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GEC-DC Sexism (2017)2 Revised

GENDER EQUALITY COMMISSION

1st meeting of the Drafting Committee
for the preparation of a Draft Recommendation on Combating Sexism
(Paris, 2-3 March 2017)

Compilation of Council of Europe
standards related to the notion of sexism

The present information document has been prepared by the Gender Equality Unit
to support the drafting of a recommendation to combat sexism.

The document includes a list of and extracts from the Council of Europe
standards and policy documents related to sexism.

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1. [European Convention on Human Rights](#)

Article 14 – Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Protocol 12

Protocol No. 12 establishes a general prohibition of discrimination, removing the limitation of Article 14 of the ECHR that only prohibits discrimination in the enjoyment of one or more rights guaranteed by the Convention and guaranteeing that no-one shall be discriminated against on any ground by any public authority.

2. Case law of the European Court of Human Rights

According to the European Court of Human Rights:¹ “[...] the advancement of gender equality is today a major goal in the member states of the Council of Europe and very weighty reasons would have to be put forward before such a difference in treatment could be regarded as compatible with the Convention. [...] In particular, references to traditions, general assumptions or prevailing social attitudes in a particular country are insufficient justification for a difference in treatment on grounds of sex. For example, States are prevented from imposing traditions that derive from the man’s primordial role and the woman’s secondary role in the family.” The Court added “[...] 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, any more than similar stereotypes based on race, origin, colour or sexual orientation.”

3. [Convention on preventing and combating violence against women and domestic violence](#) (Istanbul Convention)²

Article 1(b) – Purposes of the Convention

The purposes of this Convention are to:

[...] contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women.

¹ *European Court of Human Rights, Konstantin Markin v. Russia [GC] (No. 30078/06) 22 March 2012, paragraphs 127 and 143.*

² Full text: <http://www.coe.int/en/web/istanbul-convention/home>

Article 3 – Definitions

For the purpose of this Convention:

- a. 'violence against women' is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life; [...]
- c. 'gender' shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;
- d. 'gender-based violence against women' shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;
- e. 'victim' shall mean any natural person who is subject to the conduct specified [...];
- f. 'women' includes girls under the age of 18.

Article 4 – Fundamental rights, equality and non-discrimination

1. Parties shall take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere.
2. Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by:
 - embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;
 - prohibiting discrimination against women, including through the use of sanctions, where appropriate;
 - abolishing laws and practices which discriminate against women.
3. The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.
4. Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention.

Article 6 – Gender-sensitive policies

Parties shall undertake to include a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women.

Article 12 – Social and cultural patterns of behaviour

12.1: 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.

Article 13 – Awareness-raising

1. Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women's organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.
2. Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Convention.

Article 14 – Education

1. Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.
2. Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.

Article 17 – Participation of the private sector and the media

1. Parties shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.
2. Parties shall develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.

Article 33 – Psychological violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised.

Article 34 – Stalking

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.

Article 35 – Physical violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

Article 36 – Sexual violence, including rape

1. Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:
 - a. engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;
 - b. engaging in other non-consensual acts of a sexual nature with a person;
 - c. causing another person to engage in non-consensual acts of a sexual nature with a third person.
2. Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.
3. Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.

Article 40 – Sexual harassment

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

Article 42 –Unacceptable justifications for crimes, including crimes committed in the name of so-called 'honour'

1. Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called "honour" shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour. [...]

4. Convention on Action against Trafficking in Human Beings³

Article 3 – Non-discrimination principle

The implementation of the provisions of this Convention by Parties, in particular the enjoyment of measures to protect and promote the rights of victims, shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 6(d) – Measures to discourage the demand

To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures including:

[...] preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.

³ Full text: <http://www.coe.int/en/web/anti-human-trafficking/about-the-convention>

5. European Social Charter (Revised)⁴

Part I

20. All workers have the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex. [...]

27. All workers have the right to dignity at work.

Part II

Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;
- b. vocational guidance, training, retraining and rehabilitation;
- c. terms of employment and working conditions, including remuneration;
- d. career development, including promotion.

Article 26 – The right to dignity at work

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations:

- a. to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;
- b. 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.

Part V

Article E – Non-discrimination

The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.

