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Discussion Note on the Concept of Sexism:
Elements for a Possible Definition

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Introduction

The term “sexism” is relatively recent; it was first used in the 1960s in the United States.¹ Even though today this word is widely used by all actors in society, including by the media, the general public, and in public policy discourse, it has been little addressed in legal or policy contexts. It is therefore very likely that people have different understandings or perceptions of what is considered “sexism” or “sexist”. This is not helped by the fact that there is no internationally accepted definition.

The initial meaning given to the word sexism in the 1960s focused on an ideology based on beliefs and assumptions that women were inferior to men. Indeed, while the phenomenon was not named for a long time, a sexist ideology was until recently part of Western culture, it was also present in values protected through legislation (e.g. it was lawful to discriminate against women in many fields and countries until not so long ago). While sexism as a dominant system of beliefs implying the inferiority of women compared to men is no longer the norm in European countries, sexist acts or behaviour (even subtle) confirm its continued existence today. In addition, certain important social or cultural norms and actors continue to provide legitimacy to the inequality between women and men and to women’s alleged inferiority. This may include religions (which defend a submissive role for women and/or exclude them from most religious functions), some political movements as well as philosophical theories. While initially sexism related to beliefs only, more recent understandings of the term sexism, such as the definitions used in dictionaries, or in existing legislation or policy documents, also include certain acts or behaviour.

The Oxford English Dictionary gives the following definition of sexism “*the assumption that one sex is superior to the other and the resultant discrimination practised against members of the supposed inferior sex, especially by men against women; also conformity with the traditional stereotyping of social roles on the basis of sex*”.² The Inter Press Service also provided an interesting definition of sexism in 2010: “*The supposition, belief or assertion that one sex is superior to the other, often expressed in the context of traditional stereotyping of social roles on the basis of sex, with resultant discrimination practised against members of the supposedly inferior sex.*”³

¹ Caroline Bird (1968) “On Being Born Female”, *Vital Speeches of the Day* (p. 6), quoted in Fred R. Shapiro, [Historical Notes on the Vocabulary of the Women’s Movement](#), *American Speech*, Vol. 60, No. 1 [Spring 1985]] pp. 3-16.

² Oxford English Dictionary, Second Edition, Clarendon Press, Oxford, UK, 1989.

³ Source: Inter Press Service (IPS), [IPS Gender and Development Glossary 3rd Edition, A Tool for Journalists and Writers](#) (2010).

While the concept of sexism was originally used only in relation to women, the more recent trend is to use it in a more general way, whereby it is considered that men and others can also be confronted with sexism. Nevertheless, women are generally much more affected by the phenomenon as victims (at work, in the public space, in the media, in social interactions) and they also commit sexist acts to a lesser extent than men.⁴ The fact that men are still the dominant group (in terms of access to and control over power and resources) as well as the centuries of oppression and continued discrimination that women have experienced, all have an impact on the way women and men experience sexism and react to this phenomenon.

Sexism is also one of the causes for the pervasive gap between *de jure* and *de facto* gender equality in our member states. It has been argued that existing legislation to combat sex-based discrimination and the increased attention given to this concept has led to less focus on sexism as such.⁵ At the same time, in more recent years, the newer generation of feminist/women's organisations, researchers and to some extent public bodies, have started to use the words "feminism" and "sexism" more frequently. For example, the first objective of the Council of Europe Gender Equality Strategy 2014-2017, focused on "Combating Gender Stereotypes and Sexism" specifically refers to the need to "*combat sexism as a form of hate speech*". In this context, the Council of Europe organised a seminar in 2016 and published different documents on this topic.⁶ Mobilisation against sexism in a variety of settings (online, in the public space, at work) aimed at deconstructing different types of sexism, combating it and adopting defence strategies is also on the rise in a number of member states.

