association against Violence against Women at Work (AVTF) in dealing with harassment and sexual harassment.

Sandra Bouchon and Marilyn Baldeck outlined the [history of definition of sexual harassment in French law](#).

According to Article 27 of the Organic Law No. 2011-333 of March 2011, the Defender of Rights shall assist the victim in the preparation of his/her case. Each year, the Defender of Rights receives around ten complaints from women in both the public and private sector who consider themselves to have been victims of sexual harassment in their place of work. When it receives a complaint, the Defender of Rights may avail itself of a number of investigatory powers:

- Demanding written or oral explanations (hearings) and on-site inspections.
- Once its investigation has been conducted and it finds that sexual harassment has been committed, it may recommend to the perpetrator to redress the harm caused to the victim or set in place a number of measures, particularly as regards prevention and training.
- Submitting its observations to court.
- Reaching a mediation.

**Joint measures implemented by the Defender of Rights and the AVFT on the issue of sexual harassment:**

For a number of years, and particularly since the revision of the definition of sexual harassment introduced by the law of 6 August 2012<sup>8</sup>, the Defender of Rights and the AVFT have worked together on two levels: on the handling of individual cases and on recommendations to reform and improve the current legislation on harassment and sexual harassment.

The discussion with the participants in the workshop was focused on the following key topics:

- Admissibility of recordings as a form of proof
- Cooperation with NGOs: dealing with cases, improvement of laws
- Shift of the burden of proof
- Power of on-site inspections
- Power of investigation

In some countries recordings are not admissible (e.g. Hungary, Greece, Poland), in others recordings can be presented in court, but only after previous consent of the defendant or under other

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<sup>8</sup> Sexual harassment is defined in the Criminal Code: *“the fact to impose to someone repeatedly, words or acts with sexual connotation that affect the dignity because it's degrading or humiliating, or create against the person an intimidating, hostile or hurtful situation. Is also considered as sexual harassment: each form of serious pressure, even not repeated, in the real or visible aim to get an act of sexual nature, for his own profit or for a third person profit”*.

requirements (e.g. Austria, Czech Republic). In France this form of proof is valid in criminal procedures but not admissible in civil courts.

Some equality bodies cooperate with NGOs, but there are not many specialised in harassment and sexual harassment. Many equality bodies work together with labour inspectors, especially when they have no power of investigation and inspection, and they can't participate in proceedings before the court.

All the participants underlined the complexity of the burden of proof. According to the Equal Treatment Directive, "*when persons who consider themselves wronged because the principle of equal treatment has not been applied to them, establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.*"<sup>9</sup> The claimant is required to 'establish facts' from which a presumption of discrimination arises: this can be easier in cases of discrimination where facts can be established, or at least presumed, through statistics, but it becomes more complicated in cases of harassment and sexual harassment. In Court, the provision must be implemented "*in accordance with the Member State's national judicial system*". This implies that the circumstances, under which the burden of proof is shifted, may vary according to the legal norms in the Member States.

## 2.6. SUPPORTING VICTIMS

### 2.6.1. Discrimination versus dignity: Harassment related to sex and sexual harassment law in European countries and in the EU

#### Krzysztof Śmiszek, Polish Society of Antidiscrimination Law

Krzysztof Śmiszek started his presentation by outlining the **international standards** of protection in the area of harassment on the basis of gender and sexual harassment:

Firstly he mentioned the [CEDAW General Recommendation No. 19 on violence against women \(1992\)](#). According to this recommendation, sexual harassment includes such unwelcome sexually determined behaviours such as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

Under the recommendation, equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace.

He then referred to the [European Committee of Social Rights Conclusions \(Turkey, 2010\) on Art. 26 of the European Social Charter \(revised\)](#). **Dignity at the workplace:** The Committee has ruled that it must be possible for employers to be held liable towards persons employed or not employed by them who have suffered sexual harassment from employees under their responsibility or, on premises under their responsibility, from persons not employed by them, such as independent contractors, self-employed workers, visitors, clients, etc. Moreover, victims of sexual harassment must have effective judicial remedies to seek reparation for pecuniary and non-pecuniary damage. These remedies must, in particular, allow for appropriate compensation of a sufficient amount to make good the victim's pecuniary and non-pecuniary damage and act as a deterrent to the employer.