⁴ Full text: <https://www.coe.int/en/web/turin-european-social-charter>

6. Gender Equality Strategy 2014-2017⁵

The Council of Europe Gender Equality Strategy 2014-2017 is one of the rare policy documents at international level that specifically mentions sexism in its Objective One “Combating gender stereotypes and sexism”. The Strategy also defines gender stereotypes:

“Gender stereotyping presents a serious obstacle to the achievement of real gender equality and feeds into gender discrimination. Gender stereotypes are preconceived ideas whereby males and females are arbitrarily assigned characteristics and roles determined and limited by their sex. Sex stereotyping can limit the development of the natural talents and abilities of boys and girls, women and men, their educational and professional experiences as well as life opportunities in general. Stereotypes about women both result from and are the cause of deeply engrained attitudes, values, norms and prejudices against women. They are used to justify and maintain the historical relations of power of men over women as well as sexist attitudes which are holding back the advancement of women.”

Objective One of the Strategy foresees actions on promoting awareness about gender equality with special attention to the prevention of all forms of violence against women, on eliminating gender stereotypes in education, on promoting the role of men in achieving gender equality and on “combating sexism as a form of hate speech and integrating this dimension into Council of Europe action aiming at combating hate speech and discrimination while actively promoting respect for both women and men”. The Strategy also foresees the identification of “practical measures to:

- promote a positive and non-stereotyped image of women and men in the media,
- abolish women’s image of inferiority and submission as well as stereotypes about men’s masculinity,
- further balanced participation of women and men in decision-making positions in the media, in particular in management, programming and regulatory bodies.”

⁵ Full text: <http://www.coe.int/en/web/genderequality/gender-equality-strategy>

7. Recommendations adopted by the Committee of Ministers

[Recommendation No. R\(85\)2 on legal protection against sex discrimination](#) exhorts member states to take or reinforce measures for the promotion of equality between women and men, including through legislation in the field of employment, social security and pensions, taxation, civil law, the acquisition and loss of nationality and political rights. The Appendix to the Recommendation refers to the need to give consideration to the adoption of special temporary measures designed to accelerate the realisation of *de facto* equality between men and women in those areas where inequalities exist. In addition, member states are encouraged to adopt suitable machineries and legislation containing effective remedies and sanctions in order to discourage discrimination.

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[Recommendation No. R \(85\)7 on teaching and learning about human rights in schools](#): The appendix to Rec. (85)7 suggests some relevant human rights topics to teach at school: "Paragraph 3.1. The study of human rights in schools will be approached in different ways according to the age and circumstances of the pupil and the particular situations of schools and education systems. Topics to be covered in learning about human rights could include

- i. the main categories of human rights, duties, obligations and responsibilities;
- ii. the various forms of injustice, inequality and discrimination, including sexism and racism."

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[Recommendation No. R \(90\)4 on the elimination of sexism from language](#) requests member states to promote the use of language reflecting the principle of equality and to take measures with a view to:

1. encouraging the use, as far as possible, of non-sexist language to take account of the presence, status and role of women in society, as current linguistic practice does for men;
2. bringing the terminology used in legal drafting, public administration and education into line with the principle of sex equality;
3. encouraging the use of non-sexist language in the media."

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[Recommendation No. R \(2002\) 5 on the protection of women against violence](#) encourages member states to guarantee by law the protection and fulfilment of women's fundamental rights to assure the punishment of violent acts and provide protection to victims. The Recommendation also asks member states to recognise that violence against women is an urgent societal problem based on the "unequal power relations between women and men" and to promote national and international coordination in collecting data and researching on equality issues.

Appendix to Recommendation No. R (2002) 5 specifically refers to sexism in its paragraph 20 related to media, stating that member states should "encourage the elaboration of codes of conduct for media professionals, which would take into account the issue of violence against women and, in the terms of reference of media watch organisations, existing or to be established, encourage the inclusion of tasks dealing with issues concerning violence against women and sexism."

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[Recommendation No. R \(2003\) 3 on balanced participation of women and men in political and public decision making](#)

The Explanatory Memorandum to Rec. (2003)3 draws attention to the use of language as a thread for sexism: "Language, the symbolism of which is important, must not consecrate the hegemony of the masculine model. Language must be gender neutral (for example "person") or refer to both sexes ('his/her'). The Committee of Ministers of the Council of Europe, as early as in 1990, adopted Recommendation No. R (90) 4 [...] on the elimination of sexism from language. A clear evolution towards the elimination of sexism from language can be seen when comparing, on the one hand, the European Convention on Human Rights (ECHR) and on the other the Charter of Fundamental Rights of the European Union. To give an example, in the ECHR, the systematic use of the pronoun 'his' has been replaced in the Charter with 'his or her'."

