



Tackling Violence against Women and Gender-Based Violence

Equality Bodies' Contribution



Equinet Paper

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Tackling Violence against Women and Gender-based Violence. Equality Bodies' Contribution is published by Equinet, European Network of Equality Bodies. Equinet brings together 49 organisations from across Europe 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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**This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.*

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1. VIOLENCE AGAINST WOMEN AND GENDER-BASED VIOLENCE AS DISCRIMINATION

The present paper sets out to provide examples of ways equality bodies are engaged in combating gender-based violence, which could serve as good practices and inspiration for colleagues interested in strengthening their presence and involvement in preventing and combating violence against women and gender-based violence. It is based on a survey circulated among Equinet's membership and on the individual contributions of equality bodies which are part of Equinet's Working Group on Gender Equality.

Violence against women is a structural and global phenomenon that knows no social, economic or national boundaries. It is a serious violation of human rights, most drastic form of discrimination on the grounds of gender and remains widely unsanctioned. Every day in Europe, women are psychologically, physically and sexually abused in the “safety” of their own homes, stalked, harassed, raped, mutilated, forced by their family to enter into marriage, or sterilised against their will. The revelations of the #MeToo movement across Europe cast a light on the extent of sexual abuse of women and the difficulty for women to speak out against it¹.

The concept of violence against women has been widely recognized since the 1990s in international normative acts concerning human rights. It has been adopted as a legal concept at all levels of the international legal system. The phenomenon is acknowledged in the universal legal system of the United Nations, covering practically all countries of the world, as well as in the regional legal systems of the Council of Europe and the European Union.

Gender-based violence and violence against women are terms that are often used interchangeably as it has been widely acknowledged that most gender-based violence is inflicted on women and girls, by men. However, using the ‘gender-based’ aspect is important as it highlights the fact that many forms of violence against women are not examples of random victimization but are rooted in power inequalities between women and men and strategies to perpetuate or entrench that inequality².

Gender-based violence is violence directed against a person because of their gender or one that disproportionally affects persons of a particular gender. The majority of victims are women and girls, although men and transgender people also experience violence, especially where they transgress stereotypical gender norms³.

¹ <https://rm.coe.int/prems-122418-gbr-2574-brochure-questions-istanbul-convention-web-16x16/16808f0b80>

² <https://eige.europa.eu/gender-based-violence/what-is-gender-based-violence>

³ EIGE, Strategic Framework on violence against women 2015-2015, 2015, p.3.

1.1 Continuum between Gender-based Discrimination and Gender-based Violence: Legal Frameworks

1.1.1. Within the United Nations

The **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women, and it has been ratified by all European countries. The Convention itself makes no explicit reference to violence against women but the Committee monitoring its implementation made clear in a number of recommendations that **gender-based violence falls within the meaning of discrimination against women**. For instance, **General Recommendation N°19** clearly framed violence against women as a form and manifestation of gender-based discrimination, used to subordinate and oppress women as it impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions and seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men⁴. In doing so it unequivocally brought violence outside of the private sphere and into the realm of human rights, as underlined in General Recommendation n° 35⁵.

In the **Declaration on the Elimination of Violence Against Women**, adopted December 20, 1993 by the UN General Assembly, the term “violence against women” is first explicitly defined, and discrimination is mentioned as a cause and a consequence of such violence. State Parties to the Declaration recognized that “violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women”⁶

The **1995 Beijing Declaration and the Platform of Action** confirmed the existence of the phenomenon of violence against women, including **the continuum between violence against women and gender-based discrimination**. Recital 117 underlines that violence against women is a hindrance for the achievement of equality, while Recital 118 highlights that “violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women’s full advancement”⁷.

1.1.2 Within the Council of Europe

Within the regional system of the Council of Europe, **the Convention on preventing and combating violence against women and domestic violence** was opened for signature on 11

⁴ [General Recommendation no19 \(1992\) cf infra](#). General recommendation No. 19 was updated in General Recommendation N° 35 in 2017 (CEDAW/C/GC/35).

⁵ <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/GR35.aspx>

⁶ Preamble to the Declaration on the Elimination of Violence against Women (A/RES/48/104) <https://www.un.org/documents/ga/res/48/a48r104.htm>

⁷ Beijing Declaration and Platform for Action (1995) Recitals 117-118

May 2011 in Istanbul (hereinafter: Istanbul Convention)⁸. It defines State Parties' obligations in the area of preventing violence against women in all fields, starting with preventive actions, including awareness-raising campaigns, through protection and support of victims, work with perpetrators, as well as prosecution and punishment of perpetrators.

In Art. 3 point (a) of the Istanbul Convention, violence against women is understood 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.” In addition, the Convention gives the definition of “gender-based violence against women” as “violence that is directed against a woman because she is a woman or that affects women disproportionately.” The Convention thus reiterates the continuum between violence against women and gender-based discrimination acknowledged by earlier UN legal documents, and takes the step of making explicit that **violence against women is a form of discrimination against women**.

The European Court of Human Rights (ECtHR) has dealt with gender-based violence cases on multiple occasions. In 2009, in the landmark case **Opuz v. Turkey**, the ECtHR found Turkey in violation of its obligations to protect women from domestic violence, and for the first time held that gender-based violence is a form of discrimination under the European Convention for the Protection of Human Rights and Fundamental Freedoms⁹. The judgment thus **recognized gender-based violence as the most extreme manifestation of gender-based discrimination** and that insufficient commitment to take appropriate action to address domestic violence is a violation of the Convention¹⁰

1.1.3 Within the European Union

In the legal system of the European Union, a key legal act regarding gender-based violence is **Directive 2012/29/EU** of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (hereinafter: **Victims' Rights Directive**).

Recital 17 of the Victims' Rights Directive states that “violence that is directed against a person because of that person's gender, gender identity or gender expression or that affects persons of a particular gender disproportionately, is understood as gender-based violence. **Gender-based violence is also understood to be a form of discrimination** and a violation of the fundamental freedoms of the victim and includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery,

⁸ Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 2011

⁹ Case of *Opuz v. Turkey* (application no. 33401/02). ECtHR June 9, 2009.

¹⁰ See as well case of *Talpis v. Italy* 2 March 2017 (application no. 41237/14): the court found that Talpis had been the victim of discrimination as a woman on account of the inaction of the authorities, which had underestimated the violence in question and thus essentially endorsed it.

and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called ‘honour crimes’.”

The Directive thus echoes the language of the Istanbul Convention by making explicit that it considers that **violence is a form of discrimination against women**. The chosen terminology links the Victim’s Rights Directive with the existing gender equality acquis of the EU, eg. the 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 (hereinafter: **Recast Directive**) and the Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (hereinafter: **Goods and Services Directive**). Both Directives refer to and prohibit such forms of violence against women as harassment and **sexual harassment as a form of gender discrimination**.

