

Strasbourg, 2 February 2018

GEC-DC Sexism (2018)1

## GENDER EQUALITY COMMISSION

Drafting Committee to prepare a draft  
Committee of Ministers Recommendation to prevent and combat sexism  
(GEC-DC Sexism)

Working draft for discussion



PREAMBLE:

[1] The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe;

[2] 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; and that discrimination on the grounds of sex and gender constitutes a violation of human rights and an impediment to the enjoyment of human rights and fundamental freedoms;

[3] Recalling that sexism is a manifestation of historically unequal power relations between women and men, which leads to discrimination and prevents the full advancement of women in society;

[\[new\] Noting that sexism is widespread and prevalent in all sectors and all societies;](#)

[4] Affirming that sexism is a consequence of prevailing gender stereotypes ~~(i.e. preconceived ideas whereby men and women are arbitrarily assigned characteristics and roles determined and limited by their sex)~~ [and](#) runs counter to achieving gender equality [and cohesive societies;](#)

[5] Noting that sexism constitutes a barrier to the empowerment [and freedom](#) of women and girls, who are disproportionately affected by sexist behaviours; and further noting that gender stereotypes and biases also shape the behaviour and expectations of men and boys, and therefore lie behind men's and boy's sexist actions;

[6] Concerned that sexism is linked to gender-based violence against women and girls, whereby acts of "everyday sexism" are part of a continuum of violence which creates a climate of fear, exclusion and insecurity which limits opportunities and freedom;

[7] Noting that [some](#) women and girls can be subject to multiple and intersectional discrimination and may face sexism combined with other forms of discriminatory, hateful or harmful behaviour;

[8] Aware that sexism/sexist behaviours are perpetrated at the individual, institutional and structural levels and experienced with detrimental effect at all three levels; and therefore measures to prevent and combat sexism should ~~also~~ be taken at all three levels;

[9] Having regard to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979), which requires States 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";

[10] 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;

[11] 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;

[12] Recalling that combating gender stereotypes and sexism and ensuring the integration of a gender equality perspective in all policies and measures are priority objectives of the Council of Europe Gender Equality [Strategic documents Strategy 2018-2023](#);

[13] Recalling that the Council of Europe Convention on preventing and combating violence against women and domestic violence requires Parties "... 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"; as well as the criminalisation of online and offline sexual harassment and stalking;

[14] Taking account of the European Social Charter and its provisions on equal opportunities, non-discrimination and the right to dignity at work;

[15] Recalling that the European Court of Human Rights has reiterated that "... the advancement of gender equality is today a major goal in the member States of the Council of Europe", and [that](#) "... references to traditions, general assumptions or prevailing social attitudes ... are insufficient justification for a difference in treatment on grounds of sex". Furthermore, the Court stated 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 ...";

[16] Recalling Recommendation CM/Rec(2007)13 of the Committee of Ministers to member States on gender mainstreaming in education;

[17] Recalling Recommendation CM/Rec(2007)17 of the Committee of Ministers to member States on gender equality standards and mechanisms;

[18] Recalling Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media;

[19] [Recalling Recommendation CM/Rec\(2017\)9 on gender equality in the audiovisual sector](#);

[1920] Referring to General Policy Recommendation No. 15 on combating hate speech, including sexist hate speech, adopted by the European Commission against Racism and Intolerance (ECRI) in December 2015;

[201] Taking account of the Council of Europe Strategy for the Rights of the Child (2016-2021), which ~~includes stresses as one of its priority areas to fight discrimination on the grounds of gender, and the need to~~ fight discrimination and promote equality between girls and boys including by continuing to address stereotypes, ~~and sexism and, as well as over-sexualisation,~~ notably in the media and education, ~~as well as over-sexualisation;~~

[221] Taking account of the Council of Europe Strategy on Internet Governance 2016-2019 and its call for monitoring action to protect everyone, in particular women and children, from online abuse, including cyber-stalking, sexism and threats of sexual violence;

[223] Recalling Resolutions 2144 (2017) and 2177 (2017) of the Parliamentary Assembly of the Council of Europe on “Ending cyber-discrimination and online hate” and “Putting an end to sexual violence and harassment of women in public space”, respectively;

[234] Drawing on the outcomes of implementing the above-mentioned standards at the international, regional, ~~and national~~ and local levels, including achievements and challenges;

[254] 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;

[256] Acknowledging that the prevalence of different manifestations of sexism is closely linked to the persistent difficulties to achieving gender equality, and desirous to tackle sexism as a critical cause and consequence of gender inequality;

[new] Noting the lack of an internationally-agreed definition of sexism and of a dedicated legal instrument to tackle it;

[267] Aspiring to create a Europe free from sexism and its manifestations.

[The Committee of Ministers]

- I. Recommends that the governments of member States:
  1. Take measures to prevent and combat sexism and its manifestations in [the](#) [private and] public [sphere](#) ~~life~~ and encourage relevant stakeholders to implement relevant [legislation](#), policies and programmes – drawing on the guidelines appended to this Recommendation.
  2. Review, ~~and~~ update [and implement](#) Recommendation No. R (90)4 of the Committee of Ministers to member States on the elimination of sexism from language.
  3. Monitor 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.
  4. 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.