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<sup>9</sup> Directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), Article 19.

Finally, it is important to mention the **International Labour Organisation guidelines** according to which sexual harassment can be described as any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable and offensive to the recipient; where a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job; and a conduct that creates an intimidating, hostile or humiliating working environment for the recipient.

He continued mentioning the **European Standards** including the **Council Resolution of 29 May 1990 on the protection of the dignity of women and men at work**, the **Commission Recommendation of 27 November 1991 on the protection of the dignity of women and men at work**, the **Recast Directive 2006/54/EC**, the **Goods and Services Directive 2004/113/EC** and the **Self-employed Directive (2010/41/EU)**.

According to the [Council Resolution of 29 May 1990 on the protection of the dignity of women and men at work](#), sexual harassment is a serious problem for many working women in the European community and is an obstacle to the proper integration of women into the labour market. It affirms that such conduct is unacceptable if it is unwanted, unreasonable and offensive to the recipient; a person's rejection of, or submission to, such conduct on the part of employers or workers (including superiors or colleagues) is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment, promotion, salary or any other employment decisions; and such conduct creates an intimidating, hostile or humiliating work environment for the recipient.

The [Comm. Recom. of 27 November 1991 on the protection of the dignity of women and men at work](#) repealed the above mentioned definitions of the Council Resolution.

The **Recast Directive 2006/54/EC (after 2002/73/EC Directive)** stipulates that:

- **Preamble:** Harassment and sexual harassment are contrary to the principle of equal treatment between men and women and constitute discrimination on grounds of sex for the purposes of this Directive. These forms of discrimination occur not only in the workplace, but also in the context of access to employment, vocational training and promotion. They should therefore be prohibited and should be subject to effective, proportionate and dissuasive penalties.
- **Art. 2.1 a:** Discrimination includes harassment and sexual harassment, as well as any less favourable treatment based on a person's rejection of or submission to such conduct.
- **Art. 2.1 c:** '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.
- **Art.2.1.d '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;

The **Goods and Services Directive 2004/113/EC** affirms that:

- **Preamble:** Discrimination based on sex, including harassment and sexual harassment, also takes place in areas outside of the labour market. Such discrimination can be equally damaging, acting as a barrier to the full and successful integration of men and women into economic and social life.

The **Directive 2010/41/EU on equal treatment in self-employment** states that:

- **Preamble:** To prevent discrimination based on sex, this Directive should apply to both direct and indirect discrimination. Harassment and sexual harassment should be considered discrimination and therefore prohibited.

Krzysztof Śmiszek highlighted the **key elements of the concepts of harassment and sexual harassment**. First, there is a double approach based on **systematic discrimination** (exclusion from the labour market and systematic obstacle in participation in economic life) and **discrimination of individuals**. Moreover, there is no need to prove the intention, to find a comparator and for a 'reasonable person test'. It is necessary to examine the purpose or effect from the perspective of individual person/victim of discrimination.

Among EU Member States, harassment and sexual harassment can be addressed under different perspectives. The concepts can be conceived in the context of:

- **Dignity**
- **Human rights**
- **Gender-based violence** (risk of lack of adequate compensation)
- **Health and safety in workplaces** (risk of lack of adequate compensation)
- **Discrimination**

When EU law is concerned, a double approach comes to the fore: a Discriminatory Approach and a Dignity Approach. Krzysztof Śmiszek suggested that dignity should not be put as a contradiction to the concept of discrimination but rather as a complementary approach, as part of legal discourse on discrimination (Polish Supreme Court ruling: it combines the two concepts. I PK 69/05: "discrimination is inevitably associated with the violation of human dignity. Respect for dignity is not only an imperative of legal nature but also has its moral dimension")

EU law includes a double perspective: dignity and discrimination. All perspectives are fine provided that they bring justice, assure effective procedures of claiming rights and compensate harm. However, an antidiscrimination approach should be introduced, since both concepts are related to the ground protected by the EU law explicitly (harassment) or by placing it in the context of sex equality law (sexual harassment). In addition, the antidiscrimination law provides unique legal instruments (burden of proof, no upper limits of compensation, sanctions).

