

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 12 June 2017

GEC-DC Sexism (2017)4

## GENDER EQUALITY COMMISSION

2nd Meeting of the Drafting Committee to prepare  
a draft Committee of Ministers recommendation to prevent and combat sexism  
(Paris, 22-23 June 2017)

Discussion Document  
with elements for the preparation of the draft recommendation

Document prepared by the Secretariat



## I. Introduction

At its first meeting on 2-3 March 2017, the Drafting Committee agreed:

- to include a preamble with references to relevant standards and agreed texts, a number of focused operative paragraphs with key measures to prevent and combat sexism in member States, and an Appendix to elaborate on the tools that could be applied to prevent and combat sexism;
- to define sexism in the context of, and for the purposes of, the draft recommendation;
- on the need to capture the different sexist behaviours (oral, written, gestures, acts, practices) and to focus on sexist actions in public and private life, while recognising that some fields are more prone to sexism than others;
- that the draft recommendation should refer to the internet and frame the sexist acts covered, including “low level” sexist behaviour in schools and other public places;
- to stress the important role of public authorities to combat sexism in certain activities (judiciary, migration officials, law enforcement, social services, etc.);
- that, in addition to raising awareness, the objectives of the draft recommendation should also address the pervasiveness/prevalence of sexism;
- that the draft recommendation should also provide tools to prevent and combat sexism in member States, highlight good practices at the national level and target key sectors, such as media, education, political bodies, justice, etc.;
- that the draft recommendation should build on existing standards but also bring added value and cover new forms of sexism such as “ordinary” or “everyday” sexism not addressed by existing standards;
- that the scope of the draft recommendation includes men and women, as well as sexism in the private and public spaces (schools, streets, workplace, transport), sexist language, sexist hate speech, sexism in media and advertising;
- to address the links between sexism and the continuum of violence against women, the importance of language and non-sexist communication by public authorities, and the need to take into account the impact of sexism at the level of individuals, institutions and society as a whole, including women and men;

- to look at the examples and experience of member States with laws and tools to combat sexism (Belgium and France);
  - to encourage member States to collect data and carry out surveys to inform action and policy measures to combat sexism;
  - to encourage member States to report on and monitor the implementation of the recommendation.
- 

This document contains a number of options for the Drafting Committee to consider in their preparation of the draft recommendation (based on previous discussions). They are divided in four sections :

- 1) preamble paragraphs
- 2) operative paragraphs
- 3) elements for a possible definition of sexism
- 4) structure of the guidelines to prevent and combat sexism

On the basis of the agreement reached by member States and the instructions to be given to the Secretariat, a draft recommendation will be prepared and submitted for discussion at the third meeting of the Drafting Committee, to be organised in the first quarter of 2018.

\*\*\*

## II. Options for preamble paragraphs

---

- [1] The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
- [2] Considering that the principle of equality between women and men is an integral part of human rights and that discrimination on the ground of sex constitutes an impediment to the recognition, enjoyment and exercise of human rights and fundamental freedoms;
- [3] Recalling that gender equality is central to the protection of human rights, the functioning of democracy and good governance, respect for the rule of law, and the promotion of well-being for all;
- [4] Noting that sexism constitutes a barrier to the empowerment of women and has a detrimental effect on institutions and on society as a whole, as it contributes to the perpetuation of gender inequalities;
- [5] Noting that discrimination against women and girls, including women and girls from disadvantaged groups exposed to multiple and intersectional discrimination, is still widespread, and that some groups of women may face sexism combined with other forms of hatred or harmful behaviour;
- [6] Recalling that the European Court of Human Rights has found that “the advancement of gender equality is today a major goal in the member states of the Council of Europe”, and “references to traditions, general assumptions or prevailing social attitudes are insufficient justification for a difference in treatment on grounds of sex”. Furthermore, the Court agreed that “gender stereotypes, such as the perception of women as primary child-carers and men as primary breadwinners, cannot, by themselves, be considered to amount to sufficient justification for a difference in treatment”;
- [7] Recalling the Council of Europe Strategy for Gender Equality and its objectives to combat gender stereotypes and sexism and to ensure the integration of a gender equality perspective in all policies and measures;
- [8] Taking account of the European Social Charter and its provisions on equal opportunities, non-discrimination and right to dignity at work;
- [9] Recalling that the Council of Europe Convention to Prevent and Combat Violence against Women and Domestic Violence requires Parties to promote changes in the social and cultural patterns of behavior of women and men with a view to eradicating prejudices, customs, traditions and all other practices based on the inferiority of women or on stereotyped roles for

women and men; as well as the criminalisation of online and offline sexual harassment and stalking;

- [10] Having regard to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979), which requires Parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- [11] Bearing in mind the objectives set forward in the Declaration and Platform for Action adopted by the United Nations Fourth World Conference on Women (Beijing, 1995), and in particular the regional review for Europe carried out by UNECE in 2014 which indicated that discriminatory stereotypes remain widespread, preventing women and men from making non-traditional choices and affecting women's education and participation in the economy and in public life;
- [12] Bearing in mind Sustainable Development Goal 5 ("Achieve gender equality and empower all women and girls") and Sustainable Development Goal 16 ("Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels") of the United Nations 2030 Agenda for Sustainable Development, which are of universal application;
- [13] Recalling Recommendation No. R (2007) 13 of the Committee of Ministers on gender mainstreaming in education;
- [14] Recalling Recommendation No. R (2007) 17 of the Committee of Ministers on gender equality standards and mechanisms;
- [15] Recalling Recommendation No. R (2013) 1 of the Committee of Ministers on gender equality and media;
- [16] Bearing on mind PACE Resolution 2144 (2017) and PACE Recommendation 2098 (2017) on "Ending cyber-discrimination and online hate";
- [17] Referring to General Policy Recommendation n° 15 on combating hate speech, adopted by the European Commission against Racism and Intolerance's (ECRI) in December 2015, which includes sexist hate speech;
- [18] Taking account of the Council of Europe Internet Governance Strategy 2016-2021 and its call for monitoring action taken to protect everyone, in particular women and children, from online abuse, such as cyber-stalking, sexism and threats of sexual violence;