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For the purpose of this Recommendation, sexism means any act, gesture, oral or written wording, practice, [custom](#) or behaviour:

- a) related to the sex of a person or a group of persons,
  - i) considering that person or group of persons as inferior or essentially reduced to their sexual [or physical](#) dimension, or
  - ii) based on gender stereotypes <sup>1</sup>.
- b) committed in [~~the~~ a public or private] [sphere](#)/-[any] place, [including](#) online ([in the internet and social media](#)) ~~or~~ [and](#) offline,
- c) with the effect or purpose of:
  - i) violating the inherent dignity and rights of a person or group of persons, or
  - ii) constituting a barrier to the autonomy and full realisation of human rights by a person or a group of persons, or
  - iii) resulting in [physical, [sexual](#), psychological or socio-economic] harm or suffering to the person or group of persons, or
  - iv) creating an intimidating, hostile, degrading, humiliating or offensive environment, or
  - v) reinforcing gender stereotypes. <sup>2</sup>

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<sup>1</sup> [“Gender stereotypes are preconceived social and cultural patterns or ideas whereby women and men are assigned characteristics and roles determined and limited by their sex. Gender stereotyping presents a serious obstacle to the achievement of real gender equality and feeds into gender discrimination. Such stereotyping can limit the development of the natural talents and abilities of girls and boys, women and men, their educational and professional preferences and experiences, as well as life opportunities in general.” \(Council of Europe Gender Equality Strategy 2018-2023\)](#)

## Appendix I to Recommendation Rec/xxx

### Guidelines for preventing and combating sexism: measures for implementation

#### Rationale - Sexism and Sexist Behaviours

The need to tackle sexism, sexist behaviours and sexist speech is implicit in a number of international and regional instruments.<sup>3</sup> The Gender Equality Commission of the Council of Europe decided to prepare a Recommendation for consideration by the Committee of Ministers to address directly the need to prevent and combat sexism. Such a Recommendation is highly needed for a number of reasons. Research and evidence show that sexism is rampant throughout Europe, with women and girls especially targeted. The internet has provided a new dimension for its expression, transmission and audience, especially of sexist hate speech. However, the roots of sexism do not lie in technology (and indeed social media also offers new means of empowerment against sexism) but in persistent gender inequalities and stereotypes. Additionally, specific events such as the #MeToo campaign and the series of actions and policy measures that it triggered in different parts of the world, including in Council of Europe member States, helped shed light on the ubiquity of sexism and on the need for stronger measures to combat it.

Sexism is an attitude or mind-set that sees another person (or group of persons) solely through their sex thereby excluding their individuality. The occurrence and consequences of sexism and sexist behaviours impact disproportionately, but not exclusively, on women and girls who experience them in different ways to men and boys. Sexism is manifested through a range of sexist acts, gestures, oral or written wording, practices and behaviours that have the purpose or effect of undermining the recognition, enjoyment and exercise of women's human rights in all fields. It is rooted in the 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 autonomy and advancement of women.<sup>4</sup> It adversely infringes upon human dignity, gender equality and on the enjoyment of other civil and political, economic, social and cultural rights, including equality between women and men in employment, in education, in the family, in participation in public and political life, in freedom of movement, expression and association. It causes harm or suffering and creates an intimidating, hostile, degrading, humiliating or offensive environment.

Sexism is closely linked to harassment based on sex, to sexual harassment, to sex- and gender-based discrimination and to gender-based violence.<sup>5</sup> Sexual harassment is a form of violence against women

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<sup>3</sup> Council of Europe, Gender Equality Commission, Compilation of standards related to the notion of sexism (GEC-DC Sexism (2017)2 Revised 2, 28 September 2017).

<sup>4</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence (12 April 2011, ETS no. 210), (Istanbul Convention), preamble. See also UN General Assembly Declaration on the Elimination of Violence against Women (GA Resolution 48/104, 20 December 1993).

<sup>5</sup> The CEDAW Committee has recognised that the CEDAW Convention applies to both sex and gender-based discrimination (CEDAW Committee, General Recommendation 28 on the core obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women,

defined as 'unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment' and 'is subject to criminal or other legal sanction'.<sup>6</sup> Unlike sexual harassment, sexism is not necessarily of a sexual nature (although it is based on the sex of a person) and neither sexism nor sexual harassment requires a male comparator, as is the case for sex- or gender-based discrimination.

Sexism and sexist behaviours are rooted in and reinforce gendered stereotypes, 'such as the perception of women as primary child-carers and men as primary breadwinners'.<sup>7</sup> The Council of Europe has described gender stereotypes as 'preconceived social and cultural patterns or ideas whereby women and men are assigned characteristics and roles determined and limited by their sex'.<sup>8</sup> The European Court of Human Rights considers that 'the issue with stereotyping of a certain group in society lays in the fact that it prohibits the individualised evaluation of their capacity and needs'.<sup>9</sup> Gender stereotypes reinforce unequal social power structures and negatively impact upon resource allocation between women and men. Further, the Court considered that 'gender stereotypes, [...] cannot, by themselves, be considered to amount to sufficient justification for a difference in treatment, any more than similar stereotypes based on race, origin, colour or sexual orientation'.<sup>10</sup>

Gender stereotypes are thus social constructions of the 'appropriate' roles for women and men, which are determined by cultural prejudices, customs, traditions, and in many instances, interpretations of religious beliefs and practices. Women who challenge or deviate from what is regarded as their 'proper' place within their society can be confronted with sexism and misogyny and men who challenge dominant perceptions of masculinity may be confronted with sexism.