Krzysztof Śmiszek concluded by mentioning some key uncertainties around the concepts of harassment and sexual harassment:

- There is no relevant CJEU judgements and we can rely on a very small number of national case law on sexual harassment and harassment on the ground of gender.
- There are questions around the issue of getting benefits as a result of submission to sexual harassment. Does it justify the conduct? Is it always an abuse of power? How far does the prohibition of sexual harassment go?
- With regard to the terms "unwanted conduct" – what kind of objection needs to be expressed and how clear should it be for the perpetrator in order to describe his/her conduct as "unwanted"?
- What are the preventive measures that should be taken by employers<sup>10</sup>? What are the limits of employer's liability? Is an internal anti-harassment policy enough to avoid responsibility?
- How far does the standard of individual perspective of the victim go? Can conduct that creates "an intimidating, hostile, degrading, humiliating or offensive environment" be perceived and assessed through the general standards of "reasonableness"?

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<sup>10</sup> 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), **Preamble**: "employers and those responsible for vocational training should be encouraged to take measures to combat all forms of discrimination on grounds of sex and, in particular, to take preventive measures against harassment and sexual harassment in the workplace and in access to employment, vocational training and promotion, in accordance with national law and practice"; **Article 26**: "Member States shall encourage, in accordance with national law, collective agreements or practice, employers and those responsible for access to vocational training to take effective measures to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment in the workplace, in access to employment, vocational training and promotion"

- Can sexual harassment relate to grounds other than sex (race, ethnicity, disability)? If yes, what is the actual ground of discrimination and what is the form of discrimination? Is it a multiple discrimination?

### 2.6.2. How to build a case

#### Clare Hockney, Equality and Human Rights Commission, UK- GB

Clare Hockney presented possible ways for supporting the individual victims of harassment and sexual harassment in building their cases.

One of the first problems to be addressed when an alleged case of harassment or sexual harassment occurs is the **collection of evidence**. In most cases it's difficult to find witnesses and, if there are any, they are afraid to come forward. Moreover, the contrast between two different versions of events requires an accurate assessment of credibility. When a case of harassment or sexual harassment occurs in a workplace, the victims first usually raise a complaint internally, for instance speaking to the human resources department or to their trade union, if they have one. If this is not the case, it is important to understand why the victim has not reported the facts, and if he/she has spoken to family members, friends or a doctor, who have to be asked to testify.

It is necessary to **assess if the evidence is consistent**. At this stage it is important to take a detailed statement early on and find out what exactly happened. This may include questions on the perpetrator's behaviour, the workplace environment and the culture of the organisation. In order to gather information the employer should be asked questions on the harasser, for instance whether there have been any complaints against this person before. Trade Unions can be involved in the process of investigation and gathering of information about the culture of the workplace

Evidence can be based on records, diaries, cards, letters, and messages, if they can be used in tribunal and court, as well as on medical evidence, under previous client consent to obtain medical records.

The **burden of proof** starts with the victim claiming sexual harassment. The victim must prove enough facts from which the court can decide, in the absence of any other explanation, that the discrimination, harassment or victimisation has taken place. Subsequently, in the absence of any other explanation, the **burden shifts onto the employer** to show that the employer, or someone whose actions or omissions they were responsible for, did not discriminate, harass or victimise the person making the claim.

**Employers** are legally responsible for discrimination carried out by workers employed by them or by their agents, unless they have taken all reasonable preventative steps. Concerning **third-party liability**, usually an employer will not be responsible for discrimination, harassment or victimisation by someone other than their employee or agent, but in some circumstances they may be legally responsible for the acts of others where they could, but do not, do something to stop it<sup>11</sup>.

**Service providers** can be liable if a customer is harassed by an employee or owner. As for employers, usually a service provider will not be responsible for discrimination, harassment or victimisation by someone other than their employee or agent, but it is possible that they are legally responsible for the acts of others where they could, but did not, do something to stop the discriminatory behaviour.

Finally, Clare Hockney gave some practical tips to be taken into account when dealing with a case of harassment and sexual harassment:

- See the client early and take a full statement.