This is particularly important to the work of equality bodies given that the Recast Directive and the Gender Goods and Services Directive are the key legal bases in EU law for the gender equality mandates of equality bodies.

1.2 Legal Duties to take a Proactive Approach: the Role of Equality Bodies

The scale of violence against women is not reflected in official statistics. Women generally do not report to the police, and they also do not report to a number of other services that could support them, including victim support organizations¹¹. The serious issue of underreporting is familiar to all working in the field of equality and non-discrimination, with victims often reluctant to come forward for fear of stigmatization or re-victimization¹². As a consequence, the needs and rights of women – for example under the Victims’ Rights Directive, which explicitly refers to victims of gender-based violence – are currently not met in practice.¹³ In response, significant efforts need to be made at the EU and Member State levels to create a climate where women can report incidents of abuse, and where these reports will be taken seriously and followed up so that women receive the support they need and, where appropriate, get justice¹⁴.

¹¹ « One third of victims of partner violence (33 %) and one quarter of victims of non-partner violence (26 %) contacted either the police or some other organisation, such as a victim support organisation, following the most serious incident of violence. In total, victims reported the most serious incident of partner violence to the police in 14 % of cases and the most serious incident of non-partner violence in 13 % of cases. For about a quarter of victims, feeling ashamed or embarrassed about what had happened was the reason for not reporting the most serious incident of sexual violence by a partner or a non-partner to the police or any other organisation.” <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report> .

¹² ‘Tackling the “known unknown”: how equality bodies can address underreporting of discrimination through communication’ Equinet report (2012).

¹³ S.Spurek, An analysis of the Victims’ Rights Directive from a gender perspective, European Institute for Gender Equality, 2016.

¹⁴ Violence against women: an EU-wide survey Main results, European Union Agency for Fundamental Rights, 2014, p.167.

As mentioned above, the Victims' Rights Directive indicates in several provisions that female victims of violence are the overwhelming majority of victims of gender-based violence and are particularly vulnerable or find themselves in situations that expose them to a particularly high risk of harm. They should therefore be provided with specialist support and legal protection¹⁵. Taking the points mentioned above into account, one could derive a **legitimate expectation for Member States to take a proactive approach in favor of vulnerable groups**, particularly to prevent and combat violence against women.

The Victims' Rights Directive is especially clear on the obligation to raise awareness with the aim of prevention. As this obligation rests on the state, **a clear link can be made with the work of national institutions**, particularly those already engaged with and possessing expertise on gender equality to ensure that any work aimed at tackling gender-based violence is undertaken in a manner that ultimately seeks to achieve gender equality¹⁶. As such, **the duty to take a proactive approach to prevent gender-based violence has important synergies with the work of equality bodies** that already perform tasks related to the implementation of the principle of equal treatment under the EU Equal Treatment directives, including their extensive work to date on harassment and sexual harassment¹⁷.

Additionally the Recast Directive (Article 17(1)) states that Member States shall ensure that, after possible recourse to other competent authorities, judicial procedures for the enforcement of obligations under this Directive are available to all persons who consider themselves wronged by failure to apply the principle of equal treatment to them, even after the relationship in which the discrimination is alleged to have occurred has ended. Moreover, Member States shall ensure that associations, organisations or other legal entities which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that the provisions of the Directives are complied with, may engage, either on behalf or in support of the complainant, with their approval, in any judicial and/or administrative procedure provided for the enforcement of obligations under this Directive (Article 17(2)) and the Goods and Services Directive (Article 8(3)).

It can be assumed that these other competent institutions/organisations are also the equality bodies, that are explicitly mentioned in Article 20 of the Recast Directive and Article 12 of the Goods and Services Directive. Equality bodies are obliged to provide independent assistance to victims of discrimination in pursuing their complaints about discrimination

¹⁵ Recital 38 of the Victims' Rights Directive.

¹⁶ Recital 123 of the Beijing Declaration and Platform for Action (1995) states "In addressing violence against women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken an analysis may be made of their effects on women and men, respectively."

¹⁷ Equinet perspective (2014) on harassment based on gender and sexual harassment, available at <https://equineteurope.org/2015/02/24/harassment-on-the-basis-of-gender-and-sexual-harassment-supporting-the-work-of-equality-bodies/>

(Article 20 (2)(a) of the Recast Directive and Article 12 (2)(a) of the Goods and Services Directive).

Considering the analysis of these provisions and the area of violence against women discussed here, we can indicate the great opportunities for equality bodies to protect the rights of persons who are victims of sexual harassment as a form of discrimination, which falls within the scope of the Recast Directive and also the Goods and Services Directive.

1.3 Scope and Potential Contribution of Equality Bodies

Bearing in mind the entire legal acquis, in which it was found that the source of violence against women is the unequal distribution of power between women and men, which results in discrimination against women, **equality bodies can potentially make significant contributions to the efforts to combat gender-based violence as a most drastic form of gender discrimination at national level.** National mechanisms to promote equality and combat gender-based violence vary. Certain equality bodies only have a mandate to work in the area of gender-based harassment and sexual harassment, which are explicitly mentioned as forms of discrimination in the EU Equal Treatment Directives. However, equality body actions taken to prevent and combat gender-based harassment and sexual harassment are also actions contributing to preventing and combating other forms of violence against women.

1.3.1 Victims' Rights Directive

Additionally, there are excellent opportunities for engagement using equality bodies' promotional and research competences to raise awareness in this field. The implementation of the Victims' Rights Directive also requires undertaking actions in four main areas: amending national laws; introducing codes of conduct for public authorities and services; training persons in contact with victims and offenders; and data collection.

In these domains, equality bodies could support Member States in:

- incorporating the proper definitions into national legislation (and verifying whether the definitions comply with the requirements in the Victims' Right, Recast and Goods and Services Directives),
- preparing and introducing the codes of conduct for the services attending the victims with each support needed,
- preparing and introducing individual assessment procedures that take into account the specificity of gender-based violence,

- organizing trainings for representatives of the services making the individual assessment¹⁸,
- data collection regarding cases of gender-based violence and sexual harassment and data gender analyses,
- conducting independent surveys and making recommendations on preventing gender-based violence and sexual harassment,
- organizing awareness raising campaigns on gender-based violence and sexual harassment.

Equality bodies can monitor and make recommendations to ensure that the implementation of gender neutral provisions of the Victims' Rights Directive is gender sensitive. Equality bodies have expertise and knowledge on gender-based discrimination, providing independent assistance to victims of gender-based discrimination, conducting independent surveys on discrimination, publishing independent reports and making recommendations on any issue relating to discrimination. Thus **equality bodies should be involved in the entire process of implementation of all the provisions of the Victim's Rights Directive to ensure these are gender sensitive and contribute to achieving gender equality**¹⁹.