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[Recommendation No. R \(2007\) 13 on gender mainstreaming in education](#) calls on member states to promote and encourage measures aimed at implementing gender mainstreaming at all levels of the education system and in teachers' education. It puts forward a set of comprehensive measures to ensure effective gender mainstreaming in education. The Appendix to Recommendation makes specific references to sexism in several paragraphs:

Regarding initial and in-service education and training for teachers and trainers:

Paragraph 21: "including, in initial and in-service training, content which allows teachers to reflect on their own identity, beliefs, values, prejudices, expectations, attitudes and representations of femininity/masculinity, as well as their teaching practice; teachers should be encouraged to challenge sex-stereotyped attitudes and beliefs, which can inhibit boys' and girls' personal development and prevent them from realising their full potential."

Regarding course programmes, school curricula, subjects and examinations:

Paragraph 27: "making education for private life part of the school curriculum, when necessary, in order to encourage boys and girls to be self-reliant in this area, make them more responsible in their emotional and sexual relationships and behaviour, combat sexist role stereotyping, and prepare young people for a new gender partnership in private and public life."

Regarding teaching materials:

Paragraph 29: "encouraging teachers to analyse, challenge and so help to eliminate sexist stereotypes and distortions which these textbooks, materials and products may convey in their content, language and illustrations."

Paragraph 30: "encouraging teachers to analyse and counter sexism in the content, language and illustrations of comics, children's books and games, video games, websites and films, which shape young people's attitudes, behaviour and identity."

Regarding teaching methods and practices:

Paragraph 36: "ensuring that non-sexist language is used, and account taken of the gender dimension in teaching practice and throughout schools".

Regarding educational and career guidance:

Paragraph 40: "encouraging and training guidance staff to use gender mainstreaming, so that they can analyse and counter the effects of sexist socialisation when necessary."

Regarding Preventing and combating sexist violence:

Paragraph 45: "providing guidelines to help schools to ensure that respect for human beings is the basis of their activity, and prevent/combat any forms of individual or collective violence or discrimination which generate unsafe situations, fear, persecution, psychological or sexual harassment, physical assault or sexual violation of girls and boys in ordinary school life;

Paragraph 46: "raising the awareness of education staff and training them to detect, analyse, respond to, and combat all forms of sexist violence."

Regarding media:

Paragraph 55: "encouraging exploration of the role which the media can play in teaching and helping young people (girls and boys) to develop critical attitudes to sexist representations of femininity, masculinity and gender relations in society."

Regarding research on gender and education issues:

Paragraph 56: "initiating and supporting research on gender and education, for example:

- research on sexism in the oral and written language used in the classroom and elsewhere in schools, including inter-pupil communication;
- research on innovative projects on gender stereotyping and pupil behaviour, representations of masculinity and femininity, new identities for girls, and relations between girls and boys, with special reference to aggressive and abusive behaviour."

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[Recommendation No. R \(2007\) 17 on gender equality standards and mechanisms](#) provides an extensive list of measures to achieve gender equality in practice, taking into account human rights and the integration of a gender perspective in legislation in all sectors. It recommends specific gender equality standards in private and family life, education, science and culture, economic life, social protection, health, including sexual and reproductive matters, violence against women, trafficking in human beings, conflict and post-conflict situations and specific situation of vulnerable groups exposed to multiple discrimination. Gender stereotypes, traditional gender roles and prejudice are mentioned throughout the Recommendation, for example in Paragraph 187 of the Explanatory Memorandum: " To remedy or redress the present effect of past discrimination based on the grounds of sex, to reduce structural disadvantages and to overcome gender stereotypes and prejudices still existing in many societies which hamper the effective realisation of gender equality and limit women's and men's full enjoyment of human rights on equal terms, a wide range of specially tailored actions and measures is required. Specific actions, mainly addressed to women, and gender mainstreaming into all policies and plans are the main aspects of a dual approach to the building of gender equality."