<sup>11</sup>Sheffield City Council v Norouzi [2011] IRLR 897: <http://goo.gl/8eZATg>; Equal Opportunities Commission v Secretary of State for Trade and Industry [2007] IRLR 327: <http://goo.gl/G9wZVW>.

- Gather as much information as possible in the early stages.
- Consider using family and friends as witnesses.
- Assess if the story is credible.

## 3. WAYS FORWARD

Some lessons learnt can be identified on the basis of the discussions and experiences shared during the training event held in Warsaw. They aim at improving the work of equality bodies in combating harassment on the grounds of gender and sexual harassment as well as the context at European and national level.

### 3.1. Lessons learnt for equality bodies

Equality bodies can make **recommendations to policy makers on gaps in existing legislation**. This can include scope not covered, weak victimisation provisions or duties on employers, schools management or service providers. They can also assess if antidiscrimination, health and safety and criminal law create a comprehensive set of legal tools to counter different aspects of harassment and sexual harassment behaviours.

They can make **use of previous cases** to promote positive examples and raise awareness of judges as well as public opinion, and **make visible to the public the role of national equality bodies** in tackling harassment on the basis of gender and sexual harassment. National equality bodies have the responsibility to take and investigate cases and build up robust case law on harassment and sexual harassment, including with effective, proportionate and dissuasive solutions.

**Equality bodies can conduct relevant research on harassment on grounds of gender and sexual harassment, on gender based violence and national prevalence studies.** Findings from such surveys will enable stakeholders to develop and implement measures targeting groups that are especially vulnerable to harassment and sexual harassment. Research is indispensable in revealing the extent of sexual harassment and reviewing the efficacy of existing policies. Equality bodies could play a key role in **ensuring data collection and comparability**. They can promote research on the root causes of sexual harassment, on the links between women underrepresentation in certain sectors and prevalence of sexual harassment, and the **impact of gender stereotypes** on gender equality and sexual harassment. Equality bodies can promote **proactive approaches to creating and sustaining a culture of equality within organisations** such as workplaces, educational settings and services providers, by supporting **equality mainstreaming initiatives**.

They can play a role in **combating gender stereotypes and sexism in society** underpinning harassment on the basis of gender and sexual harassment and **raising awareness**:

- **With duty bearers** by training, information and education for **employers and supervisors on their responsibilities for preventing and handling sexual harassment complaints** when they occur. Employers and supervisors should receive training on identifying potential problems and proactively intervening. It is important to make sure that all managers and supervisors understand their responsibility to provide a harassment-free work environment.
- **Cooperating with advertising professionals** in order to raise the attention on the negative influences of gender stereotypes and **promoting effective tools to avoiding sexist insults or degrading images of women and girls in the media**.
- **Producing informative materials and guidelines on harassment and sexual harassment** including information on legislation, definitions, strategies to prevent and combat harassment and sexual harassment, description of real cases of sexual harassment and different forms of gender-based harassment and sexual harassment.

Equality bodies can **prevent the culture of harassment** from spreading to younger generations by focusing on **schools**:

- **Supporting educational programmes and training for teachers and professionals in the education sector as well as for students.** Tackling sexual harassment and harassment in



schools is crucial for early prevention and for creating substantive equality around gender issues and gender roles.

- **Exchanging good practices to promote an education free from gender stereotypes and refusing violence against women.** Equality bodies could emphasise the need for education programmes focusing on equality between women and men and on the rejection of all forms of violence. They could produce educational material promoting the representation of the female image in a way that respects women's dignity, and supports discussions on masculinity challenging the association with violence and aggression.
- **Collecting information on the prevalence of harassment and sexual harassment in schools.** This is important also if the national legislation does not cover education in its scope, as is the case for EU legislation, in order to be able to provide evidence-based recommendations to legislators. Even if education is not in their mandate, national equality bodies can deal with at least parts of the educational system, using a broad understanding of 'vocational training' (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)).

Equality bodies can **cooperate with women's organizations, NGOs and all the actors of civil society** to:

- Fight underreporting and support victims in speaking up and seeking assistance and remedies.
- Inform victims about their rights and opportunities for action and ensure them that their cases are addressed quickly and efficiently.
- Build a culture of equality and rights refusing harassment on grounds of gender and sexual harassment.