1. Links between existing legal definitions and the concept of sexism

Defining sexism is difficult as it covers a wide range of acts and behaviours, including forms of sex-based discrimination, harassment, hate speech, sexual harassment, stalking and sexual or psychological violence. Some of these manifestations of sexism are already covered by existing Council of Europe standards. The word sexism is also used to describe acts of "everyday sexism" that are considered by many as "less harmful", including speech and behaviour. - These are not covered by existing standards or policies. This includes for example using humour, jokes, false compliments, unwanted remarks by strangers or subtle exclusion strategies (interruptions, ignoring an opinion, "mansplaining"⁷, using somebody's ideas without

⁴ See for example article « Zur "Sexismus-Debatte": Ein Kommentar aus wissenschaftlicher Sicht » Charlotte Diehl, Dipl.-Psych., Jonas Rees, Dipl.-Psych., MSc, Prof. Dr. Gerd Bohner, Dipl.-Psych., University Bielefeld, Germany, 2013.

⁵ As argued in the paper "Définition du concept de 'sexisme'", Institute for the Equality of Women and Men, Belgium, 2009.

⁶ More information: <http://www.coe.int/en/web/genderequality/sexist-hate-speech>

⁷ Mansplaining (made up of the words man and explaining) can be defined as explaining something to someone, typically a man to woman, in a manner regarded as condescending or patronizing and without regard to the fact that the person who is being talked to knows more than the explainer.

acknowledgement etc.). These acts are more difficult to categorise, identify or tackle from a legal perspective.

Sexism is closely related to both the notions of sex-based discrimination and of gender-based violence. Sexism is a broader notion than discrimination but they both feed on each other. Sometimes sexism is assimilated to discrimination and in other cases, it can lead to discrimination. With relation to gender-based violence, theories around the continuum of violence against women⁸ see acts of everyday sexism as the invisible part of an iceberg culminating in acts of sexual abuse, rape and femicide/murder. In the same way, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which is legally binding for state parties, recognises violence against women as a violation of human rights and a form of discrimination against women.⁹ This notion of continuum of violence is helpful as it shows multiple manifestations of sexism¹⁰ and contributes to identify and denounce acts that can be regarded as “harmless” but which can also have a profound impact on victims and perpetuate gender inequalities and gender-based violence. Making the link also contributes to promoting a zero tolerance policy towards all forms of gender-based violence. Indeed, sexism is a major cause of violence against women and can constitute violence in itself.

The difficulty resides in defining forms of sexism that are not already assimilated to forms of discrimination and/or violence. Recalling existing definitions of indirect discrimination and harassment can also be pertinent in this regard.

According to the UN Committee on Economic, Social and Cultural Rights, “*Indirect discrimination occurs when a law, policy or programme does not appear to be discriminatory, but has a discriminatory effect when implemented. This can occur, for example, when women are disadvantaged compared to men with respect to the enjoyment of a particular opportunity or benefit due to pre-existing inequalities. (...)*”.¹¹ European Union (EU) 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 defines indirect discrimination as follows: “*where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and*

⁸ This concept was first outlined by Liz Kelly in *Surviving Sexual Violence* (1988).

⁹ Istanbul Convention, Article 3§a, more information: <http://www.coe.int/en/web/istanbul-convention/home>

¹⁰ As also argued in the Opinion of the French Haut Conseil à l’Egalité entre les femmes et les hommes “Avis sur le harcèlement sexiste et les violences sexuelles dans les transports en commun”, April 2015.

¹¹ General Comment No. 16 (2005) – The equal rights of men and women to the enjoyment of all economic, social and cultural rights (Article 3 of the *International Covenant on Economic, Social and Cultural Rights*) of the UN Committee on Economic, Social and Cultural Rights (E/C.12/2005/4, 11 August 2005).

necessary."¹² These definitions point to practices which are apparently neutral but rather create a disadvantage and should be prohibited when not appropriately justified. They therefore point at phenomena related to a person's sex and which can be prejudicial, but which are not immediately visible or identifiable. This could correspond to some manifestations of sexism.

