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Guidelines for the elimination of sexism, harassment and violence against women in parliament



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Cover photo: Memorial outside the British Parliament to Jo Cox, a young woman MP in the House of Commons from 2015 to 2016, who was murdered on 16 June 2016, London, United Kingdom, 2016. © Justin Tallis/AFP

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Foreword

The Inter-Parliamentary Union (IPU) has been working for some years on transforming parliaments into gender-sensitive institutions that deliver on women's rights. Our work on violence against women in politics, in parliaments particularly, is at the heart of this objective. We pioneered when we conducted a parliamentary survey that yielded data on and evidence of the nature and prevalence of sexism, harassment and violence occurring in parliaments against women MPs and parliamentary staff. And we continue to lead in collecting, analysing and making available such data through several research projects. The aim is to get a more detailed picture of the problem, understand it better and map out the action taken by parliaments to counter such abuses within their institutions.

With these guidelines, we turn our attention from analysis to solutions.

These guidelines will support and better equip parliaments in efforts to put their own houses in order and lead by example, the objectives being to:

- Protect the human rights of all who work in parliament;
- Create a workplace where everyone is valued and treated with dignity and respect;
- Contribute to the participation, visibility and influence of women in politics;
- Make parliaments be seen in the public eye as representative, effective and legitimate political institutions; and
- Enable parliaments to advance gender equality in society.

We have chosen to focus on women in parliament, as women are the most affected by gender-based violence in the workplace. That fact must be thoroughly taken into account in any response to this scourge. We recognize, however, that anyone can be affected by such violence, which is detrimental to the effective operation and the inclusive working environment of parliamentary institutions.

These guidelines offer advice and practical information on how to devise and implement comprehensive, inclusive and gender-sensitive policies that prevent and eliminate sexism, harassment and violence against women in parliament.

The introduction, entitled "Understanding the problem," sets out the issues and background information.

The focus then turns to action, with three main steps:

- Step 1 – Mobilizing for action
- Step 2 – Enshrining the standards in a policy
- Step 3 – Implementation

The analysis of each step is divided into parts, each opening with a series of questions to consider and illustrated with examples from parliaments around the world. Such examples are scarce, however, as efforts to understand these problems are still in their beginnings.

As parliaments use the guidelines and develop their responses, the areas that they will need to focus on will differ significantly. Mobilizing political will may be difficult for some; implementing and monitoring policy may be the challenge for others. The guidelines are designed to support all parliaments, irrespective of their needs, interests and experiences.

The guidelines are intended primarily for members of parliament and managerial staff of parliaments, who are responsible for the safety, health and well-being of people working in parliament. They can also be a resource for parliamentary committees dealing with gender equality or equality in the workplace, caucuses of women parliamentarians or any other stakeholders seeking to ensure that parliament is a respectful and inclusive work environment that is free of sexism, harassment and violence. Political party members and representatives of parliamentary staff unions and associations may also find the guidelines useful.

The IPU is pleased to continue contributing to efforts that are intended to stem the rising tide of sexual harassment and violence that violates the human rights of the victims thereof but also poses a major threat to democracy.

A handwritten signature in blue ink, appearing to read 'Martin Chungong', with a stylized flourish extending to the right.

Martin Chungong
Secretary General

Acknowledgements

These guidelines were made possible thanks to the input of several parliaments which shared with the IPU the measures they had taken to tackle sexism, harassment and violence against women in their institutions. We would like to thank the Association of Secretaries General of Parliaments (ASGP), which was closely involved in this work, and its members, who replied to the questionnaires addressed to parliaments and provided us with detailed information. This material sheds light on and offers concrete examples to illustrate the practical advice and information set out in these guidelines. We would also like to thank the Parliaments of Austria, Chile, Germany, New Zealand, the Republic of Korea, Switzerland and the United Kingdom, as well as the Scottish Parliament, for their suggestions to improve the draft guidelines.

Our sincere thanks go to: Brigitte Filion for her work as editor of the guidelines, overseeing the process from the research stage through to final drafting; Géraldine Grenet, who carried out the research and analysis required to produce the guidelines and drafted some sections; and Zeina Hilal and Kareen Jabre for their supervision and advice throughout the project.

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IPU Forum of Women
Parliamentarians,
Belgrade, Serbia, 2019
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Summary

STEP 1 – MOBILIZING FOR ACTION

- 1.1. Mobilize the political will of the parliament's leadership against tolerating any sexism, harassment or violence against women in parliament.
- 1.2. Establish a working group – composed on the basis of parity between men and women, cross-party consensus and inclusive representation of all categories of people working in parliament – to oversee the transformation of parliament into a safe and respectful workplace free of sexist behaviour and gender-based violence.
- 1.3. Assess the existing legal framework, policies and complaint mechanisms in this area relative to parliament's national and international obligations and best practice.
- 1.4. Collect data to establish the extent of different forms of sexist behaviour and gender-based violence experienced by different personnel categories in parliament and identify any barriers to reporting and/or failures to report such incidents or file complaints about them.

STEP 2 – ENSHRINING THE STANDARDS IN A POLICY

- 2.1. Develop and agree on new standards for combating sexism, harassment and violence in parliament and set them out in a proper parliamentary workplace policy.
- 2.2. Ensure the policy includes all the following critical elements:
 - 2.2.1. Objectives
 - State the purpose of the policy, in terms of achieving a safe and respectful workplace free of sexist behaviour and gender-based violence, and how it will be accomplished.
 - 2.2.2. Roles and responsibilities
 - Identify who is accountable for implementing all aspects of the policy and monitoring its progress.
 - 2.2.3. Budget, resources, monitoring and evaluation
 - Indicate the budget resources and monitoring and evaluation process to be deployed for effective implementation of the policy.
 - 2.2.4. Definitions and examples of prohibited behaviour
 - Define acts of sexism, harassment and violence against women in line with international standards, providing examples of prohibited behaviour.
 - 2.2.5. Personnel categories covered
 - Specify all categories of people working in parliament covered by the policy and how they will be protected from horizontal (between colleagues), vertical (hierarchical) and third-party harassment/violence.
 - 2.2.6. Scope of application
 - Determine as broadly as possible the places of work where the policy can be applied.
 - 2.2.7. Preventive measures and support services
 - Describe planned awareness-raising and training activities.
 - Describe the support and counselling services available for people suffering sexist and/or sexual harassment and violence.
 - 2.2.8. Complaints-handling mechanisms
 - Formalize the independent and competent body or bodies that can receive and process complaints.
 - Specify who can report complaints to those bodies.
 - Describe the mechanism, including investigation and interviews, and how it is designed to be: a) confidential; b) responsive to the complainants; c) fair to all parties; d) based on thorough, impartial and comprehensive investigations; and e) timely.
 - 2.2.9. Remedies and reparations
 - Indicate immediate measures that can be taken to stop harassment and violence, protect complainants and witnesses and compensate victims.
 - 2.2.10. Disciplinary sanctions
 - Where harassment or violence is proven, indicate disciplinary measures to be taken against perpetrators commensurate with the seriousness of their acts.

STEP 3 – IMPLEMENTATION

- 3.1. Communicate regularly about the policy in place and encourage everyone in parliament to explicitly agree to act and behave in accordance with it.
- 3.2. Develop and regularly conduct an awareness-raising and training programme on workplace safety and health and combating sexism, harassment and violence; consider making the training compulsory.
- 3.3. Provide professional, confidential and easily accessible support and counselling services where victims can be heard and receive medical, psychological and legal information and advice.
- 3.4. Provide security advice and guidance, taking specific measures where appropriate to protect members of parliament and others working there who are subjected by third parties to threats, assault or sexist or sexual violence, including online harassment/cyberbullying.
- 3.5. Inform victims of other remedies available to them under domestic and international law.
- 3.6. Continue to improve workplace culture by addressing other barriers to equality between men and women in parliament, as well as health, safety and well-being issues.
- 3.7. Allocate sufficient financial and human resources to implement all aspects of the policy properly.
- 3.8. Regularly monitor the policy's implementation, gathering data and reporting on the use of support services, complaint mechanisms and awareness and training activities.
- 3.9. Evaluate the policy's effectiveness and impact over time in terms of the experience and perceptions of people working in parliament, comparing baseline data to data collected through systematic monitoring as well as new research.
- 3.10. Give national visibility to the results of the policy's implementation and share experience, lessons learned and good practices with other parliaments and with the IPU.

Table of acronyms

ASGP	Association of Secretaries General of Parliaments
AVFT	European Association against Violence against Women at Work
ILO	International Labour Organization
PACE	Parliamentary Assembly of the Council of Europe
NDI	National Democratic Institute
MESECVI	Follow-up Mechanism to the Belém do Pará Convention
OSCE-ODIHR	Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights



Theatrical performance for the launch of the joint IPU-PACE study on sexism, harassment and violence against women parliamentarians, 139th IPU Assembly in Geneva, Switzerland, October 2018.
© IPU

Introduction: Understanding the problem

Recognizing sexism, harassment and violence against women as real problems in parliamentary workplaces, understanding how these problems arise and breaking the silence about them are essential steps in acting to prevent and eliminate them.

This introduction begins with some facts and figures. It then examines definitions of the acts concerned and aspects of the parliamentary context to better understand their causes, aggravating circumstances and adverse consequences for individuals and the institution. Finally, it outlines the key arguments needed to inspire political will and formulate policies to prevent and combat these problems in parliament.

a) Facts and figures

Two IPU studies, published in 2016 and 2018, provided evidence that sexism, harassment and violence against women parliamentarians are extremely widespread, existing to different degrees in every region of the world.¹ According to their findings:

- **82 per cent** of female MPs who took part in an IPU international study had experienced psychological violence (sexual and sexist remarks, intimidation and threats, pictures published with humiliating or sexual connotations, etc.).

¹ IPU, *Sexism, harassment and violence against women parliamentarians*, 2016, <https://www.ipu.org/resources/publications/reports/2016-10/sexism-harassment-and-violence-against-women-parliamentarians>
IPU-PACE, *Sexism, harassment and violence against women in parliaments in Europe*, 2018, <https://ipu.org/resources/publications/reports/2018-10/sexism-harassment-and-violence-against-women-in-parliaments-in-europe>

- **65 per cent** of these women had been subjected to sexist remarks, in most cases made on parliamentary premises by male colleagues – from both opposing and their own political parties.
- **25 per cent** had suffered physical violence.
- **20 per cent** had been sexually harassed.

According to an IPU-PACE regional study in Europe:

- **85 per cent** of the female MPs taking part had suffered psychological violence in the course of their term of office.
- **25 per cent** had been sexually harassed. In **75 per cent** of those cases, the perpetrators had been male parliamentary colleagues, and in **34 per cent**, the harassment had taken place on parliamentary premises.

This European study also reported troubling findings about the sexual and psychological harassment suffered by female parliamentary staff:

- **40 per cent** of those participating had been sexually harassed in the course of their work. The perpetrators had been male MPs in **69 per cent** of the cases.
- **19 per cent** of the respondents had been exposed to psychological harassment/ bullying in the course of their work in parliament from MPs and parliamentary staff colleagues, in most cases men but also sometimes women.

Women MPs had also been subjected to online attacks:

- **58 per cent** of the participants in the European study and **42 per cent** of those in the global study had been the target of online sexist attacks on social networks (Facebook, Twitter, Instagram, etc.).

Electronic communications were the primary means of delivering threats of death, rape and beatings against female MPs. In the vast majority of cases the perpetrators were anonymous citizens.

In short, the main forms of violence against female parliamentarians and parliamentary staff identified by the IPU studies are the same as those that disproportionately affect women in the workplace everywhere:

- humiliations, insults, threats of a sexist or sexual nature, including those communicated via social networks
- sexual harassment
- bullying
- physical violence
- sexual assault and rape.

These studies show finally that a minority of parliaments have taken steps to combat such behaviour and violence. Based on information provided in 2016 by 42 parliaments (53 chambers) in every region of the world:

- **21 per cent** of the participating parliaments had a policy on sexual harassment against MPs, and **48 per cent** had such a policy for parliamentary staff.
- **28 per cent** had a procedure for complaints from MPs, and **53 per cent**, for complaints from parliamentary staff.²

² IPU, op. cit. in note 1 above, 2016. These figures require a caveat, however: several parliaments characterized their penal code, labour code or other national laws dealing with sexual harassment and gender-based violence as “standing in for policies”, being applicable to MPs as to any other citizen.

b) Definitions

Violence against women and gender-based violence

According to the internationally accepted United Nations' definition, *"the term 'violence against women' means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life inflicting physical, psychological or sexual torment or suffering, the threat of such acts, constraint or other arbitrary privations of freedom, whether in public or private life."*³

A compilation of definitions recommended in relevant international and regional instruments can be found in Annex 1.

The instruments that define violence against women stress its gender-based nature. Violence is considered gender-based if used against someone based on a society's or a culture's gender discrimination, gender role expectations and/or gender stereotypes.

The 2019 ILO Convention concerning the Elimination of Violence and Harassment in the World of Work specifically highlights the concept of gender-based violence and harassment at work. It defines it as *"violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment"*.⁴ The Convention acknowledges that gender-based violence and harassment disproportionately affect women and girls. It also recognizes that an inclusive, integrated and gender-responsive approach – which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations – is essential to ending violence and harassment in the world of work.