1.3.2. Istanbul Convention

Tackling gender-based violence requires a horizontal, multidisciplinary and integrated approach (as mentioned in the Istanbul Convention). Cooperation with all partners through institutional coordination is essential to efficiently tackle the roots and causes of gender-based violence, to draw up and implement the necessary policy and actions. Cooperation with all other bodies who are working on this issue, can be recommended, for, example with the coordination bodies installed in the members state to coordinate the implementation and the monitoring of the Istanbul Convention (article 10 of IC).

Equality bodies can play an important role in the monitoring of the implementation of the Istanbul Convention. They can for example cooperate efficiently with NGOs and civil society to build up the GREVIO report and the continued dialogue with GREVIO²⁰.

¹⁸ Sylwia Spurek, PhD, Deputy Ombudsperson in Poland, *High Level Experts' Meeting on Victims' Rights*, 29 January 2018, Brussels.

¹⁹ Sylwia Spurek, PhD, Deputy Ombudsperson in Poland, *High Level Experts' Meeting on Victims' Rights*, 29 January 2018, Brussels.

²⁰ GREVIO is the independent expert body responsible for monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ([Istanbul Convention](#)) by the Parties.

<http://eca.unwomen.org/en/digital-library/publications/2018/09/istanbul-convention-monitoring-manual>

1.3.3. United Nations

Equality bodies can engage with UN mechanisms to improve monitoring of gender-based violence in Europe, and liaise for instance with the UN Special Rapporteur on Violence Against Women, its Causes and Consequences. Indeed, the UN Special Rapporteur, which has called for the “establishment of a platform for cooperation between international and regional independent women’s human rights mechanisms”²¹ can collect valuable information from equality bodies. Equality bodies can, for instance, answer calls for submissions from the Special Rapporteur, to feed in her annual thematic reports.

²¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24754&LangID=E>

2. GOOD PRACTICE EXAMPLES BY EQUALITY BODIES

While they are not always mandated to directly assist victims, equality bodies act in various ways to combat harassment, gender-based violence and sexist hate speech. They organise awareness-raising campaigns, make recommendations to duty bearers, train relevant actors (including civil servants and school teachers) to tackle various forms of violence, cooperate and exchange with other institutions and stakeholders, and produce informative and practical tools for professionals, victims and the general public.

2.1 Promotional Activities

Equality bodies, within their role and competences on gender discrimination, are actively engaged on combating gender-based violence and harassment, through various means of actions. The work of equality bodies shows that raising awareness continues to be of great importance in order to inform people about their rights, and to contribute to the prevention of gender-based violence and sexual harassment. Equality bodies identify people's needs for further information and support, which allows them to set-up informative webpages, as well as other practical tools dedicated to tackling sexual harassment, violence and/or gender equality. Over the years, campaigns in different European countries have taken place, aiming to emphasize what violence and gender discrimination is, while encouraging victims to speak out and seek help.

Are you equality-friendly?²² If the answer of a company or an organisation is yes, then the Maltese **National Commission for the Promotion of Equality** certifies and awards them with the Equality Mark. One of the required criteria linked to this certification is for companies/entities to have in place a sexual harassment policy, to ensure a workplace free from harassment and to outline internal reporting procedures that are known by all the staff.

The **Federal Anti-Discrimination Agency** of Germany²³, Cyprus **Commissioner for Administration and Protection of Human Rights**, the Spanish **Institute of Women and for Equal Opportunities**²⁴ and the Portuguese **Commission for Equality in Labour and Employment** published brochures/manuals informing employees of their rights and providing the necessary guidelines to employers on how to handle sexual harassment complaints in the

²² https://ncpe.gov.mt/en/Documents/Home/Welcome/em_broch_eng.pdf

²³ https://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Leitfaeden/Leitfaden_Was_tun_bei_sexueller_Belaestigung.pdf?__blob=publicationFile&v=4

²⁴ www.igualdadnlaempresa.es

workplace. Great Britain's **Equality and Human Rights Commission** has published accessible guidance on the law for employers.²⁵

The **Commission for Equality in Labour and Employment** in Portugal²⁶ and the **Equal Opportunities Ombudsperson** in Lithuania²⁷ both made webpages available with information on sexual and moral harassment in the workplace and violence against women, respectively.

The **Ombudsman for Equality** in Finland produced material²⁸ on preventing sexual harassment in schools, as well as other tools with researchers for schools and municipalities to monitor – locally and nationally – sexual harassment in schools, aiming to deal with the matter and show zero tolerance to such incidents, both in and outside of schools.

Flyers, posters and other materials have been produced and issued by several equality bodies attempting to “Set limits: what to do in a case of sexual harassment at the workplace²⁹” (**Federal Antidiscrimination Agency** of Germany) and reiterating the illegality of sexual harassment³⁰ (**National Commission for the Promotion of Equality** in Malta).

The **Equal Opportunities Ombudsperson** of Lithuania within the project “Stop violence Against Women: From (A)wareness to (Z)ero Victims Blaming” organised three awareness raising campaigns toward the general public. The first one (titled “Perfect Family. This is (also) Violence”³¹) points out different forms of violence to show that it is not always physical. The next one (“Support”³²) calls to stop victim-blaming, and the last one (“Women for Women”³³) addresses solidarity among women who suffered from domestic violence. The awareness raising activities also included media monitoring and direct mailing to journalists when a victim-blaming article is detected. All the campaigns attracted wide public attention and proved to be successful when done intensively one after another.

The **Federal Anti-Discrimination Agency** of Germany encouraged young social media users aged between 16 and 28 years to #talkabout sexism and sexual harassment, along with other forms of discrimination, through a video³⁴, which was launched in a social media campaign [#darüberreden](#). Furthermore it started an advertisement and media campaign (national newspapers, magazines and online) named [#betriebsklimaschutz](#), directed at employers,

²⁵ <https://www.equalityhumanrights.com/en/publication-download/sexual-harassment-and-law-guidance-employers>

²⁶ <https://assedio.cite.gov.pt/>

²⁷ <https://www.visureikalas.lt/en>

²⁸ <http://www.eimeidankoulussa.fi/?lang=en>

²⁹ https://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Flyer/Grenzen_setzen_Leichte_Sprache_Broschuere_2017.pdf?__blob=publicationFile&v=3

³⁰ <https://ncpe.gov.mt/en/Documents/Updates%20and%20Upcoming%20events/annual%20conference%202015/sexual%20harassment%20A3%20HI.pdf>

³¹ <https://www.visureikalas.lt/en/campaign-this-is-also-violence>

³² <https://www.visureikalas.lt/en/campaign-support-survivors>

³³ <https://lygybe.lt/en/news/women-affected-by-violence-will-help-each-other/1049>

³⁴ <https://www.facebook.com/watch/?v=2041085172599641>

informing them on protecting employees from sexual harassment in the workplace ³⁵. Also, FADA has ongoing networking efforts with employers and social partners. In this context it supported the establishment of an independent complaints mechanism against sexual harassment in the film, TV and theatre industry ([Themis](#)).