The concept of harassment based on sex in the same EU Directive is defined as follows: "*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*". This definition covers acts that are not of a sexual nature, but which are related to the sex of a person. This notion can be useful when reflecting on a definition of sexism, as it implies that some acts can be prohibited under anti-discrimination legislation without necessarily implying a comparison with another group, as it is the case with the concept of discrimination itself.

2. Existing legal definitions of sexism in Council of Europe member states

In recent years, legislative debates in Belgium and in France have led to new laws introducing legal definitions of sexism and sexist behaviour in specific fields.

a) Definition in the 2014 Belgian legislation on combating sexism in the public space¹³

The Belgian law on sexism in the public space is the only existing legal definition of sexism in Council of Europe member states. The law defines sexism as an autonomous offence (as opposed to an aggravating circumstance for other offences); so as to give visibility to the fact that sexism alone is an offence reprehensible by law. Sexism in the public space (as defined by the law) is punishable "*by a prison term from one month up to one year and a fine of fifty to one thousand euros, or only one of these penalties.*" The aim is also to give a strong signal that certain forms of sexist behaviour are not acceptable.

The Belgian law defines sexism as follows:

"[...], sexism is understood to be any gesture or act in circumstances referred to in Article 444 of the Penal Code [= in public circumstances] that is clearly aimed at expressing contempt towards a person, based on his or her sex, or, for the same reason, to consider that person as

¹² Directive 2006/54/EC of the European Parliament and of 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).

¹³ Act of 22 May 2014 aiming to combat sexism in the public space, modifying the Act of 10 May 2007, Article 2, Belgium.

inferior or essentially reduced to his or her sexual dimension, resulting in a serious violation of his or her dignity."¹⁴

This definition specifies the scope of the Belgian law, where five constitutive elements of sexism can be identified:

- 1) "*Any gesture or act*": the law condemns any physical or verbal act, insults and obscene gestures, contemptuous or demeaning remarks or attitudes, (even if not injurious or of a bullying nature).
- 2) "*In public circumstances*": The act must take place in public (in the street or in public transport for example) or in the presence of several people (including in a private place or at work), on an internet blog, on social networks, in the media, etc.
- 3) "*that is clearly aimed at*": the act must be intentional, with the clear purpose of harming the victim. This intention can be inferred by the attitude or behaviour of the author and by the nature of the act. This presupposes a certain level of gravity, subject to the judge's discretion.
- 4) Targeting "*one person*": the act or behaviour must not target an abstract group (for example, women in general), but be aimed at one or several clearly identified persons on the basis of their sex. Both women and men can be victims of sexism and they need to be identifiable. Sexist advertising is therefore not covered by the law.
- 5) "*Expressing contempt towards a person based on his or her sex or essentially reduced to his or her sexual dimension resulting in a serious violation of his or her dignity*": The perpetrator of the sexist act clearly intends to humiliate the person because of her or his sex, either despising her/him, considering her/him as inferior or reducing them to her or his sexual dimension (these are non-cumulative criteria), which violate the person's dignity. It is up to the judge to determine the severity of the acts concerned and whether they constitute "*a serious violation of the dignity of the person*".

The law and definition adopted in Belgium focus on a specific field of application: the public space and public meetings in general. However, this scope can be broad as, according to Article 444 of the Belgian Penal Code (mentioned in the definition), sexism can also cover acts taking place anywhere if committed in front of the victim and in the presence of witnesses, as well as

¹⁴ Ibid, free translation by the Belgian Institute for the Equality of Women and Men). Original French version: « *tout geste ou comportement qui, dans les circonstances visées à l'article 444 du Code pénal, a manifestement pour objet d'exprimer un mépris à l'égard d'une personne, en raison de son appartenance sexuelle, ou de la considérer, pour la même raison, comme inférieure ou comme réduite essentiellement à sa dimension sexuelle et qui entraîne une atteinte grave à sa dignité.* »

acts directed at a person in a private place that is “open to a certain number of people who have the right to visit or meet there”.¹⁵

With regard to the seriousness of the offence, the law introduces some limitations as the violation of the victim’s dignity must be “serious”. One could therefore infer that acts of everyday sexism, such as using humour or patronising remarks, ignoring or interrupting people (in particular in the case of women in a professional environment) would not be covered by the law. However, the definition leaves a rather broad margin of appreciation to the judge and it will be important to monitor future case law in this respect. It should also be noted that the Belgian law does not require a repetition of acts for them to qualify as sexism.