They can **cooperate with employers and trade unions** to:

- Develop **anti-harassment policies** and draft **guidelines and codes of conduct** on preventing and fighting harassment and sexual harassment.
- Provide guidance on how to develop effective measures, fulfil legal requirements, advise and counsel victims, including by developing model policies and reporting procedures to be used at workplace level (including the creation of counselling centres, hotlines and the formal definition of reporting procedures).
- Create a **culture of equality and rights** in the workplace to prevent harassment, sexual harassment and gender-based discrimination.
- Support a culture of attention to psycho-social risks in the workplace which include harassment and sexual harassment, and the development of risk assessment procedures and of awareness raising.

They can cooperate with **labour inspectors** to establish protocols to cooperate for claims of harassment and sexual harassment.

Equality bodies can participate in the process of monitoring of the Council of Europe **Istanbul Convention** on preventing and combating violence against women and domestic violence. They can cooperate with the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), by providing their assessment on the implementation of the Convention.

**Equality bodies and National Human Rights Institutions** could collaborate on the fight against harassment and sexual harassment. They could together monitor the consistent implementation of national legislation with EU Directives, the Council of Europe Istanbul Convention, and human rights standards set out at UN level (including Convention on the Elimination of All Forms of Discrimination against Women - CEDAW) including ILO conventions.

Furthermore, equality bodies could assess **intersectionality and multiple discrimination**. They could monitor harassment and sexual harassment on the intersection between the gender ground and other grounds including disability, religion, ethnicity, sexual orientation, age, recognize it and promote awareness on it.

## 3.2. Improving the context: lessons learnt for EU, national policy makers and other actors

### 3.2.1. EU policy makers

**Three EU directives<sup>12</sup> prohibit harassment on the basis of gender and sexual harassment**, in the field of **employment, self-employment and access to goods and services**. EU policy makers should ensure that the three directives are **correctly implemented** and that focus is given to all the three spheres of life.

The three EU directives foresee a role for equality bodies in combating harassment on the basis of gender and sexual harassment. EU policy makers should **monitor that in every country equality bodies are given a clear mandate and resources to cover the three areas of employment, self-employment and access to goods and services**. In case an additional mandate is given to existing equality bodies, EU policy makers should make sure that additional human and financial resources are provided, and that the necessary powers to correctly implement EU directives are provided as well. If the conditions are not provided, the European Commission should consider the use of its powers to launch infringement procedures.

**National equality bodies have a key role to combat 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.

**Media, advertisement and education** are excluded from the scope of the Gender Goods and Services Directive. As Equinet already [suggested](#), experience from equality bodies show that it is important for EU policy makers to **review this exception** as important roots of sexism take place in media, advertisement and education. In particular, **sexual harassment in education** among teens is a worrying phenomenon that should be firmly combated at EU level.

Cases dealt with by equality bodies allow us to identify 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** (Swedish legislation: Chapter 2, Section 3 and 7 in the Discrimination Act, SFS 2008:567)
- The positive **duty on employers and schools to make equality plans** annually, in which special attention must be given to measures to ensure the prevention and elimination of sexual harassment and gender based harassment (Finnish legislation, Section 6b of the Act on Equality between Women and Men 609/1986).

**Cyber harassment** needs to be effectively monitored. International or EU coordination may be needed in this area because of the world-wide nature of internet and social media networks.

EU institutions could establish a **coherent system for collecting statistics on gender violence including sexual harassment**. EU policy makers could **assess the results of measures taken to combat harassment on the basis of gender and sexual harassment at national and local level**, by encouraging Member States to submit statistics and relevant information. On the basis of information received from Member States, the European Commission could publish an annual report on violence against women assessing the extent to which Member States have taken appropriate measures and containing specific references on harassment on the basis of gender and sexual harassment.