“Une femme sur cinq”³⁶ (#1WomanoutofFive) was the campaign of the French **Defender of Rights** in 2014. A new campaign was launched in 2018, emphasising that sexual harassment is prohibited and encouraging the victims to raise their voice. Within this campaign, a video competition was organised and a webpage³⁷ with information on sexual harassment in the workplace was launched.

An awareness raising campaign (2014-2016) via the mass media and a series of trainings to groups of professionals who may have a preventive contribution to combating violence against women and girls in Cyprus, was run by the **Commissioner for Administration and Protection of Human Rights** of Cyprus and other national collaborators.

The **Institute for the Equality of Women and Men** in Belgium, in 2015, addressed gender-based violence through a campaign calling to «React before acting»³⁸, mainly directed to young men. Three videos were developed for the campaign addressing physical, verbal and sexual violence against women.

The **Commissioner for the Protection of Equality** in Serbia supported the initiative of the Women’s Network against Violence with an aim of designating 18 May as the Women Victims of Domestic Violence Remembrance Day. The Commissioner stressed that the measures geared towards preventing domestic violence announced by the Government of the Republic of Serbia at that time, should establish effective mechanisms for the protection of women against violence.

The **Commissioner for Human Rights** in Poland undertakes numerous activities every year during the 16 Days of Activism Against Gender-Based Violence campaign, under the hashtag #trzymamstronekobiet (I stand by women’s side). In 2018 the main target of the campaign was a witness of domestic violence. The aim was to change the attitude of bystanders, to go from a passive to an active attitude. On the Facebook page “16 days against violence”³⁹, material was published to help witnesses, showing how to respond/react to gender based violence. In various media, interviews were published with representatives from the equality body.

³⁵ https://www.antidiskriminierungsstelle.de/betriebsklimaschutz/betriebsklimaschutz_node.html

³⁶ https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/ddd_etu_20140301_harcelement_sexuel_enquete_accessible_0.pdf

³⁷ <https://information.defenseurdesdroits.fr/unefemmesurcing/>

³⁸ <https://igvm-iefh.belgium.be/fr/activites/violence/campagnes>

³⁹ https://www.facebook.com/16dniprzeciwpzemocy/?eid=ARDHysh3tveDjlOxiGStMoWtdo94pDRcf4PfcQcjBu_gwlKVuvTGx-TAvp3dcrPYTF7PfETvEetXrs8QS

The **Slovak National Centre for Human Rights**, in 2018, on the occasion of “16 days of Activism”⁴⁰ prepared a social media campaign. The Centre created a special logo that was used during the campaign as a profile picture on social media (Instagram, Facebook, Twitter). The goal was to raise awareness and provide information about violence against women whilst focusing on a broad public.

Some materials⁴¹ were developed by the **Institute of Women and for Equal Opportunities** in Spain in order to facilitate the labour inclusion of women victims of gender-based violence under the initiative called “Companies for a society free of gender-based violence”.

2.2 Research and Data Collection

Several equality bodies (including in Belgium, Cyprus, Bosnia-Herzegovina, Lithuania and Poland) have pointed out that there is no systematic data collection on gender-based violence made by official authorities in their countries. However, some equality bodies are taking part in monitoring and data collection on the issue, including in Slovakia and Croatia, where a Femicide Watch has been established by the **Ombudsperson for Gender Equality** of the Republic of Croatia. Many equality bodies are also commissioning and publishing quantitative and qualitative studies on various aspects of gender-based violence, harassment and hate speech.

The **Ombudsperson for Gender Equality of the Republic of Croatia** founded in 2017 the „*Monitoring body for comprehensive reporting, supervision, data collection, analysis of cases of femicide - Femicide Watch*”, the members of which are the representatives of the relevant ministries and academic institutions. This monitoring body collects detailed gender statistics on all femicide cases, monitors and analyses individual cases and situations which resulted in femicide for the purpose of finding out the key omissions by the relevant authorities, as well as for the purpose of enhancing the legislative framework and practice, prevention of violence and protection of victims.

The **Public Defender of Georgia**, taking into account the recommendation of the United Nations Special Rapporteur on violence against women, its causes and consequences, has created a femicide monitoring mechanism in 2016⁴². Within the scope of the mentioned mechanism, the Public Defender's Office makes detailed analysis of court decisions in order to evaluate the real scope of the problem of femicide, the applied protection and prevention measures and shortcomings in naming the problem. In addition, the Public Defender's Office

⁴⁰ <https://www.instagram.com/p/BqzooJYAyiS/>

⁴¹ An on-line guide to facilitate the labour inclusion of women victims of gender-based violence can be downloaded at: <http://www.inmujer.gob.es/servRecursos/formacion/Pymes/Introduccion.htm>

⁴² Information is available on the following website:
<https://drive.google.com/file/d/1hT0bvWR98kriiWcAeB7ZnrT12JaKo2-/view>

examines the information and statistical data on the investigations and criminal prosecutions underway in the law enforcement agencies.

In 2018, Great Britain's **Equality and Human Rights Commission** collected evidence on experiences of sexual harassment and dealing with complaints from around 1,000 employees and employers. The Commission published a report of the research with recommendations for law reform to more effectively tackle sexual harassment at work.⁴³ Recommendations were promoted in the media and Parliament, and are being considered by the UK Government.

The **Slovak National Centre for Human Rights** conducts continuous monitoring of cases of sexual harassment against women in the workplace throughout the year. In 2018, the Centre conducted this exercise through media monitoring and case handling.

Between 2014 and 2016, the **Commission for Equality in Labour and Employment** in Portugal (CITE) co-developed the project *Sexual and Moral Harassment in the Workplace*. The main objective of the project was to make a diagnosis of moral and sexual harassment in the labour market in Portugal and raise awareness regarding harassment at the workplace. The most important output of this project is the survey on sexual and moral harassment in the workplace⁴⁴ that covered 1801 individuals (558 men and 1243 women).

In 2014, the **Federal Anti-Discrimination Agency** in Germany commissioned a representative survey among employees and among personnel managers and staff representation bodies at private and public employers in Germany concerning sexual harassment at work. The goal of this survey was to take stock of the knowledge of employees and persons responsible at the companies regarding the rights and duties of protection against sexual harassment and to attain an overview of the measures already existing at company level⁴⁵. A second study published in 2019 focuses on ways of dealing with sexual harassment at the workplace, bringing together results from a representative survey (1,531 employees), qualitative interviews as well as focus groups with employers and other experts. Approximately one in eleven employed persons has been affected by sexual harassment at the workplace within the last three years. Women are clearly more often affected than men (13% compared to 5%). Sexual harassment against women happened more frequently in the context of unequal power and dependency relationships, and in comparison with harassment against men, was initiated more often by superiors (23% vs. 7%). The study provides a detailed set of recommendations for employers, policy makers, the legislator and the public⁴⁶.