Finally, it is important to mention that the legal action brought against the law to combat sexism in the public space before the Belgian Constitutional Court in January 2015, was rejected on the basis of alleged lack of clarity of the law and its incompatibility with the right to freedom of expression. In its May 2016 judgment, the Constitutional Court rejected all the claims put forward and recalled the objectives of the law: to protect the rights of victims from sexist behaviour, to guarantee the equality between women and men as a fundamental value of society benefiting all its members, and to have an educational and preventive effect.

b) Definition in the 2015 French legislation on sexist acts at work

In France, a new law was adopted in August 2015 to complete the legal framework against sexual harassment and harassment at work. The new law introduces a provision addressing “sexist acts” at work.¹⁶ In parallel to this, a report published by the French High Council for Equality between Women and Men, concerning sexism in public transports, included some indications about the concept of sexism (Haut Conseil à l’Egalité entre les femmes et les hommes 2015).

¹⁵ Free translation of Article 444 of the Belgian Penal Code: “ *Le coupable sera puni (...) lorsque les imputations auront été faites : soit dans des réunions ou lieux publics; soit en présence de plusieurs individus, dans un lieu non public, mais ouvert à un certain nombre de personnes ayant le droit de s’y assembler ou de le fréquenter; soit dans un lieu quelconque, en présence de la personne offensée et devant témoins; soit par des écrits imprimés ou non, des images ou des emblèmes affichés, distribués ou vendus, mis en vente ou exposés aux regards du public; soit enfin par des écrits non rendus publics, mais adressés ou communiqués à plusieurs personnes.* »

¹⁶ *Loi n° 2015-994 du 17 août 2015 relative au dialogue social et à l’emploi* [Law n° 2015-994 of 17 August 2015, related to social dialogue and occupation (free translation)].

The new legal provision addresses “sexist acts” at work, as follows:

“No one shall be subjected to sexist acts, defined as any action connected with the sex of a person, with the purpose or effect of violating the dignity of a person, or of creating an intimidating, hostile, degrading, humiliating or offensive environment.”¹⁷

It should be noted that the second part of the definition (from “with the purpose of” onwards) corresponds almost exactly to the definition of harassment in EU law: “unwanted conduct related to the sex of a person (...) with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment”.¹⁸ The only difference between the two texts is that the French law does not include cumulative criteria: the action is defined as either having the purpose or effect of violating the dignity of a person, or of creating an intimidating (...) environment, while according to the EU Directive, the purpose or effect must be both of violating the dignity of a person and of creating an intimidating (...) environment.

The three constitutive elements of a “sexist act” at work, as defined in this French law, are:

1. One or more factual elements, which may take different forms (behaviour, words, act, writings) endured by one or several persons.
2. The act must have the purpose or effect of violating the dignity of the worker-s or to create an intimidating, hostile, degrading, humiliating or offensive work environment.
3. The existence of a link between the actions taken and the sex of the person: the person (or the group of persons) is subjected to these actions because she or he is a woman or a man.

¹⁷ Article L. 1142-2-1 of Law n° 2015-994, 17.08.2015 : « *Nul ne doit subir d’agissement sexiste défini comme tout agissement en raison du sexe, ayant pour objet ou pour effet de porter atteinte à la dignité ou de créer un environnement intimidant, hostile, dégradant, humiliant ou offensant* ». Free translation for the first part; the second part (from “with the purpose of”) is almost identical (except for one word) to the official French version of article 2§1(c) of EU Directive 2006/54/EC, therefore the official English version of article 2§1(c) of EU Directive 2006/54/EC was used in this translation.