Sexism

These guidelines also include acts of sexism, or sexist acts. Such acts are part of a continuum of violence that creates a climate of intimidation, fear, discrimination, exclusion and insecurity inimical to opportunity and freedom. They are contributing to a negative culture for women.

The Recommendation of the Committee of Ministers of the Council of Europe on preventing and combating sexism⁵ proposes the first ever definition of sexism as: *"Any act, gesture, visual representation, spoken or written words, practice or behaviour based upon the idea that a person or a group of persons is inferior because of their sex, which occurs in the public or private sphere, whether online or offline, with the purpose or effect of:*

- i. violating the inherent dignity or rights of a person or a group of persons; or*
- ii. resulting in physical, sexual, psychological or socio-economic harm or suffering to a person or a group of persons; or*
- iii. creating an intimidating, hostile, degrading, humiliating or offensive environment; or*
- iv. constituting a barrier to the autonomy and full realization of human rights by a person or a group of persons; or*
- v. maintaining and reinforcing gender stereotypes."*

Sexist acts include derogatory jokes and comments about the physical appearance, marital status, private life or social role expected of a woman or man; negative stereotypes; incivilities or signs of disrespect; acts of disparagement and exclusion, etc.

3 United Nations General Assembly, Declaration on the Elimination of Violence against Women, 1993, A/RES/48/104, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx>

4 ILO Convention Concerning the Elimination of Violence and Harassment in the World of Work, 2019, https://www.ilo.org/dyn/normlex/fr/f?p=1000:12100:0:NO:P12100_INSTRUMENT_ID,P12100_LANG_CODE:3999810,fr:NO

5 Council of Europe, Recommendation CM/Rec (2019) of the Committee of Ministers on preventing and combating sexism, 2019, <https://rm.coe.int/prems-055519-gbr-2573-cmrec-2019-1-web-a5/168093e08c>

Sexist remarks and acts

Examples cited by respondents to the IPU studies include the following:

"You are too young and stupid, go back to your kitchen." Remark made by a male member of parliament in Europe to a female colleague in parliamentary chambers.

Disparaging comments about physical appearance are common: *"A bust like that must make a lot of milk"* (sub-Saharan Africa); *"You would be better in a porno film"* (Europe).

An Asian parliamentarian spoke of insidious moves of a denigrating and dominating nature: *"During my first term in parliament, parliamentary authorities always referred to statements by men and gave priority to men when giving the floor to speakers."*

Also cited were women's microphones being constantly turned off and the use of gestures and sounds with sexual connotations, such as whistles, "air kisses" and handshakes involving the suggestive use of a finger.



Poster on cybersexism in a shelter for women victims of violence, Chatillon, France, 2019.

© Martin Bureau/AFP

c) Aggravating circumstances

Women and men can be subjected to different and mixed forms of sexism and gender-based violence that may be aggravated by other forms of discrimination, based on “ethnicity, minority or indigenous status, age, religion, refugee or migrant status, disability, marital status, social origin, gender identity, sexual orientation or sexuality.”⁶ The IPU studies have shown, for instance, that young female MPs, those advocating against gender inequality and those belonging to the opposition or a minority group are the most often targeted.

These studies have also shown how women active within parliaments, a predominantly male domain, have disrupted existing power relations, leading some men to reaffirm their power through sexist acts, intimidation and sexual harassment. Since parliament is a place of power, where debate can be robust, such acts may be considered “normal”. The idea that “women must deal with it” and that it is up to them to adapt to a political environment that authorizes sexism or that ignores or trivializes sexual harassment, remains a stubborn one.

Tolerance of sexist acts and violence

Examples of such tolerance cited by participants in the IPU studies:

“I did not even bother to react to the sexist remarks made to me. That is the norm. If you react, they say, ‘so what?’ ‘Big deal!’” (female member of parliament in sub-Saharan Africa).

“I should have reported the incident to the Committee’s ranking member, but it happens to all female staff, and no one ever does anything” (parliamentary staff member in Europe).

Some circumstances in parliament can also add to the gravity or impact of such acts or hinder the victim’s capacity to react. Such aggravating circumstances exist when the acts occur in the context of a hierarchical or dependent relationship. This is the case, for instance, if the victim is a parliamentary employee or parliamentary assistant and the perpetrator is in a position of power, authority or influence, as in the case of MPs, enjoying status that can sometimes give a sense of absolute power and impunity.

Another aggravating factor is the extent to which such behaviour is propagated through social networks or similar means, allowing for ultra-rapid and persistent dissemination.

d) Barriers to reporting

It is also important to understand why victims often fail to report abuse. The IPU-PACE study shows how rarely such acts are reported in Europe, for instance (see box overleaf).

Participants gave the following reasons for not filing complaints:

- There was a feeling that the institutional environment tolerated such conduct.
- There was at present no service or mechanism in their parliament to which they could turn in the event of harassment or violence, or doubt over the effectiveness or fairness of existing mechanisms.
- There were fears that colleagues might find them at fault, question their veracity or insinuate they had provoked the harassment or violence.
- For women MPs, the reasons often related to their image, parliamentary career or party loyalty.
- For staff, the reasons stemmed from their subordinate status (fear of losing their jobs or the sense that their voice had no weight against that of an MP).

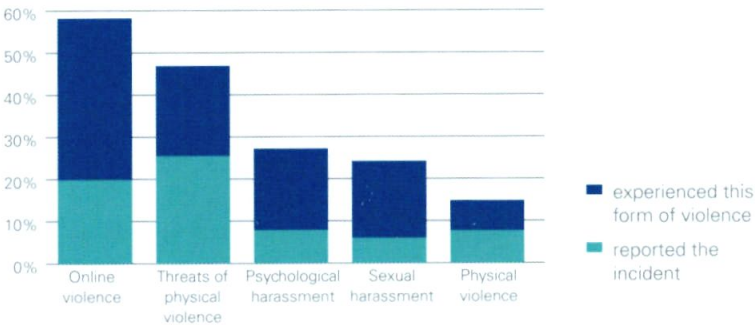
6 Ibid.

Prevalence of violence and willingness to report it

IPU-PACE Study, *Sexism, harassment and violence against women in parliaments in Europe, 2018*

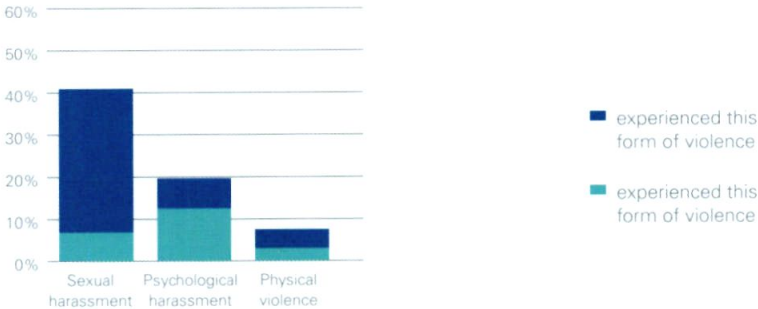
Female MPs surveyed

Prevalence of acts of violence and rates of reporting



Female members of parliamentary staff surveyed

Prevalence of acts of violence and rates of reporting



e) Adverse consequences

Recognizing the existence of a problem means also recognizing its adverse effects – on individuals and on the institution – and the need for urgent action.

Research and evidence confirm that sexism and gender-based violence in parliament undermine the dignity of individuals and the fundamental rights enshrined in several international instruments. Such acts can cause physical, sexual, psychological or socioeconomic harm or suffering. They create an intimidating, hostile, degrading, humiliating or offensive environment and perpetuate gender inequality and stereotypes. They also carry financial costs for the institution, connected to absenteeism or decreased productivity, for instance, and thus also impair the quality of parliamentary work.

These consequences are incompatible with the values expected of parliamentary institutions as inclusive, representative and effective places of work that both preach and practise gender equality in their own operations and work.⁷

⁷ IPU, Plan of action for gender-sensitive parliaments, adopted by the 127th IPU Assembly, 2012, <https://www.ipu.org/resources/publications/reference/2016-07/plan-action-gender-sensitive-parliaments>

Sexism and violence against women in parliaments also undermine the willingness of women to enter and pursue politics, and their visibility and influence while in office. These consequences, which bear on the quality and effectiveness of parliamentary work, must be recognized and addressed. Parliamentary action suffers not only from the underrepresentation of women but also from the violation of freedom of expression which, sometimes insidiously and sometimes virulently, is inflicted on female targets for the purpose, or with the effect, of silencing them.

Furthermore, if women are excluded, undermined or coerced in the exercise of duties entrusted to them by the voters, the abuse extends beyond their own civil and political rights to the rights of citizens to effective representation, and thus to democracy itself.

In the case of the British House of Commons, Dame Laura Cox, a former High Court Judge, has conducted an independent inquiry into allegations of female staff harassment. According to her report, *“the acquiescence of senior management, the institutional minimizing of complaints, the lack of effective procedures to address them, and the lack of support for those targeted for such treatment has resulted in the stifling of potential, the blighting of careers and the loss of talented and dedicated employees, many of them women.”*⁸

Sexism and violence against women in parliament also harm the reputation and image of parliamentarians and of parliaments as institutions. Dame Laura Cox warned of the consequences for the institution of failing to attack the problem at its source: *“Misconduct by some inflicts serious damage on the dignity and standing of the House as a whole and contributes to the undermining of its legitimacy and authority. Bullying, sexual harassment and the abuse of power by some members of parliament damage the reputation of them all. And the bullying or harassment of staff by some managers, or their failure to prevent or deal with such misconduct by others, can rapidly become contagious if the culture of the organization allows it to go unchecked.”*⁹

⁸ Dame Laura Cox, *The bullying and harassment of House of Commons staff*, Independent Inquiry Report, 2018, <https://www.parliament.uk/documents/Conduct%20in%20Parliament/dame-laura-cox-independent-inquiry-report.pdf>

⁹ Ibid.

Common misconceptions

MISCONCEPTION: *“That doesn’t happen in our parliament/in our political party.”*

REALITY: Sexual violence and harassment, particularly against women, plague workplaces throughout the world, harassment being the more frequently reported.¹⁰ No workplace or environment is immune from such unacceptable behaviour, which has the effect of harming a person’s dignity, security and psychological and physical health and creating a poisonous, damaging and dangerous climate. Parliaments are no exception.

MISCONCEPTION: *“No need for action. We have never had such cases and never will!”*

REALITY: The fact that one is unaware of such conduct, or has not heard talk about it in parliament, does not mean it isn’t happening and never will. It is not a question of waiting for a case to arise before acting, but of adhering to the obligations of parliament to respect the human rights of all who work there. Parliaments need to demonstrate that they are taking: (1) all preventive measures available to create a safe space and harassment-free work environment; and (2) all appropriate steps to seriously and impartially investigate and stop any attack on the safety and health of people working in parliament, and taking disciplinary measures against the perpetrators.

MISCONCEPTION: *“The victim needs only to react, say no, leave or file a complaint.”*

REALITY: To take this approach is to obfuscate the violence and cover up for its perpetrators. It blames and isolates the victim, making it about her capacity to react, *“based on the erroneous premise that victims should be able to handle such aggression.”*¹¹ Understanding how victims react means considering all the constraints – political, hierarchical, cultural, social and economic – they face. Moreover, to engage a complaint mechanism victims need to feel secure, protected and supported by an institution that is unambiguously opposed to gender-based sexism and violence.

MISCONCEPTION: *“Talking about these subjects weakens and stigmatizes parliament.”*

REALITY: The opposite is true. It is important to talk and break down taboos so that parliaments and their members act responsibly and lead by example. The persistence of a culture that tolerates sexism, abuses of power and impunity damages the image of all parliamentarians and the legitimacy and authority of parliament itself. When the institution conceals and denies such behaviour – and fails to act effectively to prevent and eliminate it – it is tolerating and perpetuating the problem.

¹⁰ ILO, *Ending violence and harassment against women and men in the world of work, Report V (1)*, 2017.

¹¹ European Association against Violence against Women at Work (AVFT), *Violences sexistes et sexuelles au travail*, Guide for employers, third edition, 2018 (in French only)

MISCONCEPTION: *“There are penal and labour laws that apply to all. We don’t need internal measures for parliament.”*

REALITY: It is obviously not a matter of parliament taking the place of justice. Internal procedures are based on national and international laws; they build on and extend such legal protections to working environments – in this case a parliament. Internal complaint mechanisms, far from replacing the justice system, are part of an employer’s obligation to prevent and respond to violence and harassment in the workplace.

MISCONCEPTION: *“He could not have done that. He is a good politician and a good family man. He may have been overworked or sick at the time.”*

REALITY: Trying to justify why an aggressor committed sexual harassment or other abuses is a way to relieve him of responsibility for doing so and hide a conscious decision to disregard a victim’s refusal. Whatever the reasons might be, they do not make such acts acceptable.¹²

¹² Ibid.



Street protest against sexual harassment of women, near Medellin, Colombia, September 2019.
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Step 1 – Mobilizing for action

A policy change or procedural reform aimed at creating a parliament free of sexism and gender-based violence should be led and owned by the parliament. But there are prerequisites for action. Leaders must be brought on board, responsibility for taking action, and how, must be assigned and the types and sources of information that are available or still required must be determined.