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 EU's ratification of the Convention would

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<sup>12</sup> The [Directive 2006/54/EC on equal treatment in employment and occupation \(recast\)](#), the [Directive 2004/113/EC on equal treatment in the access to and supply of goods and services](#)); the [Directive 2010/41/EU on equal treatment in self-employment](#)

send a strong political message to all of its Member States. It would encourage them to sign and ratify the Convention and inspire changes to national law. EU Member States which are not parties to the Convention will be at least partially bound by it, as regards those provisions within EU competence including sexual harassment.

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 and 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**.

### 3.2.2 National policy makers

National policy makers could review scope and implementation of existing laws and policies and ensure a **comprehensive legislation**. Based on the good practices analysed in this report, a model law could include:

- Harassment and sexual harassment being prohibited in **employment, for self-employed and in access to goods and services, but also in the field of education, media, advertisement**.
- **Antidiscrimination, health and safety and criminal legislation** to create a consistent and coherent set of tools to protect people with a high level of protection against harassment and sexual harassment.
- Liability for both the **harasser and the employer, service provider and school management** in case of harassment reported and absence of measures to stop it.
- **Evidence** usually key in harassment and sexual harassment cases (including recordings of conversations) considered admissible in court cases.
- **Sanctions which are effective, proportionate and dissuasive**, in line with EU requirements.
- Positive **duty on schools, employers, and providers of goods and services to investigate and take measures to stop harassment**.
- **Positive duty** on employers, providers and school directors to have **policies to prevent harassment and sexual harassment, and to report harassment and sexual harassment cases**.
- Positive **duty on schools, employers, and providers of goods and services to make equality plans** annually, in which special attention must be given to measures to ensure the prevention and elimination of sexual harassment and gender based harassment.
- Provisions allowing for the recognition of multiple discrimination and intersectionality.
- Setting up a **strong, independent and effective equality body** with **adequate powers and resources** to ensure its ability to assist victims of harassment and sexual harassment.
- Provisions protecting against **victimisation**.

All European countries should **ratify and properly implement the Istanbul Convention** and review accordingly the scope of their laws, policies and codes of practices around harassment and sexual harassment. The Convention requires States parties to put in place comprehensive and coordinated policies in order to prevent violence, protect victims, prosecute the perpetrators, and to develop adequate systems for data collection. Relevant actors, such as government agencies, the national, regional and local parliaments and authorities, equality bodies, national human rights institutions and civil society organisations shall be involved in the fulfilment of measures taken to implement the Convention's provisions.

National policy makers of countries ratifying the Istanbul Convention will have to take **a number of measures including in the area of sexual harassment** such as:

- Establish services such as specialist support services, telephone helplines, counselling, and legal aid<sup>13</sup>.
- Train professionals to work with women at risk of sexual harassment and work closely with specialized NGOs<sup>14</sup>.
- Conduct at all levels awareness-raising campaigns and programmes, in collaboration with national equality bodies and civil society organisations, to increase understanding of all forms of violence against women including sexual harassment<sup>15</sup>.
- Include teaching material on violence against women, including sexual harassment, in formal curricula and at all levels of education<sup>16</sup>.
- Encourage the media to set guidelines and standards to prevent the spread of negative and sexist stereotypes which can lead to inappropriate behaviour against women and girls<sup>17</sup>.
- Establish one or more official bodies responsible for the monitoring and evaluation of policies and measures undertaken in the area of violence against women including sexual harassment<sup>18</sup>.

National policy makers could **issue codes of practice on sexual harassment**, developed in conjunction with employers, trade unions and national equality bodies. Codes of practice should contain a definition of harassment and sexual harassment consistent with EU law and measures to be taken.

National policy makers could **conduct awareness-raising activities** on the existence of harassment on the basis of gender and sexual harassment, the tools to prevent it, and the content of the relevant legal provisions. These activities should be aimed at ensuring that legislation or codes of practice, as well as possible remedies, become widely known among potential victims, perpetrators and other actors.

National policy makers could fund **training for all kind of actors such as lawyers, judges, teachers, nurses, employers, trade unionists, police officers** in cooperation with equality bodies. They need to know more about what sexual harassment is, how it can be addressed and what rights and obligations legislation foresees. More specific training and awareness could be provided on specific forms of harassment and sexual harassment experienced by transgender individuals.