⁴³ <https://www.equalityhumanrights.com/en/publication-download/turning-tables-ending-sexual-harassment-work>

⁴⁴ http://cite.gov.pt/asstscite/images/fotosassedio/Policy_Brief_Sexual_Harassment_and_Bullyng.pdf

⁴⁵ http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Factsheets/factsheet_engl_sexuelle_Belaestigung_am_Arbeitsplatz.pdf?__blob=publicationFile&v=5

⁴⁶ https://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/Factsheets/factsheet_engl_Umgang_mit_sex_Belaestig_am_ArbPlatz_Schroettle_20191025.pdf?__blob=publicationFile&v=2

In 2017, the **Danish Institute for Human Rights** published a study on hate speech in the public debate online, which was the first of its kind in Denmark⁴⁷. The piece of research underlines that women are more often targeted by hate speech based on their gender. In the study, online hate speech directed at gender makes up 15 % of all the hateful comments analyzed and the majority of the hateful comments in this category are about women (58 %).

The report "*Democratic participation on Facebook*" from April 2019⁴⁸ also published by the **Danish Institute for Human Rights**, is based on a questionnaire survey of 2305 Danish Facebook user and it illustrates the users' opinions on freedom of expression on social media, their experience of Facebook debates, and the differences in debate behavior across age and gender. Furthermore, the study looks at how the tone of debates on Facebook affects democratic participation.

The results show that the debate is dominated by men – we find that men participate in the public debate on Facebook far more frequently than women. The tone discourages people from taking part and getting involved in the democratic conversation on Facebook. 59% state that the tone keeps them from sharing their opinions. Women refrain more than men (66 % vs 51 %). Men experience offensive and derogatory comments more often than women; however, women experience that the offensive and derogatory comments are about their gender rather than their political opinion three-times more than often than men.

The **Defender of Rights** in France has produced various studies on gender-based discrimination and sexual harassment. In the 2018 edition of the report on the perception of discrimination in the workplace, 23% of women have declared having experienced sexist behaviors, compared to 6% of men. But the category and experience of women is not homogenous, depending for instance on their ethnic origin or sexual orientation.

The **Institute for the equality of Women and Men** in Belgium published several studies on gender-based violence:

- In 2010, a large-scale national study on the experience of women and men in the matter of gender-related physical, sexual and psychological violence was conducted by the Institute⁴⁹. According to the findings, 12.5% of respondents had been subjected to at least one act of violence by their partner or ex-partner in the previous 12 months (14.9% of women and 10.5% of men).
- In 2013, the Institute also published a study on the health status of victims and perpetrators of domestic violence based on the Health survey of 2013⁵⁰.

⁴⁷ <https://www.humanrights.dk/publications/hate-speech-public-online-debate>

⁴⁸

https://menneskeret.dk/sites/menneskeret.dk/files/04_april_19/Rapport%20om%20demokratisk%20deltagelse.pdf

⁴⁹ https://igvm-iefh.belgium.be/sites/default/files/downloads/41%20-%20Dark%20number_ENG.pdf

⁵⁰ https://igvmiefh.belgium.be/fr/publications/etude_sur_la_violence_intrafamiliale_et_la_violence_conjugale_basee_sur_l'enquete_de

- In 2017, the Institute launched a survey on the impact of domestic violence on work, workers and workplaces in Belgium⁵¹. This survey looked at how intimate partner violence (domestic violence) can affect workers and what kinds of support would be needed in workplaces. The Institute also organized an international conference on the topic “Can work be safe, when home isn't?”⁵².

The **Commissioner for Human Rights** in Poland also published several studies on gender-based violence:

- For instance, in 2012, due to the occurrence of multiple discrimination of elderly women and women with disabilities, the equality body commissioned the analysis of the issue as they are at particular risk of falling victim to violence. The results were presented in a report entitled “*Counteracting violence against women, including elderly women and women with disabilities*”. The studies and other available sources of information about the scale of violence against women in Poland show that violence against elderly and disabled women is largely ignored, difficult to identify and analysed only in a very narrow area. The publication illustrates the inadequate knowledge of the employees in services involved in preventing and combating violence against women. Furthermore, although elderly women and women with disabilities are a group at particular risk of violence, in particular domestic violence, they have difficulty accessing both legal and psychological assistance, if they can access it at all.
- A report published in 2018 shows that the scale of sexual harassment and harassment in universities in Poland seems to be continually underestimated. However, the results of the analysis show the extent of the problem. Almost half of female students and one third of students experienced harassment from among those surveyed. The analyzed cases show that the perpetrator of every third situation indicated by the examined persons was an academic lecturer and that two-thirds of these events took place at the university. Almost every third person has declared the experience of at least one sexual harassment behavior since the start of their studies. Importantly, however, the majority were women. Every tenth man experienced such an event, while for women it involved four out of ten subjects.

2.3 Making Recommendations

Recommendations to legislators and policy-makers and duty bearers is another important competence of equality bodies.

In January 2019, the **Commissioner for Human Rights** in Poland presented a comprehensive statement on systemic shortcomings of legislation on violence against women in Poland

⁵¹ https://igvmiefh.belgium.be/en/publications/national_survey_results_on_the_impact_of_domestic_violence_on_work_workers_and_0

⁵² https://igvm-iefh.belgium.be/fr/actualite/presentations_journee_detude

listing essential recommendations. All most urgent problems were covered i.e. failure to implement Istanbul Convention and Victim's Rights Directive' standards, but also other problems having negative impact on domestic violence and violence against women survivors' situation (insufficient shelters for women, long waiting lists for council flats, ineffective criminal and civil measures etc).

In 2015, after a few incidents where expressions of sexism were used in politics and voiced in media, the **Commissioner for Administration and Protection of Human Rights** in Cyprus intervened and issued a recommendation. The Commissioner called the Parliament and political parties to develop reasonable measures for combating sexism and raise awareness on issues related to equality, sexism and stereotypes, and underlined the importance to include a clear definition of sexism and develop reasonable measures to combat such phenomena.

In 2018, the **Equality and Human Rights Commission** for Great Britain submitted evidence and recommendations for law reform to a Parliamentary committee's inquiry into sexual harassment at work based on research it had undertaken into employee and employer experiences. As a result, the UK Government has agreed that the Commission should produce a Code of Practice on harassment at work, and is considering three key recommendations for law reform:

1. a mandatory duty on employers to take reasonable steps to protect workers from harassment in the workplace;
2. protection for employees from third party harassment; and
3. extending time limits for discrimination claims.

2.4 Trainings

As part of the activities supporting the implementation of the principle of equal treatment, a perfect example are trainings conducted by equality bodies. Targeted trainings are crucial and equality bodies participate in both organising/designing these trainings and delivering them. Their contribution to designing trainings and education programmes is significant, given their expertise, while emphasising their role as protection mechanisms.