Article 5 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) addresses stereotyping and requires States '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'.<sup>11</sup> Article 12 of the Council of Europe Convention on Combating and Preventing Violence against Women and Domestic Violence (Istanbul

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CEDAW/C/GC/28, 16 December 2010, para 5). Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (4 November 1950), and Protocol 12 (4 November 2000), refer only to prohibition of discrimination on the basis of sex, but the European Court of Human Rights has incorporated gender: e.g. 'The Court further reiterates that the advancement of gender equality is today a major goal in the member States of the Council of Europe (*Konstantin Markin v Russia*, judgment of 22 March 2012, para 127).

<sup>6</sup> Istanbul Convention, Article 40.

<sup>7</sup> *Konstantin Markin v Russia*, judgment of 22 March 2012, para 143.

<sup>8</sup> Council of Europe, Gender Equality Strategy 2018-2023. [*check wording of final version as adopted*]

<sup>9</sup> *Carvalho Pinto de Sousa Morais v Portugal*, application no. 17484/15, judgment of 25 July 2017, para 46.

<sup>10</sup> *Konstantin Markin v Russia*, application no. 30078/06 judgment of 22 March 2012, para 143.

<sup>11</sup> In *RKB v Turkey*, the CEDAW Committee interpreted Article 5 as requiring States Parties to 'modify and transform gender stereotypes and eliminate wrongful gender stereotyping.' CEDAW/C/51/D/28/2010, 13 April 2012, para 8.8.



Convention) reiterates Article 5 of CEDAW.<sup>12</sup> Both the Istanbul Convention and CEDAW recognise a link between gender stereotypes, sexism and gender-based violence against women and girls.<sup>13</sup> In this way, acts of “everyday sexism” are part of a continuum. Apparently inconsequential or minor sexist behaviours, comments and jokes are at one end of the continuum but these are often humiliating and contribute to a social climate where women are demeaned, their self-regard lowered and their activities and choices restricted, including at work, in the private, public or online sphere. Sexist behaviours may escalate to overtly offensive and threatening acts, including sexual abuse or violence, rape or potential lethal action. Other consequences may include loss of resources, self-harming and suicide. Tackling sexism is thus part of States' positive obligation to guarantee human rights and to prevent gender-based violence against women in accordance with international human rights law and, for States Parties, the Istanbul Convention. This Recommendation also contributes to the achievement of the Sustainable Development Goals, in particular Goal No. 5: ‘Achieve gender equality and empower all women and girls’.<sup>14</sup>

Sexism and sexist behaviours occur across the full range of human activity, including in cyber space (internet and social media). They are experienced individually or collectively by a group of persons, even if neither the individual nor the group have been directly targeted, for example through sexist advertising, or posting of pictures of naked women in the workplace. Sexism is thus perpetrated and experienced at three levels – individual, institutional (for example, family, work or educational environment) and structural through its perpetuation of societal gender inequalities, social norms and behaviours. Sexism is silencing when individuals and groups fail to report or complain about sexist behaviours for fear of being laughed at, ostracised or even blamed.

### Sexism, Intersectionality, Situational Vulnerabilities and Aggravating Circumstances

Some women are confronted by different and intersecting forms of sexism, based on a range of other factors including race, ethnicity, minority or indigenous status, disability, gender identity, sexual orientation and sexuality.

They may be in more vulnerable situations or be targeted by different acts of sexism in different settings, such as young women and women active in a mostly male environment, for instance business, finance, the military or politics. Women in positions of power or authority, and women who are public figures in different sectors, may also be especially susceptible to sexism as they are

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<sup>12</sup> In *AT v Hungary*, the CEDAW Committee noted ‘that traditional attitudes by which women are regarded as subordinate to men contribute to violence against them’. Communication No. 2/2003, 26 January 2005, para 9(4).

<sup>13</sup> Istanbul Convention, *Explanatory Report*, para 85: ‘The obligations contained in paragraph 1 are based on the conviction of the drafters that existing patterns of behaviour of women and men are often influenced by prejudices, gender stereotypes and gender-biased customs or traditions. Parties to the Convention are therefore required to take measures that are necessary to promote changes in mentality and attitudes.’ CEDAW Committee, General Recommendation No 35 on gender-based violence against women, updating General Recommendation No. 19, CEDAW/C/GC/35, 14 July 2017, para 26 refers to ‘stereotypes and practices that are the root cause of gender-based violence against women’.

<sup>14</sup> UN General Assembly Resolution 70/1, “Transforming our world: the 2030 Agenda for Sustainable Development”, 21 October 2015.

perceived to have deviated from social gender norms that exclude women from public spaces or authority.

Some circumstances can add to the seriousness or impact of sexist behaviours, or to the capacity of the victim to react. Such aggravating circumstances exist where sexist acts or words take place within a hierarchical or dependent relationship, in particular at work, in an educational or medical setting, in the framework of (public) services or within commercial relationships. Conversely, sexism is especially damaging when the author is in a position of power, authority or influence such as a politician or an opinion maker. Another aggravating factor is where the reach or potential reach of the words or acts is great, including the means of transmission, use of social or mainstream media, and the degree of repetition.

Such intersecting factors, context and differences between women, situations of enhanced vulnerability and aggravating circumstances need to be recognised and taken into account when devising ways of combating sexism.