¹⁸ Article 2§1(c) of Directive 2006/54/EC of the European Parliament and of 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).

It will be important to monitor future case law on the application of this law by the Courts. The French *Conseil Supérieur de l'Égalité professionnelle entre les femmes et les hommes* has proposed the elements that could help characterise a sexist act at work (Conseil Supérieur de l'Égalité professionnelle entre les femmes et les hommes 2016):

- ✓ The seriousness of the act/s.
- ✓ Their potential frequency and whether they continue overtime.
- ✓ The position of the worker in the workplace (taking into account factors related to vulnerability and hierarchical relationships).
- ✓ The working environment (for example, a male-dominated work environment).

The added value and originality of this definition (compared to existing legislation on harassment or sexual harassment) is that it specifically mentions the word "sexist", which is supposed to help potential victims to identify more easily acts that can enter within the scope of the law. In this sense, and given the existing discrepancy between the results of surveys and studies regarding the phenomena of harassment/sexual harassment/sexism and the number of official reports from victims, it has been argued, in the two countries which adopted laws against sexism, that using the term "sexism" may discourage potential perpetrators and encourage victims to access justice. In addition, the French law obliges employers to implement different types of measures against sexist acts at work, including information or awareness raising activities.

Compared to EU law and to the Belgian law, the wording used in the French law is stronger as it indicates that sexist actions in the workplace are reprehensible, notwithstanding whether the plaintiff is personally targeted by the action. This could include a situation whereby an employee is exposed on a daily basis to a sexist environment, or to comments or behaviour of a sexist nature at work, (even if they are not personally directed at her or him) and can no longer perform her or his missions properly. The text of the French law could also cover acts of everyday sexism at work, such as sexist humour, remarks or jokes, false seduction, over-familial remarks, silencing or ignoring people, unwanted compliments or remarks about physical appearance, lack of respect, exclusion practices etc.

3. Elements for discussion: towards a Council of Europe definition of sexism

On the basis of the above analysis, the concept of sexism could be addressed in a draft Committee of Ministers Recommendation, which could include the following elements:

a) Constitutive elements of sexism and its manifestations: beliefs as well as acts.

While some early definitions of sexism included only notions related to an ideology or beliefs, most recent definitions refer to both beliefs and practices and behaviours which stigmatise or demean people on the basis of their sex. It has to be noted that not all sexist acts imply the full adhesion of the perpetrator to a sexist ideology or belief, even though they may legitimise such beliefs *a posteriori*. There can also be instances of sex-based discrimination that are not based on a sexist ideology. However, although sexist acts and actions do not necessarily imply an underlying sexist system of beliefs by their author, they do occur within a society and institutions alike, where certain traditional conceptions of masculinity and femininity still prevail.

While it is not possible to prohibit beliefs as such, a common understanding of sexism in Council of Europe member states could include acts derived from or corresponding to a sexist ideology or sexist beliefs. This aspect could be covered by the terms “any act, gesture or behaviour” or be more or less developed to include a list of constitutive elements. A general list could include terms such as acts, gestures, behaviour, attitudes, words and writings.

b) Material scope and circumstances

Earlier discussions at the level of the Council of Europe Gender Equality Commission meeting in November 2016 suggested that it would be more useful to qualify the harmful actions as such, rather than list the potential material scope in a new standard. Even though some areas may be more prone to acts of sexism or to specific forms of sexist actions (social media, the public space, the work place), the actions themselves and their impact on victims are similar. It is therefore suggested not to limit the material scope: sexist acts can take place in any area of life, both in the public and in the private sphere. It can be noted however, that some circumstances can add to the seriousness or impact of the act or to the capacity of the victim to react. It is the case if such acts take place within hierarchical or dependency relationships, notably at work, in an educational or medical setting or in the framework of (public) services or within commercial relationships.

Regarding existing legislation, the French law applies only to the work place. And if at first sight, the material scope of the Belgian law on sexism may seem limited (the public space), the Article of the Belgian Penal Code mentioned in the definition seems to leave the door open for a broad interpretation, as long as the sexist acts are carried out in front of witnesses.