Recommendation No. R (2007) specifically mentions sexism with regard to language. Paragraph 17 states “Actions of member states must be targeted at the promotion of the use of non-sexist language in all sectors, particularly in the public sector and at all levels and in all forms of education and in media.” Paragraph 18 provides the following “Elements indicating states’ political will and commitment to gender equality in this regard include the following:

- i. adoption/existence and implementation of norms imposing an obligation on the public sector to use non-sexist language in official documents, particularly in legal texts, policy papers, programmes, forms and questionnaires;
- ii. existence of a clear mandate of gender equality institutions and other relevant institutions to monitor the implementation of the principle of the use of non-sexist language; [...]
- iv. existence of initiatives to encourage the elimination of discriminatory expressions, which describe women and men in terms of their physical appearance or of the qualities and gender roles attributed to their sex.”

Regarding media, paragraph 48 paragraph iii states: “iii. encouragement, to the extent consistent with freedom of expression, of adoption and implementation of self-regulatory measures, guidelines, codes of conduct or other forms of regulations within media organisations that include the matter of sex-based discrimination/gender equality, promote the use of non-sexist language and the presentation of non-stereotyped images and exclude the use of violent or degrading materials”.

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[Recommendation No. R \(2013\) 1 on gender equality and media](#) stresses that media freedom and gender equality are intrinsically inter-related since they are both fundamental rights and that the former can advance the latter. The text also highlights how gender inequalities are reproduced in the media sector: women are under-represented in media ownership, in information production and journalism, in newsrooms and management posts; sexist stereotypes and the scarcity of counter-stereotypes affect the quality of media content, particularly with respect to “political events and election campaigns”.

CM Rec. (2013)¹ specifically mentions combating sexism, whereby media organisations are requested to promote measures aimed at “a non-stereotyped image, role and visibility of women and men, avoidance of sexist advertising, language and content which could lead to discrimination on grounds of sex, incitement to hatred and gender-based violence” (paragraph 4). In relation to Media literacy and active citizenship, measures should be considered to “Promote gender sensitive media literacy for the young generation, prepare young people to approach different forms of media content responsibly and enable them to acquire a critical view of media representations of gender and to decode sexist stereotypes; enhance the gender equality perspective in the media literacy programmes for young people of different ages as a factor for broad human rights education and active involvement in the democratic processes” (paragraph 5 point xiv of the Appendix). More generally, the Recommendation requires members states to “adopt an appropriate legal framework intended to ensure that there is respect for the principle of human dignity and the prohibition of all discrimination on grounds of sex, as well as of incitement to hatred and to any form of gender-based violence within the media” (Paragraph 1 of the Appendix).

8. [European Commission against Racism and Intolerance's \(ECRI\) General Policy Recommendation \(GPR\) n° 15 on combating hate speech](#)

General Policy Recommendation (GPR) N°15 is the first Council of Europe instrument that includes a definition of ‘hate speech’ based on sex and gender in Paragraph 9 of the Explanatory Memorandum : “Hate speech for the purpose of the Recommendation entails the use of one or more particular forms of expression – namely, the advocacy, promotion or incitement of the denigration, hatred or vilification of a person or group of persons, as well any harassment, insult, negative stereotyping, stigmatization or threat of such person or persons and any justification of all these forms of expression – that is based on a non-exhaustive list of personal characteristics or status that includes “race”, colour, language, religion or belief, nationality or national or ethnic origin, as well as descent, age, disability, sex, gender, gender identity and sexual orientation”.

9. [Strategy for the Rights of the Child \(2016-2021\)](#)

The Council of Europe's Strategy for the Rights of the Child contains a reference to sexism in its paragraph 35 "To fight discrimination on the grounds of gender and promote equality between girls and boys, the Council of Europe will continue to address stereotypes and sexism, notably in media and education, as well as oversexualisation".

10. [Internet Governance Strategy 2016-2019](#)

Paragraph 10(d)

[The] Council of Europe will focus on: [...]

- c. monitoring action taken to protect everyone, in particular women and children, from online abuse, such as cyber-stalking, sexism and threats of sexual violence.