## II. GENERAL TOOLS AND MEASURES FOR ADDRESSING SEXISM AND SEXIST BEHAVIOURS

The primary purpose of measures to prevent and combat sexism is to induce behavioural and cultural change at the individual, institutional and structural levels.

Tools to prevent and combat sexism can include legislative, executive, administrative, budgetary and regulatory instruments, as well as plans, policies and programmes. States should choose those tools best suited to their own context and the objective of the particular action. Different tools are needed to address, on the one hand, 'unconscious bias'<sup>15</sup> and, on the other, deliberate sexist behaviours. The former may be addressed through awareness, training and education while more coercive methods are needed for deliberate and persistent sexist behaviours and sexist hate speech. Legislation addressing sexism including definitions, a user guide and indication of the reparations for victims, and risks for perpetrators are important options to be considered.<sup>16</sup>

States should draw upon existing tools and ensure their effective implementation or make new tools available, to prevent and protect against sexist behaviours, where appropriate, to prosecute and punish offenders, and to provide reparations to victims.

The governments of member States are invited to examine the following measures:

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<sup>15</sup> The Equality Challenge Unit, UK describes 'unconscious bias' as what 'happens by our brains making incredibly quick judgments and assessments of people and situations without us realising. Our biases are influenced by our background, cultural environment and personal experiences. We may not even be aware of these views and opinions, or be aware of their full impact and implications.' <http://www.ecu.ac.uk/guidance-resources/employment-and-careers/staff-recruitment/unconscious-bias/>. (emphasis in the original).

<sup>16</sup> E.g., the legislation and tools adopted by Belgium: [http://igvm-iefh.belgium.be/sites/default/files/downloads/79%20-%20Anti-sexisme%20mode%20emploi\\_FR.pdf](http://igvm-iefh.belgium.be/sites/default/files/downloads/79%20-%20Anti-sexisme%20mode%20emploi_FR.pdf).

## II.A. Legislation and Policies

- II.A.1 Consider legislative reform that prohibits sexism and sexist acts in public spaces.
- II.A.2 Develop a comprehensive national strategy on the elimination of sexism and gender discriminatory stereotypes, with benchmarks, timelines, and a monitoring mechanism to assess the impact of the steps taken.
- II.A.3 Require relevant public bodies and services, for instance Ombudspersons, Equality Commissions, Legislative Assemblies, National Human Rights Institutions, public enterprises, Complaints Bodies, etc. to introduce codes of conduct and guidelines on sexism and sexist behaviours, in accordance with a comprehensive national strategy on the elimination of sexism.
- II.A.4 Consider designating an official body responsible for establishing benchmarks, national indicators and co-ordination, monitoring and evaluation of policies and measures for the elimination of sexism and sexist behaviours in public and private life.<sup>17</sup>
- II.A.5 Encourage the participation of civil society, in particular women's non-governmental organisations, religious and community leaders, lawyers, judges and labour unions, in the design of a national strategy and legal reforms aimed at combating sexism, in order to ensure engagement in their implementation.
- II.A.6 Provide for appropriate remedial action and reparations for victims of sexist behaviours, accompanied by training programmes for those working with victims of gender-related and sexual crimes.
- II.A.7 Recognise, encourage and support, at all levels, the work of relevant civil society organisations in particular women's non-governmental organisations, active in combating sexism in all areas (in particular those covered in Section III below) and establish effective co-operation with these organisations.
- II.A.8 Consider the imposition of non-criminal sanctions, e.g. withdrawal of financial and other forms of support from public bodies or other organisations that fail to sanction the use of sexism and sexist behaviours, especially sexist hate speech.

## B. Awareness-raising measures

- II.B.1 Encourage speedy reactions by public figures, in particular politicians, religious, economic and community leaders, and those shaping public opinion, to condemn sexism and sexist behaviours and to positively reinforce the values of gender equality.

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<sup>17</sup> Istanbul Convention, Article 10.

- II.B.2 Initiate, support and fund research, including collaborative research across Member States, that provides systematic and gender disaggregated data on the incidence and negative impact of sexism and its manifestations, including on sexist hate speech, targets, perpetrators, the means of transmission, media and public response. Disseminate widely such data on a regular basis to the relevant public authorities, educational establishments and the public.
- II.B.3 Allocate resources to finance effective communication and awareness-raising campaigns on the links between sexism and violence against women, and to fund organisations supporting victims.
- II.B.4 Design, implement and promote regular national awareness-raising initiatives at all levels and through diverse forms of media (e.g. the production of handbooks, guidelines, video clips available on the internet and in mainstream media) to increase awareness and understanding among the general population of different forms of sexism and sexist behaviours and the harms they generate for individuals and society, including girls and boys, and the need to prevent and respond to such behaviours.
- II.B.5 Design and implement tailored, on-going education and training for educators in all spheres, including in education establishments, human resources personnel in the public and private sectors, professional training institutions (e.g. the media, the military, medical and legal professionals, accountancy, management and business schools, etc.) on gender equality, the meaning of gender stereotypes, how to recognise and address sexism, prejudices and biases, and how to challenge stereotypes.
- II.B.6 Assess textbooks, training materials, texts and teaching methods for sexist language, illustrations and gender stereotypes, and revise them accordingly in order for them to actively promote gender equality.<sup>18</sup>
- II.B.7 Promote and conduct regular awareness-raising campaigns on masculinity and what it means to be a man in contemporary society, for example through media, free public lectures and discussions.
- II.B.8 Encourage collaboration between professionals (e.g. journalists, educators, law enforcement agencies) and civil society organisations to determine and share good practices on preventing and combating sexism.
- II.B.9 Establish structures accessible to all, especially young people, to provide them with expert advice on how to cope with sexist behaviour.