Step 1 addresses the following prerequisites: generating political will, establishing working groups, assessing the existing legal context and policies and collecting data.

a) Political will

Questions to consider:

- Is there strong political will for parliament to combat sexist acts and violence?
- How can such will be strengthened?
- Have these questions already been debated in parliament? Can they be talked about?
- What positions have political parties taken on these questions? What steps are needed to bring all parties onboard in tackling the problems?
- Will efforts to prevent and combat sexist acts and violence in parliament be supported or opposed?
- What partners should be mobilized?

Impediments to corrective action

- The issue may have been politicized by one side or another.
- Toleration of such practices may be entrenched in established culture.
- MPs may be reluctant to establish new complaint mechanisms, forfeiting current prerogatives to judge and be judged by their peers.
- People working in parliament tend to have differing employment and contractual status.

The need to overcome such difficulties and complexities is why broad political will – within parliamentary leadership and among members – is so important.

Given their likely involvement in adopting, implementing and monitoring any new policy, the engagement of parliament's governing organs will be critical. These organs include:

- The Speaker
- The Speaker's Bureau
- The Bureau of Parliament
- The committee responsible for parliamentary operations and affairs
- The chairs of key parliamentary committees and parliamentary groups.
- Political party and group leaders and/or whips
- The secretary(ies) general
- The parliament's human resource team.

Particularly key to success will be the ability to persuade as many people in parliament as possible that a work environment free of sexist behaviour and violence is in everyone's interest. This applies to men and women and to all personnel categories in parliament (MPs, staff, assistants, etc.).

Where a strategy is needed to galvanize political will, the following elements should be considered:

- identifying arguments likely to be persuasive for political leaders to support action;
- engaging parliamentary leaders as to the current situation for MPs and different categories of staff;
- seeking written or unwritten agreement across political parties;
- enlisting the support of male MPs;
- leveraging outside pressure from civil society, political campaigns and the social media, or referencing action taken at other institutions, such as universities, the judiciary, international and inter-parliamentary organizations, etc.

b) Working group(s)

Questions to consider in setting up a group:

- Can the work be done by an existing structure or committee?
- Are all categories of personnel well represented in this structure? Does its composition reflect balance among political parties and parity between women and men?
- Would one or more specialized working groups deal better with the issue?
- What will be the mandate and working methods of such group(s)?
- What other bodies or people in parliament should be involved? Should external experts be consulted or involved?

Objective

Working groups should be designed to ensure inclusiveness and consider the various interests at stake. In deciding on such a body, parliaments will need to determine its precise mandate and composition relative to existing parliamentary structures. Responsibility for developing or improving a policy can be assigned to a single working group or different groups for different personnel categories. It is particularly critical for the working group(s) ultimately established to enjoy solid support from parliamentary leaders.

Composition

At a minimum, given the disproportionate impact such problems have on women, the group's composition should be based on parity between men and women – or even majority female membership – while still maintaining balance among the political parties and personnel categories in parliament.

Who should be involved?

If a caucus of women parliamentarians and/or a committee on gender equality exist, it will be advisable to involve them. Other key stakeholders include parliament's security service, representatives of parliamentary staff unions and/or associations (for both staff and assistants), and external specialists (occupational physicians, experts on cyberviolence or psychological and sexual harassment at work). Relevant organizations can also be consulted or involved.

Mandate

The mandate of any such group should be clearly established. It should ideally include assessment of the situation, the formulation of policies or reforms and the monitoring of policy implementation. A group's working methods (frequency of meetings, decision-making processes, etc.) should also be determined.

France: In late 2017, the Bureau of the Senate adopted a plan for preventing and combating harassment based on recommendations from a working group and from the Delegation on the Rights of Women and Equality between Men and Women. The working group was composed of senators who were members of the Delegation of the Human Resources Bureau and to the Association for the Management of Senators' Assistants.¹³

European Parliament: An advisory committee has been created on harassment and its prevention at work. It is composed of five members: three MPs chosen by the Speaker from among the institution's Quaestors; a member appointed by the committee of parliamentary assistants; and a representative of the administration and parliamentary staff. Representatives of the European Parliament's medical service and legal service also attend.¹⁴

United Kingdom: In late 2017 a cross-party working group was established. Composed of MPs from the political parties of both chambers of Parliament and representatives of unions and employee organizations active in Parliament, its aim is to propose a new independent procedure for settling complaints about harassment at Westminster. The group piloted a survey revealing how widespread harassment has been in Parliament and submitted its report in early February 2018, recommending urgent reforms.¹⁵

¹³ Letter from the President of the French Senate to the President of the IPU on the measures taken to combat sexism, harassment and violence against women in parliament, 3 December 2018.

¹⁴ Response from the European Parliament to an online questionnaire that members of the Association of Secretaries General of Parliaments (ASGP) were invited to complete between 25 June and 6 July 2018.

¹⁵ Cross-Party Working Group on an Independent Complaints and Grievance Policy, Report published 8 February 2018, <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-02-08/HCWS460/>

Gender-sensitivity

Gender-blind policy ignores the forms of violence that target women because of their gender, taking a generic approach to regulating safety and behaviour.

Gender-neutral policy is not aimed specifically at either men or women. It recognizes the need to address forms of gender-based violence in parliament, such as sexual harassment, but assumes such violence affects both sexes equally. Such policies may fail in identifying specific strategies that meet the needs of women.

Gender-specific policy acknowledges that sexism and gender-based violence disproportionately affect women in parliament and that the needs of women affected by such abuses have been neglected in the past. It advocates on behalf of gender equality and identifies specific strategies that are appropriate for women.



Protest rally in Dhaka, Bangladesh, to demand an end to rape and sexual harassment of women nationwide, September 2019.
© STR/NurPhoto

c) Assessing the existing legal framework and policies

Key assessment criteria:

- What is the national legal framework for health and safety at work? To what extent does it impose obligations on parliament as a workplace to counter sexist and/or sexual acts and violence?
- How does this framework reflect international norms and standards?
- Does your parliament have rules directly prohibiting sexist acts, harassment and violence against women? Does your parliament have rules that might address such violence indirectly?
- Do these rules effectively protect all categories of people working in parliament?
- Are these rules visible and well known?
- Are these rules rigorously applied and perceived as effective and fair for all?

In many countries, parliament has a special status when it comes to applying employment and criminal laws. The working group should lead an assessment of such aspects of the current legal framework and policies.

Scope of the assessment

The following key topics should be covered:

1. **The national and international legal framework**, to make sure that parliament is meeting all its national and international obligations to tackle sexist and/or sexual acts and violence.
2. **The strengths and limitations of parliament’s current internal policy and complaints mechanisms, including:**
 - Policies and mechanisms that deal directly with sexist and/or sexual acts and violence; and
 - Those that do so indirectly (e.g. codes of ethics and parliamentary privileges: see boxes below), where reform efforts may be complicated.

The criteria indicated for Steps 2 and 3 of these guidelines will help to ensure a comprehensive, inclusive and gender-sensitive policy.

Is your code of ethics/conduct adequate?

Most parliaments lack internal policies and mechanisms for the conduct targeted here but do have codes of conduct or ethics for their members. Such codes, however, are usually designed to deal with financial and other abuses¹⁶ and thus lack specific provisions for the conduct at issue. In addition, the enforcement structures for those codes (committees on ethics, procedures, etc.) often lack precise mandates, expertise or resources to deal with such conduct.

Most of those structures by far, moreover, are political organs composed exclusively of MPs, in positions of power and influence. Self-regulation and peer judgement in such a context may have limited effectiveness. MPs accused of harassing staff would be judged by other MPs, and victims tend to distrust such mechanisms. Committees that operate publicly are particularly ill-suited to harassment situations, where confidentiality is essential. As suggested by the ethics officer for the French National Assembly: *“bullying and sexual harassment are not really ethical issues per se.”*¹⁷ True. They are matters that bear on fundamental political and employment rights.

16 See *Background Study: Professional and Ethical Standards for Parliamentarians*, OSCE-ODIHR, 2013, <https://www.osce.org/odihr/98924>

17 Agnès Roblot-Troizier, *Un nouvel élan pour la déontologie parlementaire*, Annual public report of the Ethics Officer of the National Assembly, 2019 (in French only)

Where parliaments already have a code of ethics/conduct with clearly defined procedures and sanctions, it may be possible to revise, expand and adapt the existing code to address the limitations described above, adding measures (e.g. for medical and psychological attention, fair and independent complaints-handling mechanisms, etc.) as necessary to protect all categories of parliamentary personnel (see Steps 2 and 3 below).

Parliamentary privileges

Parliamentary immunity and other privileges should be considered during the assessment. While fundamental to protecting freedom of expression in parliament, parliamentary immunity is not an absolute right and should not protect parliamentarians accused of gender-based violence. It must be lifted in many parliaments, however, before criminal proceedings can be brought against their members.

As the Cox report explains: *“Exposing to independent scrutiny complaints about bullying or sexual harassment by MPs in the workplace that is the House of Commons cannot reasonably be said to impact adversely on freedom of speech in Parliament. Nor will it impact adversely on the core functions of Parliament. What it may well do, however, is inhibit further misconduct of that kind, and hopefully eradicate it altogether.”*¹⁸ In her 2018 report on violence against women in politics, the UN Special Rapporteur on violence against women, its causes and consequences, encourages national parliaments to *“fight against the impunity of members of parliament in respect of violence against women in political life and review the rules of immunity, which should in no case protect the perpetrators of such violence.”*¹⁹

Solutions must be found, through political will and alliance-building, to mitigate the risk of immunity contributing to impunity for harassment and violence by MPs. In some countries, parliamentary immunity does not apply in cases of criminal prosecution against gender-based violence. Another solution could be to entrust an independent body with lifting immunity.

3. Personnel categories

Parliament is a unique institution but also a place of work and should be recognized as such. One of the main challenges for parliament will be to devise measures adapted to the needs, legal status and rights of all categories of people working in parliament.

These categories are the following:

- Parliamentary employees, who have a contractual employment relationship with the institution or who may also be public servants.
- MPs, who have been elected or appointed and are not employees of parliament. They perform their functions in parliament but do not have employment contracts with parliament. They themselves are often employers of parliamentary assistants.
- Parliamentary assistants who are not in most cases parliamentary employees but directly employed by individual MPs or a political group; they include assistants working in member constituency offices.
- Journalists covering parliamentary news.
- Employees of service providers present in parliament but under contract with an outside service provider, not with parliament (security staff, IT consultants, waiters/waitresses, drivers, hairdressers, nursery staff, gardeners, cleaning service staff, etc.).
- Other people, including political party or group assistants, interns, volunteers, etc.

¹⁸ See note 8.

¹⁹ Report on “Violence against women in politics”, presented to the United Nations General Assembly by the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, 2018.

All categories may include victims or perpetrators of sexist acts, harassment or gender-based violence. Parliament has the duty under national laws and international normative instruments to protect the fundamental rights and freedoms of those mentioned above, irrespective of their employment or contractual status.

The ILO Convention concerning the Elimination of Violence and Harassment in the World of Work set the standard of *“protecting workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer”*²⁰ (Article 2.1).

The needs and interests of different personnel categories

Parliamentary employees may be better protected than other categories against harassment by peers. They may on the other hand be poorly protected against harassment by MPs, because of self-regulating complaint mechanisms as described above.

Parliamentary or member assistants may have fewer protections where their employment relationship is with an MP rather than parliament. Those working in constituency offices may not enjoy the same security norms/protection as applicable on parliamentary premises.

MPs often have no specific complaint mechanism designed for harassment/violence cases. They may in addition be the target of more abusive conduct from the public than other categories are – sexist remarks, threats and violence, including online violence. In addition, when working in constituency offices, they may not enjoy the same security norms/protection as provided on parliamentary premises.

Bolivia: In June 2018, the Legislative Assembly created an inquiry committee on harassment and political violence. It has two objectives: first, to shed light on the multiple complaints of harassment filed by women members of all political parties; and second, to review the ethical rules for parliamentarians with a view to harmonizing them with all national laws on violence against women. The committee is composed of five women members of the Legislative Assembly’s three political parties.

Scottish Parliament: The Joint Working Group of the Scottish Parliament conducted a survey and focus groups to help identify the changes needed to current policies and procedures to deal effectively with complaints of sexual harassment and sexism. Here are some of the questions asked to evaluate the effectiveness of the policies in place:

- Are you familiar with the procedure for filing a complaint in the event of sexist harassment or behaviour?
- Do you think there is an atmosphere or culture in parliament that discourages people from filing complaints against sexual harassment and sexist behaviour?
- Do you think that if you filed a complaint for sexual harassment or sexist behaviour it would be taken seriously?

²⁰ See note 4.

d) Collecting data and evidence

Preliminary questions:

- Have internal parliamentary investigations already been conducted on sexism, harassment and violence against women in parliament?
- Has a formal or informal body outside of parliament already issued warnings or conducted an investigation into harassment and sexist and/or sexual acts and violence in the parliamentary workplace?

Having data is key to ensuring political support, assessing the situation and determining the most appropriate course of action. That can be accomplished by means of an internal evaluation survey. The IPU studies mentioned in the introduction provide data from a number of parliaments that should alert parliaments to the need to address these concerns. Internal surveys are still rare for national parliaments but are starting to be conducted. They provide a detailed picture of the situation in a precise context.