11. Resolutions and recommendations adopted by the Parliamentary Assembly of the Council of Europe

[PACE Resolution 1751 \(2010\) on combating sexist stereotypes in the media](#) (adopted on 25 June 2010):

6. The Assembly calls on member states to strengthen training and education activities and to:

6.2. include, in gender equality legislation, provisions aimed at combating sexist stereotypes

6.6. put in place structures to monitor and/or strengthen self-regulatory mechanisms for reporting on stereotyped portrayals, drawing, where they prove effective, on the mechanisms for denouncing sexist advertising;

7. The Assembly furthermore calls on national parliaments to:

7.1. sexist stereotypes in the media by adopting legal measures to penalise sexist remarks or insults, incitement to gender-based hatred or violence and defamation of an individual or group of individuals on the grounds of their sex;

7.4. members of parliament to adopt non-sexist language and not to resort to sexist stereotypes in the course of their parliamentary activities.

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[PACE Resolution 2144 \(2017\) "Ending cyberdiscrimination and online hate"](#) (adopted on 25 January 2017)

7. In the light of the above [...] the Assembly calls on the Council of Europe member States:

7.1. in view of the international dimension of online communications, to:

7.1.2. work together to ensure that harmonised and comprehensive definitions of hate speech can be applied in cases of online hate, and draw in this respect on the recommendations of the European Commission against Racism (ECRI) and Intolerance in its General Policy Recommendation No. 15 on combating hate speech;

7.2. with regard to national legislation, to:

7.2.1. ensure, in conformity with the case law of the European Court of Human Rights, that the national law allows for the effective prosecution of online hate speech, while fully respecting freedom of expression and in particular the freedom to criticise the actions of public authorities;

7.2.2. ensure that national legislation covers all forms of online incitement to violence against a person or a group of persons, bullying, harassment, threats and stalking, so that these can be effectively prosecuted under national law;

7.2.3. amend national legislation or policy guidelines wherever necessary to ensure that the full range of characteristics considered as grounds of protection under discrimination law are taken into account in online hate cases, including sex, colour, ethnicity, nationality, religion, sexual orientation, gender identity, political or other opinion, disability or other status;

7.3. with regard to the enforcement of national legislation, to:

7.3.1. provide training to police, prosecutors and judges on the seriousness of all forms of online hate, including online hate speech, bullying, harassment, threats and stalking;

7.5. with regard to internet intermediaries, to:

7.5.2. encourage internet intermediaries to establish clear and effective internal processes to deal with notifications regarding hate speech;

7.5.3. promote efforts by such intermediaries to ensure that content that amounts to online hate speech, bullying, harassment, threats or stalking on any of the grounds mentioned in paragraph 7.2.3 above is rapidly removed, without prejudice to the possibility of taking legal proceedings against its author;

7.5.5. establish by law, where this has not already been done, the responsibility and role of internet intermediaries as regards the removal of online hate-motivated content, using as far as possible a notice-and-take-down approach.

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[PACE Recommendation 2098 \(2017\) Ending cyberdiscrimination and online hate](#) (adopted also on 25 January 2017)

3. The Assembly therefore asks the Committee of Ministers to:

3.1. review and update its Recommendation No. R (97) 20 on "hate speech", in order to ensure that it continues to provide an effective basis for combating all forms of this phenomenon, including online hate, and that it covers all the grounds on which victims may be targets of hate speech.

12. Instruction No. 33 of 1 June 1994 concerning the use of non-sexist language at the Council of Europe

This Instruction was adopted after the adoption by the Committee of Ministers of Recommendation No. R (90) 4 of 21 February 1990 on the elimination of sexism from language and after the Committee of Ministers in 1992 expressed the desire that a technical revision of the Staff Regulations be carried out to remove all sexist connotations, in accordance with the said Recommendation. The instruction states the following:

"Article 1: Sexism shall be removed from language at all levels of the Council of Europe.

Article 2: The use of non-sexist language in all Council of Europe texts, publications and audiovisual material shall be governed by the guidelines in this instruction.

Article 3: This instruction shall apply to both official languages of the Council of Europe (English and French), with due regard for the features specific to each language. Where appropriate, the guidelines shall also be applied in other languages.

Article 4: In the course of their duties, Council of Europe staff members shall use non-sexist language in accordance with the guidelines set out in the Appendix hereto.

Article 5: Persons commissioned by the Council of Europe to prepare documents and audiovisual material shall likewise apply the guidelines in their work.

The language of commissioned documents shall be checked for sexism and amended if necessary.

Article 6: The guidelines shall be observed when Council of Europe audiovisual material is prepared. They shall likewise be observed by staff members who, in the course of their duties, have occasion to be interviewed by the press, radio or television.