- [19] Taking account of the Council of Europe Strategy for the Rights of the Child (2016-2019), which includes in one of its priority areas to fight discrimination on the grounds of gender and promote equality between girls and boys including by continuing to address stereotypes and sexism, notably in the media and education, as well as oversexualisation;
- [20] Mindful that, despite the existence of standards at national, regional and international levels guaranteeing the principle of gender equality, a gap still persists between standards and practice, between *de jure* and *de facto* gender equality.

## Options for operative paragraphs

---

*[The Committee of Ministers]*

I. Recommends that the governments of member States:

1. Take measures to prevent and combat sexism in private and public life, in line with the guidelines annexed to this Recommendation.
2. Encourage relevant stakeholders to implement policies and programmes drawing on the guidelines annexed to this Recommendation
3. Review and update Recommendation No. R (90)4 of the Committee of Ministers on the elimination of sexism from language.
4. Monitor and evaluate progress in the implementation of this Recommendation and inform the competent steering committee/s of the measures undertaken and the progress achieved in this field.
5. Ensure that this Recommendation, including its appendix, is translated and disseminated (in accessible formats) to relevant authorities and stakeholders.

II. Calls on the Secretary General to transmit this recommendation to relevant intergovernmental organisations.



### III. Elements of a possible definition of sexism

---

The Drafting Committee is invited to consider whether the definition of sexism, for the purpose of this recommendation, should be included in the operative paragraphs or in the guidelines to be annexed to the draft recommendation.

---

“Sexism” can be defined by the following elements:

a) Any act, gesture, wording, practice or behaviour,

i) related to the sex of a person, or

ii) treating that person as inferior or essentially reduced to her or his sexual dimension,  
or

ii) reflecting harmful gender stereotypes ,

b) Committed in a public or private place, online or offline,

c) With the purpose or the effect of:

i) violating the dignity of a person or of a group of persons, or

ii) constituting a barrier to the emancipation of a person or of a group of persons, or

iii) resulting in psychological or economic harm or suffering to the person , or

iv) creating an intimidating, hostile, degrading, humiliating or offensive environment.

#### IV. Options for the structure of the guidelines to prevent and combat sexism, to be included in the Appendix to the draft recommendation

---

The Drafting Committee is invited to inform and instruct the Secretariat on the structure and content of the guidelines to prevent and combat sexism so that a draft text is prepared for the next meeting.

---

##### I. Rationale

Sexism is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women.<sup>1</sup> 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.<sup>2</sup>

In addition, sexism is linked to violence against women, whereby acts of everyday sexism are part of a continuum, starting with sexist comments and jokes and culminating in acts of sexual abuse, rape and murder. Sexist acts, including the accumulation of acts of everyday sexism create a climate of fear, exclusion and insecurity and limit life opportunities and freedom, primarily for women, but also for men.

Sexism therefore constitutes a barrier to the empowerment of women, but it also has a detrimental effect on institutions and on society as a whole as it contributes to the perpetuation of gender inequalities.

Women and girls are exposed to a higher risk of sexism<sup>3</sup> and experience it in different ways to men and boys.

For some groups of women who are confronted to different forms of discrimination based on race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status,<sup>4</sup> sexism may be compounded by other forms of harm or exclusion. Some women may be in more vulnerable situations or be targeted by different acts of sexism in different settings, such as young women, women active in a mostly male environment, or women in positions of power in the public and private sectors. Men taking on non-traditional roles or behaviours can also be confronted with sexism.

---

<sup>1</sup> Preamble of the Istanbul Convention.

<sup>2</sup> Article 12 of the Istanbul Convention.

<sup>3</sup> Preamble of the Istanbul Convention "Recognising that women and girls are exposed to a higher risk of gender-based violence than men".

<sup>4</sup> Article 14 of the ECHR.

Some circumstances can add to the seriousness or impact of sexist acts, or to the capacity of the victim to react. This is the case if sexist acts take place within hierarchical or dependent relationships, in particular at work, in an educational or medical setting, in the framework of (public) services or within commercial relationships.

Some areas are more prone to acts of sexism and/or to specific forms of sexist acts and therefore critical to mobilise in taking action to prevent and combat sexism. These include in particular the media, social media, education, language, the public and political space and the work place.

## II. Measures to prevent and combat sexism

### Targets:

- in the field of education
- in the field of media, including social media and advertising
- in the workplace
- in language and communication
- in the areas of sport and culture
- in public services (judiciary, migration officials, law enforcement, social services)
- in the public space
- in political bodies and fora
- as sexist hate speech
- in private life

### Tools:

- awareness-raising measures, including communication campaigns
- self-regulatory tools for the (social) media
- complaint mechanisms for sexism
- data collection
- research
- training
- consider legislative measures, including sanctions

## III. Good practices to prevent and combat sexism

- from member States
- from international organisations
- from civil society

## IV. Reporting and evaluation

- regular reporting by member States on the implementation of the Recommendation
- analysis of information gathered, including possible review/update of the Recommendation