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<sup>18</sup> CEDAW, Article 10(c) requires elimination of 'any stereotyped concept of the roles of men and women at all levels and in all forms of education [...] in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods.'

### III. SPECIFIC TOOLS AND MEASURES FOR ADDRESSING SEXISM AND SEXIST BEHAVIOURS IN TARGETED AREAS

Some fields of activity are especially prone to acts of sexism and/or to specific forms of sexist behaviours and it is therefore critical to take targeted action to prevent and combat sexism in these areas, in addition to the generally applicable recommended tools listed above.

#### A. Language and communications

Language and communication are essential components of gender equality and must not 'consecrate the hegemony of the masculine model'.<sup>19</sup> Non-stereotypical communication is a good way to educate, raise awareness and prevent sexist behaviour. It encompasses eliminating sexist expressions, using the feminine and masculine forms of titles, using the feminine and masculine forms when addressing a group, diversifying the representation of women and men, and ensuring an equal representation of both sexes in visual and other representations.

The governments of member States are invited to consider the following measures:

III.A.1 Reaffirm and implement relevant previous Council of Europe Recommendations, including Recommendation No R (90)4 on the elimination of sexism from language and Recommendation No R (2007)17 on gender equality standards and mechanisms, which underlines that actions by member States 'must be targeted at the promotion of the use of non-sexist language in all sectors, particularly in the public sector.'

III.A.2 Undertake a systematic review of all laws, regulations, policies, etc. for sexist language and reliance on gendered assumptions and stereotypes with a view to replacing them with gender sensitive terminology. Good practice includes the preparation of practical guides for language and communication that is non-sexist and without gender stereotypes for use in public administration documents.

#### B. The Internet, social media and sexist hate speech

Online sexism is rampant throughout Europe with women disproportionately affected, especially young women and girls, women journalists, politicians, public figures, and women's human rights defenders. One aspect is adversely commenting on expressed views or opinions. While men are more often attacked for their professional opinions or competence, women are especially likely to be subject to, often anonymous, sexist and sexualised abuse and invective. Online attacks may inhibit women, including professional women, from expressing opinions and result in pushing them out of online spaces,<sup>20</sup> undermining the right to free speech and opinion in a democratic society and limiting

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<sup>19</sup> Committee of Ministers Recommendation No R (2003)3 on the balanced participation of women and men in political and public decision-making, Explanatory Memorandum.

<sup>20</sup> Studies show that some topics provoke particularly high levels of abuse - refugee policy/integration, gender equality, feminism, religion. *Nordiskt Samarbete*.

professional opportunities. Another aspect is that the digital age has deepened the scrutiny to which women's bodies, speech and activism are subjected. Finally, sexist misuse of social media - such as posting of intimate visual material without the consent of those depicted - is a form of violence that needs to be addressed<sup>21</sup>.

The internet and social media are both vehicles for freedom of expression and promoting gender equality, but they accord perpetrators almost boundless freedom to express their abuse. While racist hate speech is recognised as contrary to international and European human rights standards, the same is not always true of sexist or misogynist hate speech<sup>22</sup> and current policies and legislation at all levels have not been able adequately to address the issue. Therefore States are encouraged to take responsibility for and combat cyber sexism.

The governments of member States are invited to consider the following measures:

- III.B.1 Legislative measures that define and criminalise serious incidents of sexist hate speech<sup>23</sup> (e.g. non-consensual sending of sexual images online) and hate crimes (e.g. inciting violence) applicable to all media, including the internet and new media; as well as reporting procedures and appropriate sanctions.
- III.B.2 Establish and promote programmes for parents and educators to assist in advising children on media literacy and appropriate digital behaviour, including the production of handbooks and factsheets on what constitutes inappropriate behaviour and sharing of material on the internet and appropriate responses, including gender-sensitive information about online safety; ensure wide dissemination of such materials.
- III.B.3 Establish and promote programmes for children, parents and educators (including in school curricula) on how to deal with the information and communications environment that provides access to sexist opinions, attacks and other materials; develop information and campaigns to raise awareness about sexist misuse of social media, threats in the internet environment and the situations children face – rape, blackmail, requests for money or unwanted posting of intimate pictures - with practical assistance about how to prevent and respond to such situations.
- III.B.4 Undertake campaigns directed at the wider public on the dangers, opportunities, rights and responsibility related to the use of new media.
- III.B.5 Establish online resources providing expert advice on how to deal with on-line sexism, including deleting unwanted material.

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<sup>21</sup> See [report of Council of Europe seminar "Combating sexist hate speech"](#) (Strasbourg, 10-12 February 2016).t

<sup>22</sup> The European Commission against Racism and Intolerance's (ECRI) General Policy Recommendation (GPR) No. 15 on combating hate speech, adopted in 2015, includes hate speech on the grounds of sex and gender.

<sup>23</sup> ECRI's definition of hate speech includes hate speech based on sex and gender (GPR No. 15 on combating hate speech, Explanatory Memorandum, para 9).