Capturing the extent of violence

France – National Assembly: According to a survey of 137 parliamentary assistants, conducted by their association, one in two of the respondents had been subjected to sexist or sexual jokes at their place of work or while on professional mission. One in three had been subjected to sexist insults, “persistent and discomforting attitudes”, including “looks” and the miming of “sexual acts”; one in five had been subjected to unwanted “sexual advances”; and one in six had experienced unwanted touching of “breasts, buttocks or thighs”.²¹

New Zealand: Members of the New Zealand IPU Group and of the New Zealand Group within the Commonwealth Women Parliamentarians (CWP) conducted a study modelled on the IPU’s study of the CWP’s 24 New Zealand members. The results confirm that sexism, harassment and violence against women MPs are frequent phenomena in which psychological violence (sexist or sexual remarks and gestures, dissemination of photos with humiliating or sexual connotations, intimidation and threats) is clearly prevalent, affecting 44 per cent of the respondents.

United Kingdom – House of Commons: According to a survey of 1,377 people working in parliament, conducted by a cross-party working group, 39 per cent of the respondents (35 per cent of the men and 45 per cent of the women) had experienced bullying during the previous 12 months.²²

What data to collect?

The data to be collected should help to permit assessment of:

- the extent of the problem (i.e. the prevalence of different forms of gender-based violence experienced by people working in parliament);
- perceptions of violence;
- perceptions of the impact of violence;
- perceptions of existing mechanisms for redress;
- the solutions required.

²¹ The findings of this survey were presented by the collective “Chair collaboratrice” during a National Assembly hearing on 20 March 2019 (Les Nouvelles News, Chair collaboratrice, *Le sexisme se porte bien à l’Assemblée*, 21 March 2019).

²² See note 15.

The questions can relate to participants' entire time in parliament or to a specific period. Individuals may also be surveyed about their knowledge of such acts (incidents they may have witnessed first-hand or heard about from victims).

The survey questions should cover specific acts representing different forms of sexism, harassment and violence against women. These acts could be classified by forms of physical, psychological, sexual or economic violence (see definition in Annex 1). It will be useful in all cases to start by clarifying the terms used to ensure a common understanding of the matters covered.

The gradation of questions in the body of the questionnaire is also important. It is preferable to start with questions about less serious manifestations of sexism, such as sexist jokes and disparaging comments, followed by those about more virulent forms of bullying, sexual harassment, sexual aggression, etc. This gradation provides a better understanding of the continuum of violence and allows respondents to feel at ease, answering questions that may seem less important first, and then, after progressively gaining confidence, revealing more serious and painful incidents they might otherwise conceal.

The questions should also elicit information on where the acts of violence have taken place, who the perpetrators were, whether the acts were reported and why they were or were not reported.

It could also be useful to ask participants what they believe caused such acts, what their effects have been and what solutions could prevent and remedy them. If procedures are already in place to combat sexism, harassment and violence, participants should be asked if they are familiar with them, have used them or might use them, and if they consider them effective and responsive to the needs of victims.

Who should be surveyed?

The survey can be addressed to women only or to all those working in parliament. While confidentiality needs to be maintained, information obtained on gender, age, minority group status, etc. is valuable for researchers seeking to understand how experiences might differ from one group or category to the next. In all cases, differing perceptions and experiences of violence between women and men working in the same space will need to be noted and considered. So too will differences in the forms of violence used against women as opposed to men. According to political party research, psychological violence is the most prevalent form of violence experienced by women, while for men it is physical violence.²³ Even where a study's focus is on acts committed against women, men can also be surveyed on their perceptions and experience and their possible role in observing or committing such acts.

Participants can include all personnel categories (MPs, staff, assistants, political party staff, interns, etc.) or specific categories. The choice of participants will depend in particular on the time and resources available, bearing in mind that the evaluation can be done in several stages (one survey for MPs – women only or all members – and one for other personnel categories). A survey covering parliamentary staff, parliamentary assistants, political party staff, interns, etc., will allow for more refined analysis and a truer picture.

²³ NDI, *No Party to Violence: Analysing Violence Against Women in Political Parties*, 2018, <http://epd.eu/2018/03/19/ndi-no-party-to-violence-analysing-violence-against-women-in-political-parties>

Research methods

Quantitative and qualitative methods

Quantitative methods usually produce findings that can be summarized in numbers, while qualitative methods gather information presented in text form through testimonials, quotes, description, case studies, etc. Researchers often use a combination of both methods.

Online surveys

Survey questionnaires can be distributed and completed online and are usually short and easy to access and answer. They can reach more participants at a lower cost than other methods and are particularly suited to a quantitative approach.

Individual interviews

This method can yield richer, contextual, qualitative information about the history of violence experienced by participants. The voluntary character of such interviews, combined with a gradual approach and an empathetic interviewer, inspires confidence, allowing participants to open up and remember traumatic events they may have been suppressing, potentially under severe emotional stress. Factors that might constrain the use of interviews, on the other hand, are the human resource hours and flexibility required to schedule them with the busy interviewees (hence the importance of proposing several time slots or conducting the interviews by telephone or Skype).

Focus groups

These are another good way to conduct qualitative research, with people from similar backgrounds gathering to discuss their perceptions, attitudes, needs, opinions or ideas. Focus groups composed of different categories of parliamentary personnel can be very useful in capturing the different needs at stake as well as ideas and proposals for policy measures to address sexism, harassment and gender-based violence in parliament.

Secondary sources

Radio/television interviews, social media news and postings, newspaper clippings, biographies, etc.

Confidentiality

Safeguarding the data provided and protecting confidentiality is essential to protect and reassure participants. Very few people dare to speak up, mainly out of fear of retaliation, as a matter of loyalty or to avoid damage to their career or discredit to their party.

Invitations to participate in the research should include consent and information forms, so participants know the specific details of the research and can be assured that their input will remain confidential. Either the questionnaires should be totally anonymous, or the personal data gathered from participants should be stored and used separately from their responses, making it impossible to connect the two. If testimony is used, it must be reported so that the witness is not identifiable. The research must be organized so as to safeguard data throughout the process and destroy it after publication of the survey, or any time a participant so requests.

Organizing the research

The working group will appoint researchers to design the research and its instruments (questionnaire, invitations to participate, etc.), conduct the interviews and compile and analyse the data gathered. The researchers will need to be neutral and sign a confidentiality agreement prohibiting them from divulging the information entrusted to them. They may be parliamentary staff members qualified to conduct such research (working for instance in the occupational health, gender equality or human rights department and having been specifically trained to deal with such research) or come from outside parliament (experts, psychologists, external survey company, etc., qualified by virtue of professional experience and knowledge).

In all cases, the people or team assigned to conduct the inquiry should have clear and precise indications about their mandate, the objectives of the inquiry and the parameters for the group's report to the mandating parliamentary body/working group.

IPU: When it conducted its first study on sexism, harassment and violence against women in parliament, in 2016, the IPU conducted voluntary, confidential interviews with women MPs only. In conducting the European study, in 2018, it expanded the target population to include parliamentary staff (officials and parliamentary assistants).²⁴ A summary of questions asked are included in Annex 2.

United Kingdom: Dame Laura Cox, a former High Court judge, was appointed by Parliament to conduct an independent inquiry into allegations of staff harassment in the House of Commons. The independent expert had to establish the nature and scope of the harassment allegations and examine how the complaints were handled and how to improve the procedures in place. Staff were invited to participate on a strictly confidential basis. To inform staff, in addition to a general announcement via Parliament's intranet, Dame Laura sent a personal message encouraging staff to testify and explaining the procedure for doing so. The inquiry targeted present and past parliamentary staff (using a parliamentary database dating back to 2012). Participants could respond in person or in writing. The aim was not to reopen cases but to determine the prevalence of such practices in Parliament. The interviews took place outside of parliamentary premises in the strictest confidentiality.²⁵

²⁴ See note 1.

²⁵ See note 8.

Scottish Parliament: An online questionnaire was sent to 1,650 men and women MPs, their staffs and interns, parliamentary and government staff, contractors and the media. It included detailed questions on experiences with sexism and sexual harassment in parliament and constituency offices. The aim was to review anti-harassment policy and gather information to gauge awareness about such phenomena and confidence in the complaint mechanisms. This poll was conducted mainly online, with a few paper copies made available to those lacking access to a parliamentary email account. Clear definitions of sexist behaviour and sexual harassment were provided in the questionnaire. The survey was administered, and the results analysed by an external company. This reassured respondents about confidentiality, as reflected in the high response rates (62 per cent overall, including 81 per cent of the parliamentary staff, 76 per cent of the members' staff and 62 per cent of the MPs).²⁶



Debate on combating sexual harassment and abuse at the European Parliament, Strasbourg, France, October 2017
© Patrick Hertzog/AFP

²⁶ The Scottish Parliament Sexual Harassment and Sexist Behaviour Survey, Final Report, 26 February 2018, and Scottish Parliamentary Corporate Body, Standards, Procedures and Public Appointments Committee, *Sexual harassment and inappropriate conduct*, 4th Report, 2018 (Session 5), <https://sp-bpr-en-prod-cdnep.azureedge.net/published/SPPA/2018/6/5/Sexual-harassment-and-inappropriate-conduct-1/SPPAS052018R04.pdf> 20 per cent of the 1039 people having completed a questionnaire said they had been subjected to acts of harassment or sexism (30 per cent of the participating women and six per cent of the men). Among victims of sexual harassment, 45 per cent said the aggressor had been a member of parliament and 40 per cent that it had been a member of parliamentary staff.



Step 2 – Enshrining the standards in a policy

Once the situation in a parliament has been assessed, and the strengths and weaknesses of its internal mechanisms reviewed, Step 2 will incorporate new standards and procedures into the relevant documentation. This section covers the critical clauses that should, at a minimum, be included to ensure a comprehensive and inclusive policy.

183 members of the Austrian Parliament stand outside the temporary parliament at Hofburg Palace, lit up as part of the UN campaign "Orange the World" to end violence against women and girls, Vienna, Austria, November 2018.
© Joe Klamar/AFP

I. Determining the nature of the policy

Questions

- Should a specific set of regulations be formulated, or should the necessary provisions be inserted in the rules of procedure, code of conduct or code of ethics?
- If a specific set of regulations, will it be part of the permanent and formal rules of parliament?

These guidelines use the term "policy" in a broad sense, to refer to a "product" setting standards to prevent and combat the conduct concerned.

When creating or enhancing a policy of this nature, parliament will have some options:

- a) Amending the standing orders, rules of procedure, code of conduct or code of ethics (and redrafting the preamble).
- b) Formulating a special policy, protocol or code of conduct.
- c) Drafting a new stand-alone policy or action plan.

Each of these options entails trade-offs, such that the choice of one or more will likely depend on the context and political will in each case.

Policy options and implications	
Amending standing orders, rules of procedure or existing codes of conduct/ethics Implications : • May need to wait until the next review. • May mean standards apply only to MPs. • Responsibility for ensuring compliance will rest with the Speaker. • Self-regulating mechanism with limitations.	Formulating a special policy, protocol or code of conduct Implications : • Can send a strong institutional signal on the issue. • May allow all personnel categories to be covered in one policy (or in policies for each category). • May mean a mix of self-regulating and independent mechanisms.
Drafting a new stand-alone action plan Implications : • May not require approval by parliament but may only cover staff. • Can send a strong institutional signal on the issue. • Can group all relevant provisions in one place.	

Canada: In 2015, the House of Commons adopted a *Code of Conduct for Members of the House of Commons: Sexual harassment between members of parliament*,²⁷ which is an annex to the Standing Orders of the House of Commons.

United States of America: In 2018, an agreement was reached in Congress to reform the existing sexual harassment policy. It entails eliminating mediation requirements and lengthy waiting periods, making members (not taxpayers) responsible for the settlements, increasing transparency by publishing reports of committee findings, making anti-harassment training mandatory for members and parliamentary staff, and requiring regular staff surveys about workplace culture during congressional periods.²⁸

France: The Bureau of the French Senate adopted an interpretive decision on the Senate Rules of Procedure specifying the disciplinary sanctions to be taken against senators who had perpetrated harassment (psychological or sexual). It also adopted an anti-harassment plan focused on two areas: (1) information and prevention; and (2) receiving complaints from and providing support to victims.²⁹

²⁷ <https://www.ourcommons.ca/About/StandingOrders/Appa2-e.htm>

²⁸ IPU, *Women in parliament in 2018: The year in review*. <https://ipu.org/resources/publications/reports/2019-03/women-in-parliament-in-2018-year-in-review>

²⁹ Record of the proceedings of the Bureau of the Senate, including the meetings of 29 June 2017 and 9 November 2017.

STOP STREET HARASSMENT & SEXUAL VIOLENCE AGAINST WOMEN IN PUBLIC SPACES

4 Rs to Stop Street Harassment



Realize

Know your rights. May karapatan ang lahat ng babae na hindi ma-harass.



Respond

Only if you feel safe enough, sabihin sa harasser na siya ay nakakabastos at hindi ito okay kung may nakikita na hinaharass, huwag lang manopd.