Article 7: Directors, Deputy Directors, Heads of Division and Heads of Section shall ensure that the guidelines are properly applied.

Article 8: The Secretary General will report on progress in the annual report on equality between women and men. "

13. Seminar on "Combating Sexist Hate Speech" jointly organised by the Council of Europe No Hate Speech Movement campaign and the Gender Equality Unit (10-12 February 2016)⁶

The [report of the seminar](#) on "Combating Sexist Hate Speech highlights the discussions that took place during the Seminar, including the resulting proposals and ideas suggested by participants. In particular, participants discussed the definition of 'sexist hate speech', which "takes its roots in sexism, the supposition, belief or assertion that one sex is superior to the other. Sexism is often expressed within the context of traditional stereotyping of social roles on the basis of sex, and results in discrimination practiced against members of the supposedly inferior sex. Hate speech towards women occurs worldwide, offline and online, in every sphere of daily life: at school, in the family and social circles, in the public space, at work, and in times of crisis and peace. Although it has taken a whole new dimension through the Internet, the root causes of sexist hate speech preceded the technology as it is fundamentally linked to unequal power relations between women and men and gender inequalities".

The seminar participants also stressed that sexist hate speech is rampant in Europe and that women are disproportionately affected, in particular some groups of women (e.g. young women, female politicians, women journalists or women's rights defenders). They discussed some of the forms of sexist hate speech, that can be expressed online or offline, notably victim blaming and re-victimisation; "slut-shaming"; body-shaming; "revenge porn" (the sharing of explicit or sexual images without consent); brutal and sexualised threats of death, rape and violence; offensive comments on appearance, sexuality, sexual orientation or gender roles; but also false compliments or supposed jokes, using humour to humiliate and ridicule the target. Several causes for sexist hate speech are put forward in the report, including "the hegemonic masculinity in our societies, the culture of sexism and rape, the existence of double standards, the normalisation of sexualised and violent language, and expectations of women and men's sexuality and roles in society."

With regards to freedom of expression, participants stressed that sexist hate speech has the effect of silencing women and of limiting their movements and that freedom of expression is not an absolute right and cannot be accepted as way to silence women and girls.

The seminar also resulted in a set of proposals for actions to combat sexist hate speech through different contexts, including the suggestion for the Council of Europe Committee of Ministers to "adopt a recommendation on combating sexism", and to "use non-sexist language during meetings and in documents by minding the terminology and the connotation of words in all languages (e.g. '*droits humains*' as opposed to '*droits de l'homme*')".

⁶ See the Background note on sexist hate speech prepared in view of the seminar and the Seminar report available on: <http://www.coe.int/en/web/genderequality/sexist-hate-speech>

14. [Plan of Action on strengthening judicial independence and impartiality \(2016-2021\)](#)

“Action 2.4 Counter the negative influence of stereotyping in judicial decision making

Remedial action by member States

Measures should be introduced to tackle the harmful impact of stereotyping on judicial decision making. Education and training for judges should be organised to ensure that judicial stereotyping does not compromise the rights of vulnerable groups to access an impartial tribunal. A gender balance in the judiciary should be sought and all efforts should be undertaken to fight gender stereotyping within the judiciary itself.”

15. [Human rights in culturally diverse societies: Guidelines adopted by the Committee of Ministers and Compilation of Council of Europe standards](#)

Gender equality

32. Member States should ensure equality between women and men in culturally diverse societies and the systematic integration of the gender equality dimension in the framework of securing human rights and fundamental freedoms. Gender equality should be ensured regardless of traditional or cultural attitudes.

Countering stereotypes

“35. Member States should promote mutual respect and diversity and counter negative stereotypes, prejudices and any form of intolerance. ”

The role of the media and information society

“69. Member States are reminded that media and the information society should play an active role in promoting mutual understanding, respect and cultural diversity, and in countering negative stereotypes, prejudices and any form of intolerance.”

The role of the private sector

“71. Member States are reminded that the private sector can play an active role in promoting cultural diversity and countering negative stereotypes in their operation and activities and that they should be encouraged to do so.”

Human rights education and training

“73. Member States should adopt practical measures to promote education as a key to combating intolerance, breaking down stereotypes, developing intercultural dialogue, including its religious dimension, building trust and mutual respect and promoting sincere support for the shared values of living together.”