Sexual harassment has to be addressed in the context of sexism. **Political leaders could take a stance against the trivialisation of sexism.** They could allocate resources on research to increase our knowledge about sexualised and pornographic gender stereotypes as root causes of harassment and sexual harassment; and to develop comprehensive measures to combat negative sexualized and pornographic gender stereotypes at all levels, starting from explaining the matters of stereotypes in schools. They could mainly target men and support discussions on male identity and the refusal of sexism, harassment and sexual harassment and violence against women.

Gender mainstreaming in national policies could allow policy responses from different fields working together: justice, but also employment, education and health.

### 3.2.3. Other actors including trade unions, employers' organisations and educational institutions

**Social partners, at European 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.

<sup>13</sup> Art. 20, 22, 24, Council of Europe Convention on preventing and combating violence against women and domestic violence.

<sup>14</sup> Art. 15, Council of Europe Convention on preventing and combating violence against women and domestic violence.

<sup>15</sup> Art. 13.1, Council of Europe Convention on preventing and combating violence against women and domestic violence.

<sup>16</sup> Art. 14, Council of Europe Convention on preventing and combating violence against women and domestic violence.

<sup>17</sup> Art. 17, Council of Europe Convention on preventing and combating violence against women and domestic violence.

<sup>18</sup> Art. 10, Council of Europe Convention on preventing and combating violence against women and domestic violence.

**Employers and trade unions should involve national equality bodies** in the development of anti-harassment policies. These policies should explain what harassment is, how employers and employees should prevent and combat it, and which procedures are foreseen for reporting complaints. It should be distributed to each member of the organisation and also to others who interact with the organisation (third parties).

Employers should have the duty to ensure the **health, safety and welfare at work** of all employees, including sexual harassment given its potential impact on the health of those who suffer it.

Anti-harassment policies should be coupled with **anti-harassment training** for all employees. Training and education programmes should emphasize the **organisation's commitment to providing a work environment** that does not discriminate and is free of harassment, as well as explaining which conducts constitute harassment and sexual harassment and the organisation's procedures to reporting incidents. Employers should provide education and information about harassment and sexual harassment to all staff on a regular basis.

**Trade unions** should produce model policies to guide their representatives and members on dealing with sexual harassment and to use in negotiating policies with employers. They should make sure that trade union representatives keep the focus on gender equality and attention on harassment and sexual harassment also in periods with other social conflicts which might be considered of higher priority.

Trade union representatives can be key allies in the struggle to **combat underreporting** and they should be provided information on where claims against harassment and sexual harassment have to be reported, and which **evidence** should be kept as proof of the harassing behaviour.

Social partners could investigate the roots of the high levels of **sexual harassment experienced by women in management** and the links with the **lack of balance in decision making** and the **segregation of the labour market**.

**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**. Equality planning should be mandatory, e.g. for schools, businesses/ enterprises as well as public authorities.

# EQUINET MEMBER EQUALITY BODIES

## ALBANIA

Commissioner for the Protection from Discrimination  
[www.kmd.al](http://www.kmd.al)

## AUSTRIA

Ombud for Equal Treatment  
[www.gleichbehandlungsanwaltschaft.at](http://www.gleichbehandlungsanwaltschaft.at)

## BELGIUM

Interfederal Centre for Equal Opportunities  
[www.diversite.be](http://www.diversite.be) and [www.diversiteit.be](http://www.diversiteit.be)

## BELGIUM

Institute for the Equality of Women and Men  
<http://igvm-iefh.belgium.be>

## BULGARIA

Commission for Protection against Discrimination  
[www.kzd-nondiscrimination.com](http://www.kzd-nondiscrimination.com)

## CROATIA

Office of the Ombudsman  
[www.ombudsman.hr](http://www.ombudsman.hr)

## CROATIA

Ombudsperson for Gender Equality  
[www.prs.hr](http://www.prs.hr)

## CYPRUS

Office of the Commissioner for Administration (Ombudsman)  
[www.ombudsman.gov.cy](http://www.ombudsman.gov.cy)

## CZECH REPUBLIC

Public Defender of Rights  
[www.ochrance.cz](http://www.ochrance.cz)