Report

Share experiences with friends, family, colleagues, and in social media. Pwede rin i-report sa pulis o barangay hall, bawal sa GAD Code and lahat ng uri ng harassment kahit verbal o visual.



Reform

Change the culture that tolerates Kabastusan. Speak out against street harassment.

Use visit:

book page Facebook.com/SafeCitiesProgramme.FreeFromFear

er account @SafeCitiesMM,

search #freefromfear



INTRAMUROS
ADMINISTRATIVE SERVICES



SAFE CITIES
FREE FROM FEAR
STRONGER TOGETHER



cooperación
española



II. Critical clauses of the policy

Irrespective of the form chosen, there are critical elements that must be included:

- Objectives
- Roles and responsibilities
- Budget, resources, monitoring and evaluation
- Definitions and examples of prohibited behaviour
- Personnel categories covered
- Scope of application
- Preventive measures and support services
- Complaints mechanisms
- Remedies and reparations
- Disciplinary sanctions

a) Objectives

The objectives of the policy should be clearly stated, possibly underscoring the intolerable and illegal nature of sexism, harassment and violence against women in parliament and affirming the commitment of the institution's leaders to prevent and eliminate these problems. It could also be made clear that any reports of such conduct will be taken seriously and treated with impartiality and confidentiality.

A short preamble could summarize the aims to be pursued by high-priority measures under the policy. The statement could also highlight that women are the more likely targets of sexist and/or sexual acts and violence at work and that certain situations and working arrangements (e.g. hierarchy, line-reporting) can aggravate such acts.

"Stop street harassment & sexual violence against women in public spaces" billboard, Manila, Philippines, June 2019.
© Artur Widak/NurPhoto

Canada: The *Code of Conduct for Members of the House of Commons: Sexual harassment between members of parliament* states that the purposes of the Code (Section 1) are to: “create an environment at the House of Commons that allows all Members to excel in their public duties and functions and that is free of sexual harassment; encourage reporting, by Members, of instances of sexual harassment; establish a resolution process that is complainant-driven and that the complainant can bring to an end at any point; ensure confidentiality throughout the resolution process”³⁰.

Chile: Under Article 1 of the *Protocol to Prevent and Punish Sexual Harassment in the Chamber of Deputies (2019)*³¹: “The Chamber of Deputies must provide an environment of full respect for the dignity of persons, where gender equity and equal rights and opportunities for men and women are effective. The working and living environment in the Chamber of Deputies shall be governed by the principles of equal treatment and non-discrimination, and must therefore constitute an environment free of violence and gender abuse of any kind.”

Costa Rica: In 2011, the Legislative Assembly adopted *Rules of Procedure in combating sexual harassment*³², the purpose of which is “to take steps to prevent, investigate and punish sexual harassment” (section 3) in the Legislative Assembly. In 2013, it adopted a second internal standard-setting instrument, the *Protocol on workplace harassment*,³³ with the following (inter alia) general principles: “Harassment at work, in any form, is totally unacceptable. (...) Harassment proven in the workplace is considered as a work offence, liable to disciplinary action, without prejudice to any civil and/or criminal proceedings that might be initiated in the relevant courts. (...) The Legislative Assembly recognizes harassment at work (...) as a work-related psycho-social risk (...) for which it undertakes to provide individualized victim support and follow-up, through the available institutional bodies.”

b) Roles and responsibilities

Accountability is crucial. Those with responsibilities for delivering on the policy (individuals, working group(s) or parliamentary organs) should be identified within the policy itself, indicating their respective roles and responsibilities for policy implementation and monitoring.

c) Budget, resources, monitoring and evaluation

The policy should indicate the budget and other resources to be provided to support policy implementation and effectiveness.

Provisions should specify what and how often parliament should report on policy implementation to identify and address any potential gaps and difficulties. The issue is discussed further under Step 3 below with suggested courses of action to ensure effective policy implementation, monitoring and evaluation.

³⁰ See note 27.

³¹ https://www.camara.cl/camara/media/transparencia/protocolo_acoso.pdf

³² *Reglamento Interno contra el hostigamiento sexual en el empleo y la docencia en la Asamblea Legislativa*, adopted by the Directorio Legislativo in ordinary session No. 044-2011 on 24 February 2011 and published in the Official Gazette, No. 48 of 9 March 2011.

³³ *Protocolo de Acoso Laboral*, adopted in ordinary session No. 169-2013 on 24 April 2013 and published in the Official Gazette, No. 116 of 18 June 2013.

d) Definitions and examples of prohibited behaviour

Questions

- Does the policy define the sexism, harassment and violence to be eliminated?
- Are the definitions in line with national legislation and international standards on the issue?
- Does the policy list examples to help determine what may constitute unacceptable and prohibited behaviour?
- Does the policy take into account the seriousness of the behaviour, whether subtle forms of harassment, such as sexist or sexual jokes, or more flagrant forms, such as psychological harassment/bullying, sexual harassment, sexual assault, physical violence, etc.?
- Does the policy take into account other discriminatory and possibly aggravating factors such as race, age, marital status, sexual orientation, disabilities, etc.?

The behaviour and acts to be prohibited under the policy must be clearly identified and defined, and if possible, illustrated by examples. Such forms of violence as workplace sexual harassment may be perceived differently by different people; hence the difficulty of recognizing harassing behaviour as such and drawing a line between what does and does not constitute harassment. To do that, each parliament can refer to the definitions provided for in national legislation. Parliaments should also refer to the definitions contained in international and regional instruments on human rights, the rights of women to live without violence and the right to work. Annex 1 to this document provides a compilation of the definitions in relevant international and regional instruments.

Canada: Section 2 of the *Code of Conduct for Members of the House of Commons*: *Sexual harassment between members of parliament* defines sexual harassment as follows: “conduct of a sexual nature, including a comment, gesture or contact, whether on a one-time or recurring basis, that might reasonably be expected to cause offence or humiliation.”

Section 7 then states that: “Without limiting the definition of sexual harassment in any manner, sexual harassment may include the following: (a) demands for sexual favours or sexual assault; (b) inappropriate or unwanted physical contact such as touching, patting or pinching; (c) insulting comments, gestures or practical jokes of a sexual nature that cause discomfort or embarrassment; (d) inappropriate enquiries or comments about an individual’s sex life.”³⁴

Luxembourg: According to Rule 10(2) of the *Staff Rules of the Chamber of Deputies*, “A public official shall refrain from any act of sexual or psychological harassment in the context of working relationships.

– Any conduct of a sexual nature or any other conduct based on sex that the guilty party knows, or ought to know, affects the dignity of a person at work constitutes sexual harassment in the context of working relationships for the purposes of these Staff Rules, where one of the following three conditions is met: (a) the conduct is unwanted, unreasonable and offensive to the recipient; (b) a person’s rejection of or submission to such conduct on the part of a colleague or patron/client is used explicitly or implicitly as the basis for a decision affecting that person’s professional interests; (c) such conduct creates an intimidating, hostile, degrading, humiliating or offensive environment for the recipient. The conduct may be physical, verbal or non-verbal. The intentional nature of the conduct is presumed.

³⁴ See note 27.

- Any conduct that repeatedly and systematically undermines the dignity or psychological or physical integrity of a person constitutes harassment in the context of working relationships for the purposes of this article.
- Any unwanted conduct related to one of the grounds specified in rule 1bis (1)*, which has the purpose or effect of undermining the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment, is considered harassment.
- Any unwanted conduct related to a person's sex that has the purpose or effect of undermining the dignity or the physical integrity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment is considered as harassment."

*Rule 1bis(1) states that "In the implementation of the provisions of these Staff Rules, any direct or indirect discrimination based on a person's religion or beliefs, disability, age, sexual orientation, or actual or assumed membership of a race or ethnic group is prohibited."³⁵

Chile: During debate on the *Protocol to Prevent and Punish Sexual Harassment in the Chamber of Deputies* there was agreement on the need to distinguish different levels of aggression. The terminology used to do so, which is drawn from the Chilean Penal Code, is found in Article 7 of the Protocol: "It can distinguish, among the behaviours that constitute sexual harassment, between "minor," "less serious," "serious" and "very serious" aggression. Minor aggression consists, among other things, of insinuations, pleasantries, jokes, compliments or comments made to the victim that include sexual content and are annoying or humiliating; obscene gestures; or the spreading of sexual rumours. Less serious aggression refers among other things to derogatory or offensive comments regarding sexual appearance or sexual orientation; phone calls, letters, emails or digital messaging with sexual content that improperly propose or incite sexual relations; and the use of photographs, images or drawings with explicit sexual content that pursue the same purpose. Serious aggression consists, inter alia, of excessive physical proximity and unnecessary friction. Very serious aggression refers to the use of force, such as physical aggressions, holding or cornering to perform sexual or otherwise criminal acts."³⁶

e) Personnel categories covered

The wide variety of parliamentary personnel categories and the complexity resulting from differences in the legal status of each was discussed under Step 1, section c), pages 26–27. To improve diversity and inclusion, the policy should establish explicit protections for each of these categories against all forms of harassment and violence that may arise in parliament.

The policy should also protect personnel from acts of harassment and violence perpetrated by third parties. MPs, but also sometimes parliamentary staff, may be the targets of threats, remarks and violence, including of a sexist and/or sexual nature, at meetings or social events, by post, email or mobile messaging, or through the media or social networks.

Separate measures may need to be put in place for each category.

³⁵ Response from the Parliament of Luxembourg to an online questionnaire that members of the ASGP were invited to complete between 25 June and 6 July 2018.

³⁶ See note 31.

Who is involved?

Internally

Horizontal (between peers)

- Harassment of an MP by another MP
- Harassment of a personnel member by another personnel member (whether parliamentary employees, assistants, interns or volunteers)

• Vertical (hierarchical)

- Harassment by an MP of a parliamentary employee, MP's assistant, intern or volunteer
- Harassment by a line manager of a parliamentary employee, MP's assistant, intern or volunteer

Externally

By third parties

- Harassment of an MP or staff by members of the general public
- Online harassment and violence

Canada: The House of Commons has different policies for different personnel categories:

- The *Code of Conduct for Members of the House of Commons: Sexual harassment between members of parliament*³⁷ applies to interactions between MPs.
- The *Policy on preventing and addressing harassment* (2014)³⁸ applies to all MPs (as employers), personnel employed by MPs, interns and volunteers (paid or unpaid).
- Employees covered by a collective agreement and employees of the House of Commons Administration are not subject to the provisions of these policies; separate frameworks apply to those personnel categories.

Chile: According to its Article 4, the *Protocol to Prevent and Punish Sexual Harassment in the Chamber of Deputies* applies to deputies, civil servants, persons providing temporary services and other personnel hired by the Chamber of Deputies under the Labour Code. The Protocol also applies where the complainant, even if not a personnel member, alleges harassment by anyone subject to the Protocol in the exercise of their functions. This general formula covers all advisers and assistants hired directly by the Chamber of Deputies, by an MP in a position of trust or by a political group. Article 5 requires that the Protocol be included in contracts between the parliament and external service providers.³⁹

Costa Rica and Sweden: In Costa Rica, the *Rules of procedure in combating sexual harassment* and the *Protocol on workplace harassment*⁴⁰ apply only to staff of the Legislative Assembly of Costa Rica. The measures adopted by the Swedish Parliament⁴¹ against psychological and sexual harassment apply only to acts between parliamentary employees.

37 See note 27.

38 https://www.ourcommons.ca/Content/Boie/pdf/policy_preventing_harassment-e.pdf

39 See note 31.

40 See notes 32 and 33.

41 These parliamentary measures include the following regulatory texts: The *Policy against abuse* (2009) and the *Guidelines for handling and investigating abuse* (2009), and the *Plan of action for equal treatment* (2011). Response of the Swedish Parliament to an online questionnaire that members of the ASGP were invited to complete between 25 June and 6 July 2018.

Finland: The *Guidelines of the Bureau of Parliament for the prevention of inappropriate conduct and harassment* (2017) apply to MPs, parliamentary employees and parliamentary assistants.⁴²

South Africa: In 2006, Parliament introduced a *Sexual Harassment Policy* which applies to all employees and parliamentary assistants, but the procedure to be followed differs depending on the target of the complaint (an MP or another employee or assistant):

- If the target is an MP the complaint may be filed with the Joint Ethics Commission, which is responsible for enforcing the *Code of Ethical Conduct for Members of Parliament and Provincial Legislatures*;
- If the target is another employee or assistant, a formal or informal complaint of sexual harassment may be filed through the line manager up to the level of the Secretary to Parliament for investigation.⁴³



IPU Forum of Women
Parliamentarians, Belgrade,
Serbia, 2019
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f) Scope of application

Questions

- How encompassing will the policy be? Will it be limited to acts occurring on parliamentary premises?
- Will the policy apply to situations occurring in other places, such as constituency offices, during official travel or work-related training, or at events or social activities?
- Will it apply to online interactions?

⁴² Response of the Finnish Parliament to an online questionnaire that members of the ASGP were invited to complete between 25 June and 6 July 2018.

⁴³ Response of the National Assembly of South Africa to an online questionnaire that members of ASGP were invited to complete between 25 June and 6 July 2018.