The question of witnesses is an issue that needs to be addressed as it may facilitate the proof of the sexist actions but it may also make it more difficult, if there are different testimonies or diverging interpretations of the facts. In addition, this condition is contrary to the spirit of existing standards notably in the field of preventing and combating violence against women, whereby one of the main aims has been precisely to bring the so-called “private” matters into the remit of the justice system and to give weight to the voice of victims. For example, the European Court of Human Rights has found that *“interference by the authorities with the private and family life may become necessary in order to protect the health and rights of a person or to prevent criminal acts in certain circumstances”*.¹⁹

c) Motivation: the sex of the person-s or harmful gender stereotypes

Sexist acts imply the existence of a link between the harmful actions and the sex of the person: the person or group of persons are subjected to harmful actions because they are women or men or because they don't conform to traditional gender norms or roles. Reference could also be made to beliefs regarding the inferiority of one sex, usually women, compared to the other, usually men. Women remain the main targets of sexism and experience it in a different way than men. This is also in line with the Istanbul Convention, which specifically mentions that *“historically unequal power relations between women and men”* and acknowledges the *“structural nature of violence against women”* and the fact that *“women and girls are exposed to a higher risk of gender-based violence than men”*.²⁰

d) Intention of the perpetrator

The Belgian law requires a clear purpose to harm a person for an act to qualify as sexist. However, one could argue that sexism is defined by the result rather than the intent. If a person is accused of sexism, it is not a comment on their intent or character, but rather on the message that they convey.²¹ In addition, while sexism is still rampant in Europe, the dominant norm is

¹⁹ *B. v. Moldova* (2013), at 46; also *Opuz* (2009), at 144; *Bevacqua* (2008), at 83.

²⁰ Extracts s from the Preamble of the Istanbul Convention.

²¹ For example, according to conclusions of the Council of Europe European Committee of Social Rights (ECSR), it is the notion of perception and not intention that prevails in cases of sexual harassment: *“Irrespective of admitted or perceived grounds, harassment creating a hostile working environment shall be prohibited and repressed in the same way as acts of discrimination, independently from the fact that not all harassment behaviours are acts of discrimination, except when this is presumed by law”*, European Committee of Social Rights, Conclusions 2007, Statement of Interpretation on Article 26 of the European Social Charter.

the gender equality ideal, of which all segments of the population should be aware, even if not all adhere to it. Therefore, one could argue that in many cases, authors of sexist acts, including less obvious ones such as alleged jokes or fake/inappropriate compliments, are aware that this type of behaviour is sexist/inappropriate. In addition, while research is scarce in this area, some studies have shown that women and men largely agree about which remarks or jokes in an interaction with the other sex can be qualified as sexist or unpleasant.²² Intentionality should therefore not be a mandatory element for a definition of sexism.

e) Does the sexist act need to target a specific person?

The Belgian law against sexism in the public space applies only if the act targets a specific, identifiable person. A general standard of the Council of Europe could be broader and include women and men and others, as potential targets, even if the act does not target a person specifically. Then inclusion of the term "others" can be considered as a way to acknowledge different gender identities. On the other hand, it is important not to create confusion and overlap with existing legal standards and policy tools aimed at combating homophobia or trans-phobia.

Reference could also be made to the fact that women are disproportionately affected by sexism and that some groups of women may be more vulnerable or more targeted by different acts of sexism in different settings, such as for example young women or women in positions of power in the public and private sectors.

f) The negative impact of sexism on the victim-s

One of the constitutive elements of sexist acts is their impact on victims. Some definitions consider that sexism results in discrimination against the members of the supposedly inferior sex, which is certainly the case for some acts labelled as sexism but for which existing anti-discrimination legislation can be applied.