III.B.6 Undertake regular studies and gather sex- and age- disaggregated data on cyber sexism and cyber violence.

### C. The Media

Sexism in the media – electronic, print, visual and audio - contributes to an environment that tolerates “everyday sexism”. It is manifested through sexual, sexualised and racialised depictions and objectification of women, including in advertising and video games; derogatory or trivialising reporting about women’s appearance, dress and behaviour rather than balanced and informed discussion of their opinions and views; reporting and imaging women and men in stereotypical roles within the family and community; repeating gender stereotypes with respect to victims of gender-based violence; inadequate representation of women in diverse professional and informative roles, such as experts, commentators, especially with respect to minority women<sup>24</sup>.

The governments of member States are invited to consider the following measures:

- III.C.1 Legislative measures banning sexism in media and advertising, and encourage the monitoring and enforcement of such measures.
- III.C.2 Encourage and provide support to the information and communication technology sector and the media to participate in the elaboration, adoption and implementation of self-regulatory policies for the elimination of sexism within their sector, including sexist hate speech.
- III.C.3 Encourage media watch organisations to address sexism.
- III.C.4 Encourage the establishment of an institutional response to sexism in the media that is competent to receive, analyse and review complaints with the authority to require that sexist content and advertisements be withdrawn or modified.
- III.C.5 Encourage relevant bodies, such as Gender Equality Commissions or National Human Rights Institutions, to introduce an education and training strategy as well as tools for journalists and other media and communication personnel, on the recognition of sexism and on how to promote positive and non-stereotypical portrayals of women and men in the media and in advertisements, and on how to promote gender-sensitive communication.
- III.C.6 Support research on the prevalence and impact of sexist portrayals of women and girls in the media and the extent to which they exacerbate gender inequalities and gender-based violence against women; allocate resources to finance effective communication and awareness-raising campaigns on the links between sexism and violence against women; and

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<sup>24</sup> See findings and recommendations of the Council of Europe Conference “Media and the Image of Women” (Amsterdam, 4-5 July 2013). See conference report at <https://rm.coe.int/1680590fb8>

promote positive and non-stereotypical portrayals of women and men in the media and in advertising.

- III.C.7 Encourage the equal participation of women and men in media decision-making and content, and the establishment of data-bases of women experts on all subjects.
- III.C.8 Adopt positive measures for excellence and leadership in promoting balanced gender representation, such as a points-based system that allocates additional funding to media outlets for the production of gender-sensitive content.
- III.C.9 Encourage the promotion of positive images of women as active participants in social, economic and political life, and provide incentives or rewards for good practice.
- III.C.10 Support and promote good practices through dialogue and the development of networks and partnerships between media stakeholders to further combat sexism and sexist stereotypes within the sector.
- III.C.11 Support projects addressing the multiple discrimination of women in vulnerable situations. Introduce incentives for the media to promote positive images of ethnic minority and migrant women.

#### D. The workplace

Workplace sexism takes many forms and is present in the public and the private sector. It manifests itself through sexist comments and behaviours aimed at an employee or group of employees. Sexism in the workplace includes sexist humour or jokes, over-familiar remarks, silencing or ignoring people, unwanted compliments about dress and physical appearance, lack of respect and exclusionary, masculinised practices.<sup>25</sup> It impinges upon equality and dignity at work.<sup>26</sup>

Another pervasive expression of workplace sexism is the assumption of women as mothers and as less competent employees. Sexist assumptions based on traditional gender roles may result in hostility toward a mother who does not stay at home or, alternatively, in 'benevolent' behaviour that excludes her from important roles at the workplace, or in sexist remarks towards men who take up caring responsibilities. This also contributes to the "glass ceiling" that limits women's promotion opportunities.

Some workplace environments are especially male dominated, thereby fostering a culture of sexism, for instance the financial world, corporate boards, armed and security forces or professions in industrial and technical sectors. Women occupying decision-making positions may be especially

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<sup>25</sup> *"Kit to act against sexism – Three tools for the world of work"*, Higher Council for professional equality between men and women, France, 2016. <https://rm.coe.int/16806fbc1e>

<sup>26</sup> Article 26(b) of the European Social Charter (Revised) requires Parties "to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct".



subject to sexism if they are perceived as challenging the institutional gender hierarchy. Similarly, men may experience sexism in female dominated workplaces, or for being employed in typically 'female' work.

The governments of member States are invited to consider the following measures:

- III.D.1 Review labour legislation to prohibit sexism and sexist acts at work, and promote good practices such as risk analysis, mitigation and management measures, complaints mechanisms and disciplinary actions through civil or administrative law processes.
- III.D.2 Encourage and provide support for the systematic institutional review of rules, policies and regulations within both public and private sector establishments with a view to the adoption of appropriate codes of behaviour that incorporate complaints mechanisms and disciplinary measures in relation to sexism and sexist acts.
- III.D.3 Develop and make widely available a tool kit for combating sexism, including relevant legislative provisions and explanations as to the institutional benefits of eliminating sexism, and examples of sexist acts and good practices for its elimination. Employers and managers, union representatives and other relevant personnel should be reminded of their obligation to eliminate workplace sexism and of the actions available for victims.
- III.D.4 Encourage the commitment from the highest level for the promotion of an institutional culture that rejects sexism within the workplace, for instance through the development of internal guidelines and campaigns on different forms of sexism, deconstruction of stereotypes, increasing the number of women in decision-making positions and breaking the glass ceiling, including through temporary special measures such as targets and quotas.
- III.D.5 Encourage the commitment from the highest level to promote awareness, information and prevention of sexist behaviours and to take all appropriate measures to protect workers from such conduct.
- III.D.6 Encourage as good tender/procurement practice the condition to include a gender equality plan.