According to the ILO Convention concerning the Elimination of Violence and Harassment in the World of Work, and as a matter of growing consensus, adequate protection cannot be provided by focusing solely on the traditional physical workplace. Protection should also extend to harassment and violence occurring: “(a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities; (c) during work-related trips, travel, training, events or social activities; (d) through work-related communications, including those enabled by information and communication technologies; (e) in employer-provided accommodation; and (f) when commuting to and from work.” (Article 3).⁴⁴

These considerations are particularly important for the world of parliamentary work. The results of the IPU-PACE study confirm, for example, that incidents of sexual harassment against female parliamentary staff in Europe have occurred not only on parliamentary premises but also frequently during official travel (domestic or foreign) and at dinners and receptions.

In addition, if the parliamentary workplace provides online interactive spaces for MPs and others in parliament, the scope of the policy should extend to those spaces, to combat cyber harassment.

Canada: The *Code of Conduct for Members of the House of Commons: Sexual harassment between members of parliament* specifies that “Sexual harassment can occur, for example, while Members are travelling or at a social function.”⁴⁵

Zambia: Application of the complaints procedure in sexual harassment cases is limited to acts occurring on parliamentary premises, which includes the chamber where the Assembly sits, the offices, meeting rooms, hallways and corridors, courtyards and gardens, national offices, constituency offices and other places designated by the Speaker of Parliament.⁴⁶

g) Preventive measures and support services

These should be included in the policy as discussed under Step 3 below.

By addressing prevention in the policy, including awareness and training activities, parliamentary authorities can affirm their preference for a comprehensive response to the inequalities, attitudes, accepted notions and other root causes that perpetuate these acts.

The policy should also provide for confidential support and counselling services and ensure that victims have access to them.

Chile: According to Article 2 of the *Protocol to Prevent and Punish Sexual Harassment in the Chamber of Deputies*, “awareness and information campaigns on harassment, sexual abuse and other forms of gender-based violence, as well as training courses on these subjects, will be carried out on a regular basis.”⁴⁷

⁴⁴ See note 4.

⁴⁵ See note 27.

⁴⁶ Information taken from the communication of the National Assembly of Zambia, sent to the IPU, on the complaints procedure to prevent and combat sexism and sexual harassment against MPs and their staff, 18 October 2017.

⁴⁷ See note 31.

h) Complaints-handling mechanisms

Questions

- What bodies will receive and process complaints? Who can submit complaints to them?
- How will individuals be assured that they can trust these bodies?
- What steps will be taken to protect the confidentiality and privacy of complainants and alleged perpetrators?
- How will the process protect complainants against reprisals or fear of reprisal? What steps will be taken to prevent further victimization of, and risk to, those who dare to speak out?
- How will the allegations contained in the complaint be investigated? Who will be interviewed?
- How long will the process take?

The policy should describe in detail how the mechanisms operate to reassure interested parties that all complaints will be treated equally, according to the same protocol.

The bodies that can receive and process complaints must be clearly identified.

The policy needs to specify who can complain to these bodies. Some mechanisms limit such eligibility to alleged victims. Others allow managerial personnel and staff/personnel representatives to report incidents as well. The policy must also protect the victims and witnesses who come forward against reprisals.

Complaint mechanisms sometimes distinguish between “formal” processes, with an investigation and assessment of whether the allegations are well-founded, and “informal” processes that seek to resolve a case by facilitating communication and mediation between those involved. The choice to pursue mediation should never be imposed on a complainant. It may be proposed as an option but should be avoided when serious or systematic harassment and violence is being alleged. It should be prohibited in cases where an imbalance of power is at issue, or where complainants fear reprisals or for their safety.

Parliaments may wish to explore the possibility of group/cluster reporting of abusive behaviour, by multiple victims, and of receiving complaints about incidents having occurred prior to adoption of the policy.

The mechanism must in all cases be: (1) confidential; (2) responsive to the complainants; (3) fair to all parties; (4) based on a thorough, impartial and comprehensive investigation; and (5) timely.

1. Confidentiality

The policy should explain how the confidentiality of complaints, the parties involved, and the reports produced will be guaranteed throughout the process.

2. Responsiveness

The rights and needs of complainants must be taken into account throughout the proceedings, including mediation, if used, but also in other situations. For example, if it is determined that a person has been harassed by a colleague or a line manager and they work together on a daily basis, then the victim’s opinion must be sought before taking the decision to redeploy her/him somewhere else in parliament. She/he should not be penalized for being harassed by being forced to switch departments, for example.

3. Fairness

While attention should be given first to the person filing the complaint, the impact on the alleged perpetrator(s) should also be recognized. It is essential to maintain the presumption of innocence until due process has been completed.

4. Investigation

Each parliament must establish a mechanism to conduct thorough, impartial and comprehensive investigations to gather such evidence as may confirm the reality of the alleged acts.

Such investigations are generally conducted in three stages:

- Taking the victim's statement.
- Interviewing people who work with the alleged victim and/or perpetrator.
- Interviewing the accused (see box below for interviewing practices, pages 45–46).

There may not be sufficient evidence in some cases to firmly establish what has happened, such as when only two people are involved and give different accounts.

5. Timeliness

The entire procedure should also be concluded within a reasonable period of time.

Navigating a complaint mechanism

There is reluctance among parliaments to address these complaints because of the political party advantage it might give to parties not implicated. But sexism, harassment and violence form an issue larger than party politics, and it is precisely through these complaint proceedings that parliaments can step up as the ultimate umpires.

According to responses received from parliaments with established complaint mechanisms for these acts, the bodies involved for parliamentary staff include line management, human resource departments and secretary-general offices. Complaints involving MPs are often entrusted to internal self-regulating bodies, such as an ethics committee or standards and privileges committee. The limitations of these self-regulating mechanisms are discussed above.

Several participants in IPU studies have advocated an independent complaint mechanism. *“There are plenty of arguments to support this viewpoint: parliamentarians do not wish to be judged by their peers and go through a process that is riddled with political point-scoring while parliamentary staff do not trust a mechanism under the dominant influence of parliamentarians or political parties. Furthermore, in view of the imbalance of power between victims and aggressors (particularly when it is a parliamentarian harassing a member of staff or a parliamentary assistant), the media circus surrounding parliamentarians accused of such conduct, the influence that may be brought to bear by a desire to preserve the image and cohesion of political parties, and other aggravating factors, independent and confidential procedures appear to be the most appropriate strategy.”*⁴⁸

Parliaments must therefore avoid entrusting investigations to people in parliament who are both judges and parties and rely instead on an external person or independent body qualified in the subject area. If an internal committee is appointed to conduct the investigation, its composition should take into account gender parity and include representatives of interested parties and stakeholders (MPs, parliamentary staff, assistants, etc.). In any event, members of the committee, or the independent investigator, as well as parliamentary human resources staff, should be trained in understanding sexist and/or sexual harassment and violence as well as how to carry out an investigation in this area.

⁴⁸ IPU-PACE Study, see note 1.

Canada: According to the *Code of Conduct for Members of the House of Commons: Sexual harassment between members of parliament*, sexual harassment may be reported by the complainant or a third party to the Chief Human Resources Officer (CHRO) of the House of Commons or to the “whip” of the party caucus if the complainant and the respondent are both members of it. If the complainant and respondent do not agree to mediation, or if the matter is not mediated to the complainant’s satisfaction, the complainant may file a formal complaint in writing with the CHRO. An outside investigator chosen from a list of specialists is then called in to investigate the allegations of sexual harassment. The procedure to be followed for a confidential and impartial investigation is detailed in Annex II of the Code. The investigator interviews the complainant, the respondent, the witnesses and any other person who is considered likely to provide additional information useful for the examination of facts relating to the allegations.⁴⁹

Chile: Under the *Protocol to Prevent and Punish Sexual Harassment in the Chamber of Deputies*⁵⁰, a victim can file a complaint in written or oral form with the Gender Coordinator of the Chamber, who then refers it for investigation. The Protocol provides for different procedures depending on whether the alleged victim and accused are parliamentarians, civil servants, temporary personnel or personnel subject to Chapter IV of the Labour Code. For example, in the case of proceedings brought by or against an MP, the Secretary General, Assistant Secretary or Chief Secretary of Commissions, the investigator shall be a randomly chosen MP of a different gender, region and political party than the complainant or the accused. Following completion of the investigation, the investigator will act as rapporteur before the Commission of Internal Regime and Administration and propose punishment or acquittal. The investigation must be confidential, but the decision will be public, keeping the victim’s name in reserve when so requested. The maximum duration of the process is 20 working days from the date of the complaint.

Costa Rica: The *Rules of Procedure in combating sexual harassment* and the *Protocol on workplace harassment* (for parliamentary staff) provide for complaints being handled by an interdisciplinary committee coordinated by the human resources director and including a doctor or psychologist from the health services department and a lawyer.⁵¹

Finland: Complaints may be filed with the Speaker or a parliamentary group (for MPs); a staff representative of a parliamentary group (for staff); the secretary general of the parliament; a representative of the parliamentary services and administration department or occupational health services (for all complainants). The main stages of the procedure are the filing of an oral or written complaint, mediation and investigation, decision, and follow-up actions.⁵²

European Parliament: A mechanism has been established for handling complaints of psychological or sexual harassment filed against an MP by a member of staff, a parliamentary assistant or an intern. The complaints are first examined by the relevant administrative department, which prepares the files for the advisory committee responsible for preventing harassment at work, based on the evidence submitted with the complaint and additional evidence gathered. It is then decided whether a complaint is *prima facie* admissible and whether interim measures should be adopted. If there is sufficient evidence, the advisory committee then conducts an investigation, during which hearings are held with the complainant, witnesses and the accused. Once the procedure has been completed, the committee sends its reasoned opinion to the President of the European Parliament in a confidential report.⁵³

49 See note 27.

50 See note 31.

51 See notes 32 and 33.

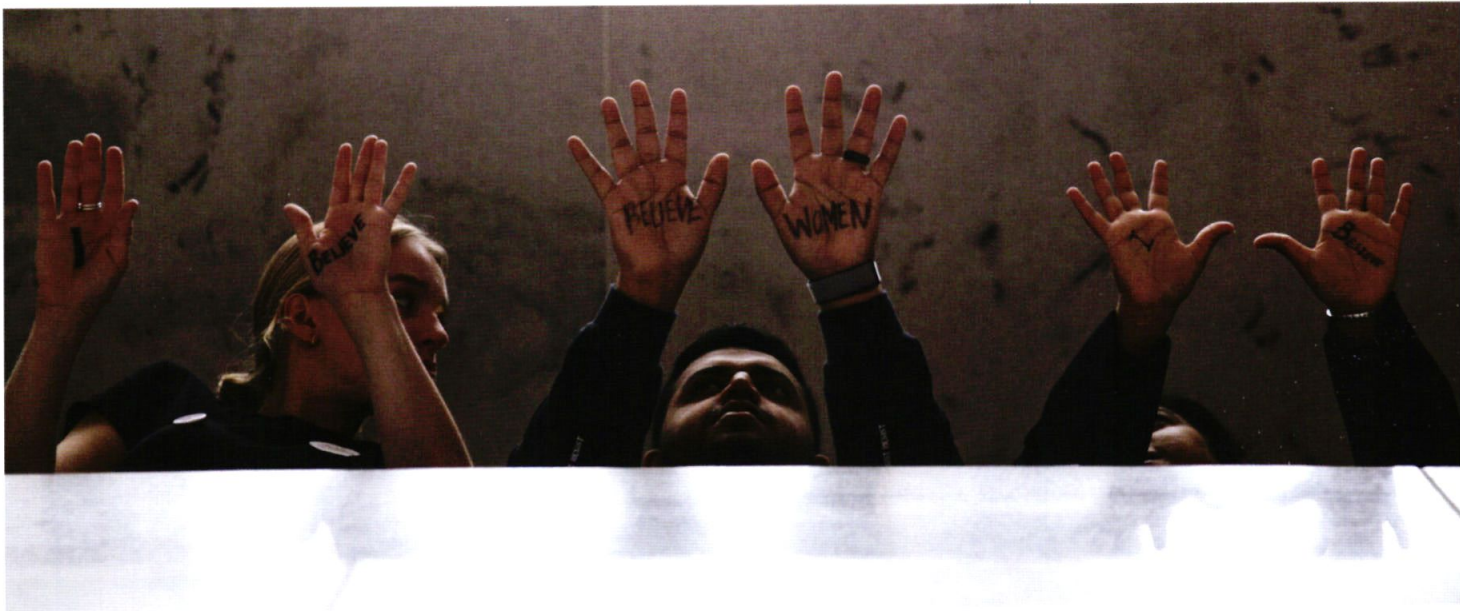
52 See note 42.