## DENMARK

Board of Equal Treatment  
[www.ast.dk](http://www.ast.dk)

## DENMARK

Danish Institute for Human Rights  
[www.humanrights.dk](http://www.humanrights.dk)

## ESTONIA

Gender Equality and Equal Treatment Commissioner  
[www.svv.ee](http://www.svv.ee)

## FINLAND

Ombudsman for Equality  
[www.tasa-arvo.fi](http://www.tasa-arvo.fi)

## FINLAND

Non-Discrimination Ombudsman  
[www.ofm.fi](http://www.ofm.fi)

## FRANCE

Defender of Rights  
[www.defenseurdesdroits.fr](http://www.defenseurdesdroits.fr)

## GERMANY

Federal Anti-Discrimination Agency  
[www.antidiskriminierungsstelle.de](http://www.antidiskriminierungsstelle.de)

## GREECE

Greek Ombudsman  
[www.synigoros.gr](http://www.synigoros.gr)

## HUNGARY

Equal Treatment Authority  
[www.egyenlobanasmod.hu](http://www.egyenlobanasmod.hu)

## HUNGARY

Office of the Commissioner for Fundamental Rights  
[www.ajbh.hu](http://www.ajbh.hu)

## IRELAND

Irish Human Rights and Equality Commission  
[www.equality.ie](http://www.equality.ie)

## ITALY

National Office against Racial Discrimination - UNAR  
[www.unar.it](http://www.unar.it)

## ITALY

National Equality Councilor  
[www.lavoro.gov.it/ConsiglieraNazionale/](http://www.lavoro.gov.it/ConsiglieraNazionale/)

## LATVIA

Office of the Ombudsman  
[www.tiesibsargs.lv](http://www.tiesibsargs.lv)

## LITHUANIA

Office of the Equal Opportunities Ombudsperson  
[www.lygybe.lt](http://www.lygybe.lt)

## LUXEMBURG

Centre for Equal Treatment  
[www.cet.lu](http://www.cet.lu)

## (FYRO) MACEDONIA

Commission for the Protection against Discrimination  
[www.kzd.mk/mk/](http://www.kzd.mk/mk/)

## MALTA

National Commission for the Promotion of Equality  
[www.equality.gov.mt](http://www.equality.gov.mt)

## MALTA

National Commission for Persons with Disability  
[www.knppd.org](http://www.knppd.org)

## NETHERLANDS

Netherlands Institute for Human Rights  
[www.mensenrechten.nl](http://www.mensenrechten.nl)

## NORWAY

Equality and Anti-Discrimination Ombud  
[www.ldo.no](http://www.ldo.no)

## POLAND

Human Rights Defender  
[www.rpo.gov.pl](http://www.rpo.gov.pl)

## PORTUGAL

Commission for Citizenship and Gender Equality  
[www.cig.gov.pt](http://www.cig.gov.pt)

## PORTUGAL

Commission for Equality in Labour and Employment  
[www.cite.gov.pt](http://www.cite.gov.pt)

## PORTUGAL

High Commission for Migration  
[www.acidi.gov.pt](http://www.acidi.gov.pt)

## ROMANIA

National Council for Combating Discrimination  
[www.cncd.org.ro](http://www.cncd.org.ro)

## SERBIA

Commissioner for Protection of Equality  
[www.ravnopravnost.gov.rs](http://www.ravnopravnost.gov.rs)

## SLOVAKIA

National Centre for Human Rights  
[www.snsip.sk](http://www.snsip.sk)

## SLOVENIA

Advocate of the Principle of Equality  
[www.zagovornik.net](http://www.zagovornik.net)

## SPAIN

Council for the Elimination of Ethnic or Racial Discrimination  
[www.igualdadyndiscriminacion.msssi.es/](http://www.igualdadyndiscriminacion.msssi.es/)

## SWEDEN

Equality Ombudsman  
[www.do.se](http://www.do.se)

## UNITED KINGDOM - GREAT BRITAIN

Equality and Human Rights Commission  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## UNITED KINGDOM - NORTHERN IRELAND

Equality Commission for Northern Ireland  
[www.equalityni.org](http://www.equalityni.org)



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European network  
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