In parallel, sexism (mostly against women) is so persistent in most aspects of everyday life in *micro* incidents (the work place, the public space, popular culture, (social) media, daily interactions) that its *macro* social effect is a differential treatment and positioning in the world (mostly of women). This has a negative impact on those who experience it, aggravated by the fact that such acts or statements can take place daily and repeatedly in different settings, but can be very difficult to prove as a form of discrimination or a violation of a person's dignity at the individual level.

²² « Zur "Sexismus-Debatte": Ein Kommentar aus wissenschaftlicher Sicht », Charlotte Diehl, Dipl.-Psych., Jonas Rees, Dipl.-Psych., MSc, Prof. Dr. Gerd Bohner, Dipl.-Psych., University Bielefeld, 2013.

Both the Belgian and the French legislations define the impact of sexism as "*the violation of a person's dignity*", although the violation must be "*serious*" under Belgian legislation. French legislation is less restrictive, as the qualification of sexism can also apply to actions "*creating an intimidating, hostile, degrading, humiliating or offensive environment*", which may capture better the effect of everyday sexism as described above, and also correspond to the wording of EU legislation against harassment and sexual harassment.

The Council of Europe could use a broad notion of sexism that combines the violation of a person's dignity and the creation of an intimidating, hostile, degrading, humiliating or offensive environment.

g) Seriousness of the sexist acts

Belgian legislation requires a certain level of seriousness whose assessment is subject to judicial discretion. Three issues should be taken into account in this regard. Firstly, it would be important not to create confusion and not to address acts that are already covered by existing standards related to anti-discrimination, (sexual) harassment or other defined forms of violence against women. Secondly, academic discussions and the work of women's rights organisations show that there is a need to start naming and addressing acts which can appear as less serious, but which nevertheless have an impact on the everyday life of people (mostly women). These acts can be phenomena of subtle or ambivalent sexism (as listed above), which are more difficult to unveil, deconstruct and sanction, but which have an impact on victims' health, self-esteem, occupation of the public space, career and other opportunities and which in the end also contribute to a general climate of perpetuation of gender inequalities. Sexist acts are contrary to gender equality principles and are closely linked to gender-based violence. There is therefore an important educational aspect in framing and addressing sexism and empowering victims to speak out.

4. Summary: Elements of a possible Council of Europe definition of sexism

Sexism can be understood to be:

a) Any act, gesture or behaviour

i) Connected with the sex of a person or considering that person as inferior or essentially reduced to her or his sexual dimension or

ii) Connected to harmful gender stereotypes

b) Committed in a public or private place

c) With the purpose or effect of:

i) Violating the dignity of a person, or of

ii) Creating an intimidating, hostile, degrading, humiliating or offensive environment.

Women and girls are exposed to a higher risk of sexism.²³ Sexism is also closely related to prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.²⁴

²³ Based on the Preamble of the Istanbul Convention « *Recognising that women and girls are exposed to a higher risk of gender-based violence than men* ».

²⁴ Based on Article 12 of the Istanbul Convention " *Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.*"

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Presentations made at the Gender Equality Commission (GEC):

- ✓ « La loi fédérale belge tendant à lutter contre le sexisme dans l'espace public » (Meeting to discuss the GEC preparatory work to draft a recommendation on combating sexism, 15/11/2016, Alexandra Adriaenssens, Fédération Wallonie-Bruxelles, Belgium).
- ✓ "Legal measures and policy framework to combat sexism in France" (Meeting to discuss the GEC preparatory work to draft a recommendation to combat sexism, 15/11/2016, Romain Sabathier, Haut Conseil à l'égalité entre les femmes et les hommes, France).
- ✓ "La loi du 22 mai 2014 tendant à lutter contre le sexisme dans l'espace public » (GEC meeting 18/11/2015, Eva Abella Martin, Belgian Institute for the Equality of Women and men, Belgium).
- ✓ « Le Conseil Supérieur de l'Égalité professionnelle entre les femmes et les hommes » (GEC meeting 19/11/2015, Brigitte Grésy, Conseil Supérieur de l'Égalité professionnelle entre les femmes et les hommes, France).