53 See note 14.

Republic of Korea: To report acts of sexual harassment by a parliamentary staff member, the victim contacts a specialized advice bureau (see description of this office on page 56 of these guidelines), which may trigger an investigation. This investigation is carried out by parliament's audit office within 20 days (it may be extended by 10 days) and results in a report that is transmitted to the Secretary General. The report's findings are then assessed by a deliberation committee composed of the Secretary General (chair) and six staff members of the National Assembly's secretariat (with neither sex accounting for more than 70 per cent of the membership). Depending on the results of the committee's assessment, the Secretary General may then take disciplinary action against the offending staff member.⁵⁴

Sweden: There is an official procedure for parliamentary staff to file a complaint with the head of human resources, which leads to an investigation. This formal procedure, through written or oral notification, prevents any reprisals against or contact with the accused. The investigation is conducted in a fully confidential manner. Individual interviews are held with each of the parties, who may be accompanied by representatives. The interviews are recorded, and each party is informed in advance of the internal investigation. The employer must ensure that the harassment has ceased. The parties have access to workplace medical services.⁵⁵

Protestors supporting Christine Blasey Ford, when she testified at a Senate Judiciary Committee hearing against Supreme Court Justice nominee Brett Kavanaugh, whom she accused of sexual assault. The protestors have "Believe women" written on their hands. Washington, United States of America, 2018. © Chet Strange/AFP



Investigation and interviews*

Objective: To compile a dossier with evidence sufficient to form an opinion on the facts.

Step 1: Receiving the victim's account

- through an interview, resulting in a transcript to be signed by those present; or,
- where victims cannot be interviewed, by means of a clear, accurate and detailed written account.

⁵⁴ Information sent to the IPU by the Republic of Korea's National Assembly's secretariat, May 2019.

⁵⁵ See note 41.

Victims may be asked to include the following in their account:

- The words spoken and acts suffered;
- Their feelings and reactions to these acts;
- Dates, places or other details to determine chronology;
- The impact on their health;
- Whether they have spoken to anyone about the matter, and to whom;
- Whether there were witnesses to the impugned acts or to their impact;
- Written messages, photos, text messages, emails or voicemail messages, etc., that may have been sent by the aggressor;
- Steps taken, official or not.

Interview:

What to do:

- Explain the purpose of the interview and the role of the body conducting it, as well as the scope of legal action the body is allowed to take;
- Ensure that subjects feel safe and secure during the interview;
- Listen to subjects with consideration and respect, taking into account their assessment of the facts;
- Inform subjects of the psychological, medical and legal assistance services available to them and of possible remedies available outside of parliament (see Step 3 of these guidelines: Support and counselling, security services, other remedies and reparations);
- Ask victims to find out which elements of their account can be formally proven by means of a medical certificate, written testimony of close family and friends, material evidence (of the aggressor's words and messages, for instance), etc.

What to avoid:

- Questioning or minimizing the acts reported;
- Talking and interrupting instead of listening, or listening superficially without asking questions;
- Showing embarrassment or impatience when emotions are expressed verbally or non-verbally (tears, silences);
- Expressing a moral judgement or criticizing rather than informing about rights in respect of the facts alleged.

Step 2: Interviewing witnesses working with the victim and/or accused

Prospective witnesses are informed that they are protected if they testify to acts of harassment or violence and that a transcript of the interview will be produced and signed by those present.

Prospective witnesses can be asked about:

- The alleged offences;
- Changes in the victim's behaviour or mood;
- The personalities of the victim and the accused;
- The witness's knowledge of similar acts, as victim of or witness to such acts, or by having been told about them in confidence.

Step 3: Interviewing the accused

It is rare for perpetrators to acknowledge their acts. An accused person may:

- Deny them;
- Minimize them, or contest the victim's interpretation or understanding of them;
- Acknowledge them but deem them inoffensive, or shift blame for them onto the victim.
- In any event, the interviewer must conclude the interview by clearly positioning him/herself against the impugned act, whether the accused is guilty of it or not.

**Source: "Sexist and sexual violence at work: Guide for employers," European Association against Violence against Women at Work*

Scottish Parliament: Extract from the Procedures for Independent Investigation, which apply to all complaints except those against MPs (the Joint Working Group has recommended changes to current procedure under the Code of Conduct to ensure so far as possible that the same principles apply to MPs):

"How the investigation will be conducted"

The process is set out as follows:

- *The Independent Investigator will contact both the complainant and respondent. The respondent will be told the details of the complaint and the name of the person making it.*
- *The purpose of the investigation is to establish facts and come to a conclusion. It should not be adversarial in nature.*
- *The Investigator will contact the complainant and respondent within 5 days of being notified of the complaint.*
- *The Investigator will interview the complainant, respondent and any relevant witnesses, allowing both parties to set out their case and respond to comments made by the other.*
- *Interviews will take place with each person separately in a private room (off the premises if necessary).*
- *Complainants and respondents can be accompanied by someone from the support service or other appointed provider, a colleague or a trade union representative.*
- *Everyone will have the opportunity to review their own interview notes to ensure they are an accurate record of what was said.*
- *Confidentiality must be maintained throughout the investigation. Action will be taken against anyone who breaches this."*⁵⁶

i) Remedies and reparations

Questions

- What immediate measures can be taken during the complaint process to stop harassment and violence and protect alleged victims and witnesses?
- What means of remedy and reparation are there for victims?

The ILO Convention concerning the Elimination of Violence and Harassment in the World of Work indicates that access to appropriate and effective workplace complaint and investigation mechanisms should be easy, safe and effective in providing remedies.

This Convention is accompanied by a recommendation (R206) specifying the remedies that could be provided for victims, including:

- "14. (a) *the right to resign with compensation;*
(b) *reinstatement;*
(c) *appropriate compensation for damages;*
(d) *orders requiring measures with immediate executory force to be taken to ensure that certain conduct is stopped or that policies or practices are changed; and*
(e) *legal fees and costs according to national law and practice.*
15. *Victims of violence and harassment in the world of work should have access to compensation in cases of psychosocial, physical or any other injury or illness which results in incapacity to work."*⁵⁷

⁵⁶ The Scottish Parliament, *Report of the Joint Working Group on Sexual Harassment*, December 2018, https://www.parliament.scot/TrainingAndDevelopment/Joint_Working_Group_Final_Harassment_Report_December_2018_2.pdf

⁵⁷ ILO R206, *Violence and Harassment Recommendation 206*, 2019, https://www.ilo.org/dyn/normlex/fr/f?p=1000:12100:0:NO:P12100_INSTRUMENT_ID,P12100_LANG_CODE:4000085,en:NO

The internal policies in parliament should include such means of redress and reparation.

Chile: The *Protocol to Prevent and Punish Sexual Harassment in the Chamber of Deputies* requires that all protective measures necessary to safeguard the physical and psychological integrity of the complainant and witnesses be provided within 48 hours of the start of an investigation of a sexual harassment case (Article 17). These measures may include, among others, temporary removal of the complainant or accused from their workplace or job duties, leave of absence, legal advice or psychological support. The Protocol specifies that when providing such measures, special consideration should be given to the opinion and needs of the victim, particularly when it comes to temporary removal from their workplace or job duties. These measures will remain in place as long as they are considered necessary. In the same spirit, efforts should be made to avoid procedures that could “re-victimize” the complainant, such as demanding multiple statements of what happened, provided that due process and the right to defence of the accused is not affected. The Protocol also prohibits investigating the sexual or affective life of the complainant during the investigation process.⁵⁸

France: In the Senate, a provisional protective measure was introduced in 2018 for cases of alleged harassment between a senator/employer and a parliamentary assistant. Given the assistant’s subordinate position, and in respect of cases where the alleged victim of such harassment has been forced to take sick leave or resign, the measure consists of suspending the accused Senator’s allowance for hiring assistants. Its objective is to prevent a repetition of such acts with a new replacement assistant. The suspension is lifted as soon as the Senate Bureau decides on the case and such disciplinary sanctions as may apply to the accused Senator. Depending on the seriousness of the case, the President of the Senate can also decide to refer the matter to the public prosecutor.⁵⁹ If the working relationship cannot be restored, the President can meet with the head of the accused Senator’s political group to consider positions that might be offered to the victim. It is planned to improve and strengthen the procedure in place when the President of the Senate is notified by the support and listening centre of suspected harassment towards a parliamentary assistant.⁶⁰

European Parliament: Under Staff Rule 24, staff members and parliamentary assistants⁶¹ can file for support and assistance, and the nominating authority can take all urgent measures necessary to protect their safety.⁶² In cases where the President has concluded that harassment has indeed been committed, the victim can obtain coverage from parliament of her/his legal fees if she/he decides to initiate judicial proceedings against the European deputy concerned. In addition, if an assistant can no longer work with her/his deputy because of harassment, her/his salary may be covered by the deputy’s budget for parliamentary assistants.⁶³

⁵⁸ See note 31.

⁵⁹ Under Article 40 of the Code of Penal Procedure, “Any duly constituted authority and any public officer or official who in the exercise of their functions learn of a crime or offense are required to inform the Department of Public Prosecution thereof without delay and to transmit to the judge any information, reports or documents relating thereto”.

⁶⁰ See note 13.

⁶¹ Accredited assistants working for European deputies are employed directly by the European Parliament.

⁶² See note 14.

⁶³ See note 17.

j) Disciplinary sanctions

Questions

- What body will be responsible for determining disciplinary sanctions?
- What steps will parliament take to punish acts of harassment and violence and prevent their recurrence in future?
- Does the policy clearly specify consequences and applicable disciplinary sanctions according to the seriousness of proven behaviour?

The policy must list the disciplinary sanctions applicable in cases of proven harassment and violence. It is essential to hold people accountable for their actions and to end impunity by establishing and applying clear sanctions commensurate with the seriousness of the acts. Disciplinary sanctions rigorously applied have a dissuasive effect. Indeed, research on effective prevention and intervention strategies for sexual harassment in the workplace shows that the certainty of punishment is as important as the severity of the punishment.⁶⁴

Chile: The *Protocol to Prevent and Punish Sexual Harassment in the Chamber of Deputies* does not create new sanctions but refers to existing sanctions in different regulatory frameworks depending on the personnel category of the perpetrator (MP, civil servant or other person hired by the Parliament). The Protocol requires application of the highest disciplinary sanctions and fines available for each type of aggression according to the seriousness of the act.

The Protocol provides for aggravating factors to be taken into account in determining the sanction, including repetition in the fault, absence of cooperation and refusal to appear or to deliver the required information during the investigation. A victim's disability or subordinate status vis-à-vis the aggressor are considered aggravating factors. The decision to impose a sanction will be published on the website of the Chamber of Deputies while safeguarding the victim's identity if so requested.⁶⁵

France – Senate: In 2017 the Bureau adopted an interpretive decision of the Senate Rules of Procedure as follows: *“acts of harassment, whatever their nature, constitute a failure to observe the ethical principle of dignity applicable to the members of the Senate.”* Thus, where harassment is proven, without prejudice to criminal sanctions, the perpetrators (whether the harassment is psychological or sexual) are subject to such disciplinary action as censure, with or without temporary exclusion, as provided for in Rules 94 and 95 of the Senate's Rules of Procedure. Such disciplinary action is issued by the Senate Bureau and results in a reduction in the offending senator's parliamentary allowance. A parliamentary official may be disciplined in proportion to the seriousness of the offences and may be automatically dismissed and removed from office, in accordance with Rule 145 of the Rules of Procedure.⁶⁶

European Parliament: In cases where harassment by a member is proven, following an internal investigation and in the light of recommendations from the advisory committee responsible for preventing harassment at work, the President of the Parliament may impose a sanction on the perpetrator in accordance with Rule 166 of the Rules of Procedure of Parliament (ranging from censure to suspension or removal of one or more parliamentary functions).⁶⁷

⁶⁴ P. McDonald, S. Charlesworth, and T. Graham (2015), 'Developing a framework of effective prevention and response strategies in workplace sexual harassment', *Asia Pacific Journal of Human Resources*, vol. 53, no. 1.

⁶⁵ See note 31.

⁶⁶ See note 13.

⁶⁷ See note 14.



PACE parliamentarians during the #NotInMyParliament campaign aiming to mobilize parliaments to take immediate measures to eradicate sexism and sexual harassment, Strasbourg, France, 2019.
© PACE

Step 3 – Implementation

Once the standards are established and set in policy they need to be widely disseminated, enforced and monitored. It is through rigorous implementation of the policy that the parliament will demonstrate commitment to its obligation to ensure the safety and protect the health of the people who work within it.

Implementation involves establishing initiatives to provide information and training, raise awareness and offer support services for victims of sexist acts, harassment and violence at work. Continuous monitoring and regular evaluation of these initiatives is also required.

I. Improving the workplace for all

a) Informing and raising awareness

Questions

- How do you make sure that everyone in the parliamentary workplace, including constituency offices, is aware of the policy and well informed of their responsibilities and rights under the policy?

Prevention is the cumulative result of clearer policies, a stronger understanding among all MPs and staff of the new regulatory framework and mechanisms, and a workplace culture of zero tolerance for any act of violence.

The variety of personnel categories and the unique characteristics of parliament have resulted in sometimes complex procedures. Effort should be made to simplify and signpost them as far as possible, combined with clear and regular communication.

Once the policy is in place, parliament needs to publicize it and encourage compliance with it. There are various options for dissemination:

- a policy statement that MPs can pledge to follow;
- the addition of a charter to the employment contract of parliamentary staff and assistants;
- a copy of the policy and all the necessary information sent to all MPs and parliamentary personnel;
- brochures, emails, and parliamentary newsletters;
- posters on parliamentary premises and in constituency offices;
- the intranet;
- information sessions, including as part of the orientation or induction programmes for new MPs and personnel, including, where appropriate, parliamentary assistants working in constituency offices.