#### E. The Public Sector

Sexism among public officials and reliance on gender stereotypes rather than ensuring individual evaluation of peoples' claims can result in denial of public services and unequal access to resources. At the same time, women working in the public sector, including those elected or members of decision-making bodies, at all levels, frequently face challenges to their legitimacy and authority manifested through sexism and sexist behaviours.<sup>27</sup>

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<sup>27</sup> E.g. 65% of respondents to a 2016 Inter-Parliamentary Union study reported that they (women parliamentarians) had experienced 'humiliating sexist remarks during their parliamentary term.' Inter-

The governments of member States are invited to consider the following measures:

- III.E.1 Include provisions against sexism and sexist behaviours and language in internal codes of conduct and regulations for those working in the public sector, including elected assemblies.
- III.E.2 Ensure training of public sector employees on the importance of non-sexist behaviour in working with the public, as well as with workplace colleagues, and inform recipients of public services about their rights in this regard.
- III.E.3 Encourage the strengthening and implementation of internal disciplinary measures for sexism in the public sector and in all decision-making and political bodies, for instance through cutting or suspending responsibilities and funds, or through financial penalties.
- III.E.4 Support initiatives taken by parliamentarians, civil society organisations, or activists to address sexism within the public sector, for instance through provision of investigatory mechanisms following allegations of sexist behaviours, with appropriate sanctions.

#### F. The Justice Sector

Judicial gender stereotyping is a barrier to justice, particularly for women victims and survivors of violence. It can cause judicial decision-makers to reach a view about cases based on preconceived beliefs, rather than relevant facts and actual enquiry.<sup>28</sup>

The governments of member States are invited to consider the following measures:

- III.F.1 With due regard for the independence of the judiciary, ensure regular and adequate training for judges and magistrates on human rights, understanding gender equality, the use of non-sexist language and the harm caused by gender bias and gender stereotyping.<sup>29</sup>
- III.F.2 Provide for training of police, judges and prosecutors on sexism, cyber sexism and sexist hate speech; facilitate the reporting to police of such behaviours; enhance police powers to seize and secure evidence of online abuse.
- III.F.3 Encourage national and international courts and tribunals to be receptive to *amicus curiae* briefs and expert opinions on unfamiliar topics, such as sexism and gender stereotyping.

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Parliamentary Union, *Sexism, harassment and violence against women parliamentarians*, October 2016 at <http://www.ipu.org/pdf/publications/issuesbrief-e.pdf>.

<sup>28</sup> Council of Europe *Plan of Action on Strengthening Judicial Independence and Impartiality* (CM(2016)36 final), "all efforts should be undertaken to fight gender stereotyping within the judiciary itself" (Action 2.4); OHCHR, *Eliminating Judicial Stereotyping Equal Access to Justice for Women in Gender-Based violence Cases*, 9 June 2014.

<sup>29</sup> The Council of Europe *Manual for Judges and Prosecutors on Ensuring Women's Access to Justice* (2017) provides assistance. See at <https://rm.coe.int/training-manual-final-english/16807626a4>

- III.F.4 Ensure that systems for reporting violations and access to law enforcement are accessible, available and appropriate; remove financial charges that prevent victims from reporting or pursuing cases in the appropriate forum.
- III.F.5 Encourage legal professional bodies to organise public lectures and other events to raise awareness among the legal professions of sexism and gender stereotyping in the justice system.

## G. Educational Institutions

Sexist messages shape our society and are imbued in educational systems, where they should be challenged. Children and young people assimilate sexist stereotypes through curricula, teaching materials and behaviours<sup>30</sup>. Sexism may be embedded in the culture of educational establishments (e.g. tolerance for sexist imagery, absence of or inappropriate complaint mechanisms, lack of sanctions for sexual harassment, including by other students) and may impact upon subsequent career and lifestyle choices. States are accountable for the acts of private institutions, including private schools, and there should be no exclusions for religious educational institutions.

The governments of member States are invited to consider the following measures:

As part of a national education strategy:

- III.G.1 Encourage the understanding of gender mainstreaming as a tool to improve the gender sensitiveness and efficiency of the education system; fully implement the provisions of Committee of Ministers Recommendation No. R (2007) 13 on gender mainstreaming in education.
- III.G.2 Implement prevention campaigns regarding sexism and sexist behaviours in educational establishments and ensure zero tolerance for such phenomena, including links between gender stereotyping and bullying, cyber bullying and violence against women.
- III.G.3 Organise events through State bodies for gender equality, including presentations on gender equality and ways of combating gender stereotypes in schools.
- III.G.4 Promote the inclusion of a gender perspective in all aspects of teacher pre-service and in-service training courses, and in school management personnel courses.