The **Slovak National Centre for Human Rights**, in 2018, continued its trainings at elementary schools, where different topics are discussed, among which non-discrimination, gender equality, bullying and cyberbullying are included. Within these topics, the Centre develops a discussion on sexist hate speech, as girls and young women are very often victims of such experiences online and in school. Within trainings on non-discrimination and mobbing, bossing, Workplace chicane, the Centre also addresses issues of violence against women and sexual violence in terms of the Antidiscrimination Act.⁵³

⁵³ http://www.snslp.sk/CCMS/files/Activities_2017_infographics.pdf

“Combating Sexual Harassment in employment in the public sector” was the title of a series of trainings organized in 2016 and 2017 by the **Commissioner for Administration and Protection of Human Rights** in Cyprus and other collaborators. These trainings are repeated in 2019 to present the Code of Conduct on Preventing and Combating Sexual harassment and Harassment in the Public Service⁵⁴ to employees of the public sector.

Through a project called “School goes to the shelter”, which was developed by the **Commission for Citizenship and Gender Equality** of Portugal and other stakeholders, the Portuguese equality body was aiming to empower women in shelters in different key areas like literacy, digital literacy, basic computer skills and Portuguese language.

A training on tackling harassment was offered to municipality workers dealing with health and safety at work by the **Commission for Equality in Labour and Employment**, in Portugal. The training programme was designed with the purpose of deconstructing preconceived ideas and clarifying what is and what is not harassment. It also identifies tips and forms to enable action against harassment incidents in the workplace. Specific material was developed that can be used in other trainings addressing other groups of people.

The Czech **Public Defender of Rights** has organized several seminars concerning harassment at work in antidiscrimination law since 2016. They are for attorneys who provide free legal advice to victims of discrimination. It has been done in association with the NGO “Pro bono alliance”.

The **Institute of Women and for Equal Opportunities** in Spain provides on-line trainings on gender equality in employment and at the work place through the Virtual Gender Equality School⁵⁵, including specific trainings with a special focus on violence against women, sexual harassment and harassment based on sex.

2.5 Cooperation and Partnerships

Cooperation between equality bodies and other national institutions and organizations is a valuable tool that can help and strengthen the work of equality bodies to combat violence against women. Equality bodies hold extensive knowledge and experience which can bring added value to already existing or new institutional structures and mechanisms that work to help victims of gender-based violence.

A Liaison committee called “equality between women and men” in France is composed of around fifteen associations working to achieve equality between women and men, including the **Defender of Rights**. The objective is to create a connection between different associations and institutions through dialogue and exchange of good practices and legal

⁵⁴<http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/AA620930AC89D415C22582C7002A8419?OpenDocument>

⁵⁵ <https://www.escuelavirtualigualdad.es/>

strategies. By being part of this committee, the Defender of Rights has access to important information and issues that are raised by individuals who seek help from the participating associations.

Since 2009, the **Institute for the Equality of Women and Men** in Belgium has participated in one of the JEP (*Jury d’Ethique Publicitaire*, Jury of Ethics in Advertising) Trial Jury Groups, which is a self-regulatory body of the advertising sector in Belgium. The JEP deals with complaints against advertisements on a weekly basis and they examine whether advertising messages broadcasted in the media correspond to the rules of advertising ethics. The Belgian Institute submit complaints to the JEP as a competent body while retaining the possibility to intervene, where appropriate and where the law allows it. As a result of the almost immediate reaction of the JEP, the process of modifications or withdrawal of an advertisement has accelerated.

The **Ombudsman for Equality** in Finland is part of the Network of Finnish Authorities (including ministries and equality bodies) focusing on building capacities to combat hate speech and hate crime with the aim to develop cooperation among the different authorities on these issues.

The **Institute of Women and for Equal Opportunities** in Spain, in collaboration with the Spanish Government Delegation for Gender-Based Violence, has developed an initiative called “Companies for a society free of gender-based violence”, in which 66 public and private organizations show their full commitment to the eradication of gender-based violence, not only conducting awareness raising campaigns among their staff, suppliers and customers, but also committing themselves with the labour inclusion of gender-based violence victims.

3. CASES BY EQUALITY BODIES

Many equality bodies can play a key role in directly assisting victims. Equality bodies all around Europe provide legal advice to women who are suffering harassment in the workplace, in many professional sectors. Some equality bodies can also intervene in cases of gender-based violence, especially when the state institutions have failed to protect the victims. When they have a mandate to act, equality bodies are able to assist victims of sexist and gender-based hate speech.

3.1 Gender-based Harassment

The casework of equality bodies shows that women are particularly exposed to gender-based harassment in the work place. Unlawful behavior by managers and co-workers towards women simply because of their gender and the lack of internal codes of conduct appears to be a major issue. Equality bodies across Europe play a crucial role to support victims and ensure that action is taken to combat gender-based harassment within, and outside, the work place.

The number of complaints received by **NCPE (National Commission for the Promotion of Equality)** in Malta alleging sexual harassment in the past years is: 1 in 2018; 0 in 2017 and 2016, and 3 in 2015. The NCPE's research study (December 2010)⁵⁶ on underreporting of discriminatory incidents has also revealed that 14% of survey respondents reported that sexual harassment was the type of discrimination they experienced on the ground of gender as opposed to other forms of discrimination.

In 2017, 12% of work-related notifications submitted to **the Institute for the Equality of Women and Men in Belgium** were related to intimidation in the workplace. Around 7 % of the total number of notifications they received related to the anti-sexism law in Belgium.

Since 2006, in Germany, the **Federal Anti-Discrimination Agency** received around 700 complaints on sexual harassment related to the workplace.

In 2016, in a case concerning harassment in the workplace and discrimination on the grounds of gender and ethnic origin, the **Commissioner for Administration and Protection of Human Rights** in Cyprus concluded that the employer failed to examine the complaint and take appropriate measures to protect the victim. The Commissioner recommended the employer to draft a code of practice for the prevention and combating of sexual harassment within the next three months.

⁵⁶https://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Strengthening_Equality_Beyond_Legislation/underreporting.pdf

In a decision issued by the **Office of the Equal Opportunities Ombudsperson** in 2017 in Lithuania concerning an actress who was sexually harassed by the head of a theater, the Ombudsperson warned the director about his unacceptable behavior and for violating the law. The Minister of Culture was informed about the decision and consequently dismissed the director from his service. After criminal proceedings, the director was found guilty of compelling the actress to have sexual intercourse or otherwise satisfy sexual desires and sentenced to 44 days of arrest.

In 2015, four women and one man of North African origin, all employed by a cleaning company, experienced daily harassment and sexist insults by their employer. The incidents were reported, and **the Defender of Rights** in France concluded that the work climate of the employees worsened because of the constant sexual harassment, including sexually suggestive language and gestures of a sexual nature. In agreement with the observations made by the Defender of Rights, the cleaning company was convicted by the Employment Tribunal (Conseil des Prud'Hommes) for sexual and moral harassment and for discriminating against employees.

In 2017, following the observations of **the Defender of Rights** in France, a Court of Appeal also convicted the employer of a female journalist despite the fact that she was not directly sexually targeted. She had to stand continuous provocation and dirty and offensive jokes from her male colleagues that became unbearable. The Court ruled that she suffered from sexual harassment that was triggered from a hostile working environment.

The Ombudsperson for Gender Equality in the Republic of Croatia filed a criminal complaint as a result of suspicion of sexual harassment committed by a private employer (owner of a small chain store) against his employee. The criminal investigation confirmed the existence of a reasonable suspicion of sexual harassment as the employer tried to engage in sexual intercourse with the employee as a compensation for the alleged debt that she supposedly caused.

The **Greek Ombudsman** intervened in a complaint for sexual harassment of a female worker in a small business. She complained to the Labor Inspectorate that a few days after her recruitment her employer made an inappropriate sexual gesture to her, and that she was unfairly dismissed after she voiced her refusal to work with him afterwards. At the meeting which took place in the Labour Inspectorate (gathering the employee, the employer and the representatives of the Greek Ombudsman), the employer accepted that he had made the mentioned gesture but claimed that he did not intend to sexually harass the employee. The Ombudsman concluded that the employer's action was sexual harassment against the employee and recommended the Labor Inspectorate to fine the employer, which was upheld.

The **Public Defender of Rights** in Czech Republic received a case on sexual harassment in education, in 2019. Employees of one Czech university approached the Defender for instances on multiple female students who claim to have been sexually harassed by a male teacher,

who is also a head of department. The Defender provided them with general antidiscrimination information on sexual harassment, and the case is ongoing.

3.2 Violence

When they have the mandate to act, equality bodies can be key actors in the process of ensuring that administrative and criminal proceedings are initiated in cases of violence against women. By supporting victims of systematic violence and clarifying legal norms in national laws that prohibit violence against women, equality bodies can contribute to more improved and effective investigations by the police and other relevant institutions. Even when they do not have a mandate to directly assist victims of violence, they can provide psychological support to victims or general legal advice on where to turn, and they can issue recommendations to legislators to make it an aggravating circumstance.

The Ombudsperson for Gender Equality in the Republic of Croatia requested the police to provide her with information regarding a case of gender-based violence and sexist hate crime where a daughter was physically and psychologically harassed by her father because of her sexual orientation. The Ombudsperson wanted to draw attention to the definition of hate crime and the applicable legal norms in the Gender Equality Act in Croatia. The Ombudsperson made a recommendation to the police that when a crime is committed with a motive based on prejudices based on the victim's sexual orientation (or someone's race, skin color, religion, national or ethnic origin, language, disability, sex or gender identity), it should be qualified, investigated and prosecuted as hate crime.

The Institution of Human Rights Ombudsman in Bosnia Herzegovina intervened on 5 February 2019 following a complaint regarding the failure of the Prosecutors' Office to act upon a filed criminal complaint involving domestic violence. Following the intervention of the Ombudsman, the Prosecutors' Office initiated court proceedings against the perpetrator.

A social care centre in the city of Belgrade ignored and diminished a case of domestic violence because of the ethnic/national origin of the victim (Roma), in 2016. After the proceedings and based on the available information, **the Commissioner for the Protection of Equality** in Serbia issued an opinion expressing that by refusing to note the report on domestic violence the centre exposed the employee to discrimination on the grounds of her gender and nationality.

In an attempt to gain a conviction for an honor crime and that sex would be acknowledged as an aggravated circumstance, **the Belgian Institute for the Equality of Women and Men** became a civil party in a case where a woman was murdered by her brother in 2007, with support from her parents because she had dishonored them by refusing an arranged marriage and for not adhering to the typical role of a female in her culture. The parents and brother of the girl were found guilty of premeditated murder, and sex was considered an aggravating circumstance. They were also convicted for attempting to force the girl to marry.

In 2016, following a complaint filed by a woman who was victim of abuse by her ex-spouse, **the Defender of Rights** in France criticized the measures taken by the police. They specifically criticized the lack of dissuasive measures to uphold the prohibition of contact with the victim, as well as the lack of fast and peaceful resolution of the conflict, keeping in mind the emergency in protecting a victim of spousal abuse.

The **Commissioner for Human Rights** in Poland had a case in which a husband wanted to put his wife in a psychiatric hospital without her consent. The wife had already been diagnosed as a victim of domestic violence. After analyzing the documents, the Commissioner joined the court proceeding. The Commissioner's lawyers indicated before the court that the expert's opinion in the files of the case raises serious doubts as to its reliability in the area of mental health of a woman. The husband withdrew his application.

3.3 Hate Speech

Equality bodies with a mandate to investigate cases of online and offline hate speech play an important role to ensure that hate speech, including sexist hate speech, is recognized as a serious problem. The work of equality bodies on this topic can trigger the development of measures to combat the phenomenon in different spheres of life and contribute to appropriate and clear definitions of hate speech.

The Institution of Human Rights Ombudsman of Bosnia Herzegovina initiated, on 6 December 2017, an investigation procedure concerning insults addressed to female journalists on social media by the Deputy Secretary General of the presidency of Bosnia Herzegovina. According to the recommendation issued by the Ombudsman, the insults included comments on the physical appearance of journalists and the use of degrading language which resulted in a violation of the dignity of those persons.

In 2017 the **Belgian Institute for the Equality of Women and Men** submitted a complaint on behalf of a female public figure before the Council of Journalists against an online magazine. The magazine had published a sexist article about the woman after she had participated in the public debate on #MeToo. The article contained old nude pictures of the female public figure from the 80's. In 2018 the Council of Journalists estimated that the article breached the deontological code for journalists.

ANNEX: Legislative Frameworks - Various National Laws on Gender-based Violence, Harassment and Sexist Hate Speech

Equality bodies are crucial actors in the implementation of laws that specifically forbid any kind of violence and harassment against women. In addition to the legal dimension of combating and preventing this phenomenon, equality bodies also take an active role to ensure that codes of conduct are developed, implemented and respected by employers on all levels. However equality bodies that operate under national human rights institutions (Ombudsman) have wider possibilities of action, also outside the labor market.