As regards curricula:

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<sup>30</sup> See conclusions and recommendations of the Council of Europe Conference “Combating gender stereotypes in and through education” (Helsinki, 9-10 October 2014). See conference report at <https://rm.coe.int/1680590ff0>

- III.G.5 Ensure inclusion of gender equality and non-discrimination into curricula at all levels of education, both public and private, from early childhood, including education for private life, in order to encourage boys and girls to be self-reliant, enhance responsibility in their emotional and sexual relationships and behaviour, combat sexist role stereotyping, including violent masculinities and passive femininities, and age-appropriate, evidence-based and scientifically accurate and comprehensive sex and sexuality education for girls and boys, which prepares them for a new gender partnership in private and public life.
- III.G.6 Ensure that education and training is adapted to the evolving capacity of learners in formal curricula and at all levels of education. This includes the very young, who often receive gendered messages from an early age.
- III.G.7 Encourage, including appropriate means for, countering of sexism in the content, language and illustrations of toys, comics, books, video and other games, online content and films, which shape boys' and girls' attitudes, behaviour and identity.
- III.G.8 Encourage the development of a website with resources, good practices and teaching/learning materials, and a manual detecting and so helping to eliminate sexist stereotypes and distortions in educational materials for trainers, teachers and inspectors.
- III.G.9 Promote special programmes to eliminate gender stereotypes with respect to study and career choices; encourage the provision of scholarships and internship opportunities in this regard.

#### H. Culture and Sport

Sexism is manifest in many aspects of cultural life, especially through the pervasiveness of gender stereotypes. According to the UN International Committee on Economic, Social and Cultural Rights, cultural life encompasses ways of life, language, oral and written literature, music and song, non-verbal communication, religion or belief systems, rites and ceremonies, sport and games, methods of production or technology, natural and man-made environments, food, clothing and shelter and the arts, customs and traditions'. Neither culture nor religion shall be considered justification for acts of violence against women derived from sexism or sexist behaviours.<sup>31</sup> A particular aspect is in sporting life through attitudes of the media, sporting associations and coaches, sexist depictions of women in sport, trivialising women's sporting achievements by depicting them in traditional roles - mothers, wives, girlfriends – or demeaning women's sports.

The governments of member States are invited to consider the following measures:

- III.H.1 Ensure that tools for combating sexism in the media, education and workplace are made especially applicable to the cultural and sport sectors.
- III.H.2 Reaffirm and implement Council of Europe Recommendations CM/Rec(2015)2 of the Committee of Ministers to member States on gender mainstreaming in sport and CM/Rec(2017)9 on gender equality in the audiovisual sector.

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<sup>31</sup> Istanbul Convention, Articles 12.5 and 42.1.

- III.H.3 Encourage leading cultural and sporting figures to correct sexist assumptions or decry sexist hate speech.
- III.H.4 Encourage sporting associations and media outlets to take disciplinary action against sexism and sexist behaviours.
- III.H.5 Encourage cultural and sporting associations to take concrete actions to promote gender equality and the non-stereotypical portrayal of women and men.
- III.H.6 Publicly celebrate women's cultural and sporting achievements<sup>32</sup>.

#### I. Private Sphere

Sexism within the family can contribute to reinforcing traditional roles, women's disempowerment, low self-esteem, as well as the cycle of gender-based violence. Although studies show that allocation of traditional gender roles within the family (men as breadwinners, women performing household tasks<sup>33</sup>) have generally shifted, as more women have entered the paid workforce, factors contributing to change across families and States vary greatly. Sexist behaviour remains widespread in interpersonal relations and women continue to be the main carers within families.

CEDAW Article 16 requires States Parties to take appropriate measures to ensure equality within the family.<sup>34</sup> The link between sexism and prevention of violence against women reinforces the need to take action in the private sphere.

The recommended measures above, especially those with respect to language and awareness raising, as well as those regarding the media, education and cultural sectors, are especially relevant to addressing sexism in the private sphere.

However, sanctions for sexism within the family are inappropriate, unless behaviour reaches the threshold of criminality such as physical, psychological or economic gender-based violence.

The governments of member States are invited to consider the following measure:

- III.I.1 Encourage training in recognising and addressing sexism and sexist behaviours as part of professional courses for those dealing with family and inter-personal relationships, for instance counsellors and social services personnel.

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<sup>32</sup> Such as 'This Girl Can,' which is a celebration of active women: <http://www.thisgirlcan.co.uk/>

<sup>33</sup> *Konstantin Markin v Russia*, application no. 30078/06 judgment of 22 March 2012, para 143.

<sup>34</sup> In addition, CEDAW Article 2(e) requires States to undertake 'all appropriate measures to eliminate discrimination against women by any person, organization or enterprise'.

#### IV. REPORTING AND EVALUATION

This Recommendation asks member states to monitor progress in its implementation and to 'inform the competent steering committee of the measures undertaken and progress achieved'.

Reporting should be regular and include information on:

- legal and policy frameworks that address sexism, sexist behaviours, gender stereotyping and sexist hate speech, in particular in public spaces, the internet and media, the workplace, the public sector, the justice, education, sport and cultural sectors, including tools for reporting sexist behaviour, as well as disciplinary processes and sanctions;
- any comprehensive national strategy adopted to eliminate sexism and sexist behaviours, including definitions, indicators, national monitoring and evaluation mechanisms;
- the work of any co-ordinating body established or designated to monitor implementation at the national level;
- research initiated and supported to provide data on the incidence and consequences of sexism and sexist behaviours in the targeted areas, as well as the outcomes of any such research;
- national awareness-raising measures and campaigns undertaken at all levels and including on the media through which they were conducted.

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