Among the countries, the reality of law is quite diverse:

- In **Portugal** for instance, sexual harassment is at the penal code since 2015.
- In **Belgium**, the **Welfare Law** describes the obligations of employers to prevent **harassment** as well as the procedures that need to be in place to respond to violence or harassment in the workplace. The **Social Penal Code** defines the sanctions for the person committing the violence or (sexual) harassment in the workplace (prison sentence and/or a fine) and for the employer that does not take any protective or preventive measures (a fine). Since 2014 Belgium also has an **Anti-sexism law**. This law criminalizes a gesture or behavior in the public sphere, aimed at one or more identifiable person, that has the intention to express contempt for that person because of her/his gender, or to regard her/him as inferior because of their gender, or to reduce her/him mainly to her/his sexual dimension; and which leads to a severe infringement of their dignity. Furthermore the Criminal Code also foresees in an **aggravating circumstance** for certain crimes if they are motivated by the hatred, contempt or hostility against someone because of their sex.
- In **Bosnia and Herzegovina**, the legal frame for **domestic violence** is under the family laws of the Federation of BiH and Republika Srpska . The crime is also grounded as gender-based violence.
- In **Croatia**, the Criminal Code prescribes that crimes committed because of someone's race, skin color, religion, national or ethnic origin, language, disability, **sex, sexual orientation or gender identity** need to be qualified as aggravating circumstance, if heavier punishment is not specifically prescribed.
- **Spain** has a broad legal framework prohibiting and combating gender-based violence. In the last years, some advances have been made that mark an important step forward, including legislative reforms, culminating with the adoption of the State Pact against Gender-Based Violence, in 2017, and with the assumption by the Government Vice-presidency of the responsibility for questions of equality, including public policies for combating violence against women, in June 2018. More detailed information can be found

in the Report submitted by Spain pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report⁵⁷).

In some countries, codes of conduct were adopted in order to deal with harassment, and equality bodies played a crucial role:

- In **Portugal**, in August 2017, new provisions on sexual harassment were introduced in the Portuguese Labour Code. To ensure that the provisions were complied with, the **Commission for Equality in Labour and Employment (CITE)** in Portugal prepared and published guidelines for companies on how to develop a Code of Conduct on countering sexual harassment in the workplace.
- In **Cyprus**, the **Commissioner for Administration and Protection of Human Rights** initiated the development of a Code of Conduct on Preventing and Combating Harassment and Sexual Harassment in Public Services. The Code was approved in July 2018 and clearly identifies harassment on the ground of gender and sexual harassment as gender-based violence and underlines two crucial aspects: The importance to prevent this phenomenon and; the obligation to ensure that a strict procedure is followed when complaints are submitted by victims. The Commissioner will ensure the implementation of the Code by providing trainings and raising awareness to Public Authorities.
- The “Intimate Partner Violence Risk Assessment Instrument” is a tool supported by the **Belgian Institute for the Equality of Women and Men**, which is available free of charge and online, and offers professional practical means on how to assess problematic situations immediately, effectively and in a structured way.
- The **French Defender of Rights** developed a number of tools aiming to contribute to the prevention and combating of sexual harassment in workplace. Among those tools, guides⁵⁸ on actions that have to be taken in case of sexual harassment in public administrations and for non-discriminatory assessment of female dominated jobs are included.

⁵⁷ <https://rm.coe.int/state-report-from-spain/16809313e0>

⁵⁸ <https://www.defenseurdesdroits.fr/fr/outils-list?tid=572>

Equinet Member Equality Bodies



ALBANIA

Commissioner for the Protection from Discrimination
www.kmd.al

AUSTRIA

Disability Ombudsman
www.behindertenanwalt.gv.at

Ombud for Equal Treatment
www.gleichbehandlungsanwaltschaft.at

BELGIUM

Unia (Interfederal Centre for Equal Opportunities)
www.unia.be

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

BOSNIA AND HERZEGOVINA

Institution of Human Rights Ombudsman
www.ombudsmen.gov.ba

BULGARIA

Commission for Protection against Discrimination
www.kzd-nondiscrimination.com

CROATIA

Office of the Ombudsman
www.ombudsman.hr

Ombudsperson for Gender Equality
www.prs.hr

Ombudswoman for persons with disabilities
www.posi.hr

CYPRUS

Office of the Commissioner for Administration and the Protection of Human Rights (Ombudsman)
www.ombudsman.gov.cy

CZECH REPUBLIC

Office of the Public Defender of Rights
www.ochrance.cz

DENMARK

Board of Equal Treatment
www.ast.dk

Danish Institute for Human Rights
www.humanrights.dk

ESTONIA

Gender Equality and Equal Treatment Commissioner
www.volinik.ee

FINLAND

Ombudsman for Equality
www.tasa-arvo.fi

Non-Discrimination Ombudsman
www.syrjinta.fi/en/

FRANCE

Defender of Rights
www.defenseurdesdroits.fr

GEORGIA

Public Defender (Ombudsman)
www.ombudsman.ge

GERMANY

Federal Anti-Discrimination Agency
www.antidiskriminierungsstelle.de

GREECE

Greek Ombudsman
www.synigoros.gr

HUNGARY

Equal Treatment Authority
www.egyenlobanasmod.hu

Office of the Commissioner for Fundamental Rights
www.ajbh.hu

IRELAND

Irish Human Rights and Equality Commission
www.ihrec.ie

ITALY

National Office against Racial Discrimination - UNAR
www.unar.it

KOSOVO*

Ombudsperson Institution
www.oik-rks.org

LATVIA

Office of the Ombudsman
www.tiesibsargs.lv

LITHUANIA

Office of the Equal Opportunities Ombudsperson
www.lygybe.lt

LUXEMBOURG

Centre for Equal Treatment
www.cet.lu

MALTA

National Commission for the Promotion of Equality
www.equality.gov.mt

Commission for the Rights of Persons with Disabilities
www.crp.org.mt

MOLDOVA

Council on Preventing and Eliminating Discrimination and Ensuring Equality
www.egalitate.md

MONTENEGRO

Protector of Human Rights and Freedoms of Montenegro (Ombudsman)
<http://www.ombudsman.co.me/>

NETHERLANDS

Netherlands Institute for Human Rights
www.mensenrechten.nl

NORTH MACEDONIA

Commission for Prevention and Protection against Discrimination
www.kzd.mk/mk/

NORWAY

Equality and Anti-Discrimination Ombud
www.ldo.no

POLAND

Commissioner for Human Rights
www.rpo.gov.pl

PORTUGAL

Commission for Citizenship and Gender Equality
www.cig.gov.pt

Commission for Equality in Labour and Employment
www.cite.gov.pt

High Commission for Migration
www.acm.gov.pt

ROMANIA

National Council for Combating Discrimination
www.cncd.org.ro

SERBIA

Commission for the Protection of Equality
www.ravnopravnost.gov.rs

SLOVAKIA

National Centre for Human Rights
www.snspl.sk

SLOVENIA

Advocate of the Principle of Equality
www.zagovornik.gov.si

SPAIN

Council for the Elimination of Racial or Ethnic Discrimination
www.igualdadynodiscriminacion.msssi.es

Institute of Women and for Equal Opportunities
www.inmujer.es

SWEDEN

Equality Ombudsman
www.do.se

UNITED KINGDOM - GREAT BRITAIN

Equality and Human Rights Commission
www.equalityhumanrights.com

UNITED KINGDOM - NORTHERN IRELAND

Equality Commission for Northern Ireland
www.equalityni.org

**This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.*



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