These regular communication and awareness-raising initiatives should aim to:

- Reassure people working in parliament of the institution's commitment to preventing and eliminating sexism, harassment and violence against women in parliament;
- Ensure increased awareness of these acts so that people can identify and report them as soon as they occur;
- Ensure awareness of the individual responsibility of people witnessing such acts or informed about them in confidence;
- Fight against the stigmatization of victims, complainants, witnesses and whistleblowers;
- Publicize the measures put in place (remedial action, focal points, etc.).⁶⁸

In addition to these initiatives, the close link between prevention and punishment should not be overlooked. Indeed, the unambiguous handling of an incident has the effect of deterring potential perpetrators and sends a clear message that such acts will not go unpunished. There is no better prevention.⁶⁹

Canada: Pursuant to the *Code of Conduct for Members of the House of Commons: Sexual harassment between members of parliament*, MPs undertake in writing to adhere to the Code and help ensure a working environment that is free from sexual harassment (section 11).⁷⁰

Finland: Parliament has produced a guide (adopted in March 2017) that reaffirms its zero-tolerance policy toward harassment and makes reference to legislation in force. This guide contains advice on the procedure to follow and the people to contact in the event of harassment. This information is also explained during recruitment and is available on Parliament's intranet.⁷¹

⁶⁸ See note 11.

⁶⁹ Ibid.

⁷⁰ See note 27.

⁷¹ See note 42.

France: In cooperation with staff representatives, the Senate issued an information sheet in 2018 (see below) to inform its officials about harassment at work (legal definitions, examples of scenarios, potential criminal and disciplinary sanctions, steps to follow, etc.). This document was made available via the intranet. The Senate also organized a panel discussion by expert speakers.⁷²

**VOUS PENSEZ ÊTRE VICTIME
COMMENT AGIR ?**

> DANS LE CADRE DE VOS FONCTIONS AU SÉNAT

Ne restez pas seul et parlez de votre situation à :

- un professionnel du pôle médico-social (psychologue, médecin de prévention, médecin de soins, assistante sociale, infirmière) ;
- un membre de la direction des Ressources humaines et de la Formation ;
- un collègue ;
- un représentant du personnel ;
- un encadrant de proximité.

Signalez votre situation par écrit, directement ou par l'intermédiaire d'un des interlocuteurs privilégiés mentionnés ci-dessus, à votre hiérarchie et/ou à la direction des Ressources humaines et de la Formation.

Recueillez des éléments de preuve contre votre agresseur (compte rendu chronologique et détaillé des faits établi par vos soins, certificats médicaux, échanges de mails ou de SMS, témoignages, etc.).

> DANS LE CADRE DE DEMARCHES EXTERIEURES

- Faites-vous aider par un professionnel medico-social ;
- Alertez les services de police ou de gendarmerie ;
- Saisissez le Défenseur des droits.

VOUS ÊTES COLLÈGUE OU TÉMOIN ?

- Demandez conseil auprès du pôle médico-social ;
- Accompagnez la victime dans ses démarches ;
- Témoignez des faits dont vous avez connaissance, de préférence par écrit.

La loi vous protège : vous ne pouvez pas être sanctionné si vous avez aidé de bonne foi une situation exposée, à tort ou à raison, comme une situation de harcèlement.

CONTACTS UTILES

> AU SÉNAT

PÔLE MÉDICO-SOCIAL :

Psychologue :

M. N. ;

Médecin des professions :

Dr. N. ;

Médecin de soins :

Dr. N. ;

Assistante sociale :

Mme N. ;

Infirmière :

Mme N. ;

DIRECTION DES RESSOURCES HUMAINES ET DE LA FORMATION :

Mme N. ;

> À L'EXTÉRIEUR

Défenseur des droits :

09 69 39 00 00 - senat@defenseurdesdroits.fr

ASAF-SAT, Association de soutien et d'appui à la souffrance au travail : 07 77 23 89 00 - <http://asafsat.asso.fr>

AVT, Association française contre les violences faites aux femmes au travail : 01 45 84 29 24 - www.avt.org

Francis Victoire : 05 842 846 37 - www.francisvictoire.org



**Harcèlement moral,
harcèlement sexuel au travail :
comprendre et prévenir**

Information sheet issued by the French Senate about moral and sexual harassment (here in an anonymized version), 2017
© French Senate

**HARCÈLEMENT MORAL,
HARCÈLEMENT SEXUEL AU TRAVAIL :
QU'EST-CE QUE C'EST ?**

Le harcèlement se caractérise par le fait d'imposer à une personne une conduite abusive qui peut porter atteinte à ses droits ou à sa dignité, altérer son état de santé ou compromettre son avenir professionnel. Il convient de distinguer deux types de harcèlement : le harcèlement moral et le harcèlement sexuel.

> LE HARCELLEMENT MORAL

Le harcèlement moral au travail peut être défini comme un ensemble d'agissements répétés qui ont pour objet ou pour effet une dégradation des conditions de travail susceptible de porter atteinte aux droits de la personne ou à sa dignité, d'altérer sa santé physique ou mentale, ou de compromettre son avenir professionnel.

Dans le cadre professionnel, le harcèlement moral peut se rencontrer dans les relations interpersonnelles de travail, soit entre hiérarchique et subordonnés (dans les deux sens), soit entre collègues sans rapport hiérarchique (harcèlement horizontal). Il peut concerner une personne ou un groupe de personnes.

Le harcèlement moral peut se manifester par des gestes, des paroles ou une simple attitude. Ainsi, une personne est victime de harcèlement moral lorsqu'elle est confrontée à des agissements répétés dégradants (remarques désobligeantes, intimidations, situations humiliantes...) dans l'exercice de ses fonctions. Un harcèlement moral peut être constitué indépendamment de l'intention de son auteur (Cour de Cassation, 10 juin 2015, n° 13-22801).

Il peut prendre différentes formes :

- incivilités à caractère vexatoire, refus de dialogue et de réponse aux demandes, remarques insultantes, sarcasmes, injures, propos blessants, dénigrement et volonté de ridiculiser (ex : appeler une personne par un surnom, ne jamais dire bonjour, inviter une personne pour faire une critique sur son travail) ;
- propos sans motif valable, critiques continuelles du travail effectué, sanctions injustifiées basées sur des faits inexistantes ou véniels (ex : demander une nouvelle version d'un rapport sans l'avoir lu, remettre en cause des compétences sans élément concret) ;

retrait des missions, privation de travail, fixation d'objectifs irréalisables, attribution d'un travail inutile, d'un travail en non adéquation avec les compétences et/ou les capacités de la personne, évitement des contacts (ex : doubler la charge de travail d'une personne, lui retirer son ordinateur professionnel) ;

- modification arbitraire des conditions de travail ou des attributions essentielles du poste de travail, modification excessive des missions ou du poste de travail (ex : changer des horaires de travail sans raison, refus des congés prévus de longue date au dernier moment) ;
- isolement du collectif de travail (ex : ne pas prévenir une personne de la tenue d'une réunion, ne pas l'informer de décisions concernant son service).

Vous êtes témoin ou vous vous sentez victime d'une forme de harcèlement.

En amont de vos démarches, une rencontre avec l'un des professionnels du pôle médico-social du Sénat peut vous aider à faire le point afin de distinguer ce qui relève d'un harcèlement moral, d'un stress professionnel ou d'une critique légitime formulée par l'autorité hiérarchique.

> LE HARCELLEMENT SEXUEL

Il existe deux types de harcèlement sexuel :

- le fait d'imposer à une personne, de façon répétée, des propos ou des comportements à connotation sexuelle qui :
 - soit portent atteinte à la dignité de cette personne en raison de leur caractère dégradant ou humiliant ;
 - soit créent à son encontre une situation intimidante, hostile ou offensante (ex : propositions récurrentes de rendez-vous à caractère sexuel, tentative répétée d'être en contact physique avec une personne) ;
- le fait, même non répété, d'user de toute forme de pression grave, dans le but réel ou apparent d'obtenir un acte de nature sexuelle, que celui-ci soit recherché au profit de l'auteur des faits ou au profit d'un tiers (ex : demander des faveurs sexuelles en échange d'une promotion) ;

> SANCTIONS ENCOURUES DANS LES SITUATIONS DE HARCELLEMENT MORAL OU SEXUEL

L'auteur s'expose à deux types de sanctions, distinctes et cumulables :

1 SANCTION PÉNALE	2 SANCTION DISCIPLINAIRE
Le harcèlement, moral ou sexuel, est un délit passible de deux ans de prison et de 30 000 € d'amende. Ces peines sont alourdies en matière de harcèlement sexuel, en cas notamment d'abus d'autorité (articles 223-13 et suivants du code pénal).	Prononcée par l'autorité détentrice du pouvoir disciplinaire (directeur, Secrétaire général, Président et Questeurs), elle peut aller, selon la gravité des faits, de l'avertissement à la révocation. L'action disciplinaire est indépendante de l'action pénale.

QUELLES RESPONSABILITÉS POUR L'ADMINISTRATION ?

Comme tout employeur, l'administration du Sénat est responsable de la santé et de la sécurité de ses personnels. À ce titre, il lui revient de mettre en place des actions de prévention (sensibilisation, affichage, formation, etc.).

Lorsqu'elle a connaissance d'une situation susceptible de relever d'un harcèlement de quelque nature qu'il soit, l'administration doit :

- protéger la victime présumée ;
- procéder à une enquête interne.

En cas de situation avérée, l'administration doit :

- faire cesser les faits ;
- protéger la victime ;
- engager, le cas échéant, une procédure disciplinaire à l'égard de l'auteur des faits.

⁷² See note 13.

b) Training

Questions

- Is any training planned on preventing and combating sexism, harassment and violence against women?
- To whom should the training be addressed?
- Should it be compulsory?
- What content should be included, what approach should be taken and what format should be chosen?

It is of paramount importance to train human resource departments, parliamentary management and other resource staff (staff representatives, focal points, etc.) on what constitutes sexism, harassment and violence against women in parliament and how to respond to such acts. People in those jobs may have to deal directly with harassment situations and have an obligation to take action. They must know how to deal with victims of harassment and violence, react tactfully and appropriately, guide them and avoid making them feel disbelieved or seeming to dismiss their allegation.

To raise awareness among as many people as possible of their rights and responsibilities under the policy, it may be useful to provide training to all MPs and parliamentary staff on workplace compliance, safety and health and on combating sexism, harassment and violence against women. As experience in some parliaments has shown, however, such training courses are often poorly attended, particularly by MPs, so consideration should be given to making them compulsory.

Several parliaments have chosen to include a module on sexism, harassment and violence against women in the initial training given to new MPs and staff. Online training can reach many people in different locations at a lower cost, while face-to-face group interaction fosters dialogue and improves awareness. Case studies and role play can be used to build problem-solving skills and sensitivity to conduct that could be interpreted as psychological or sexual harassment.

In offering such training, it is important to be attentive to a few key points:

- Provide clear definitions of what constitutes sexism and psychological or sexual harassment and violence, with illustrative examples;
- Emphasize the power dynamics at play, especially when harassment and violence occur in a hierarchical relationship against young employees, often women, required to deal directly with their superiors;
- Use simulations to make participants feel the reality of sexism and harassment;
- Inform them about the disciplinary and legal consequences and sanctions to which perpetrators of harassment may be liable;
- Offer training by specialists in these issues.

As new MPs may have little experience or preparation for their role as employers, they should also receive training for their managerial functions, particularly on avoiding abuses of power in relationships with subordinates.

France: The National Assembly includes a module on harassment in the initial training sessions provided for MPs at the beginning of the legislature and for new parliamentary assistants.⁷³

Costa Rica,⁷⁴ Finland⁷⁵ and Sweden:⁷⁶ Psychological and sexual harassment issues are included in the training received by parliamentary staff upon recruitment.

Republic of Korea: The National Assembly's secretariat organizes quarterly training sessions for MPs and staff. Participation is compulsory for staff and organized according to staff category.⁷⁷

European Parliament: Specific courses are organized with the aim of preventing inappropriate behaviour and harassment and promoting respectful and professional conduct in the workplace. Harassment prevention training is provided to all members of staff, who learn to recognize, prevent and combat psychological and sexual harassment. Similar training is provided to managers to help them prevent and address psychological and sexual harassment within their teams. Tailor-made courses for MPs on managing and hiring staff in their offices are also under development.⁷⁸

Canada: In December 2016, the House of Commons launched a bilingual online training session on its policy against harassment aimed at MPs and staff. The training session can be accessed by clicking on the following link: <http://training-formation.parl.gc.ca/harassment-prevention/>. This online session is a timely way for the House of Commons to offer training for target groups throughout Canada, in Ottawa as well as constituency offices. This training format also eliminates travel costs for participants and trainers. Participants in the online training session can self-declare their status (MP, employee of an MP in Ottawa, employee of an MP in a constituency office, etc.).⁷⁹

c) Support and counselling services

Questions

- Where can people who consider themselves victims of harassment and violence go for advice and support?
- What forms do these counselling and support services take?
- Are these services well publicized and their contact details widely disseminated? Are the services easily accessible?
- What measures are being taken to protect the privacy and personal information of people using these services?

It is essential to offer access to support and counselling services to victims who need them. As the Ethics Officer of the French National Assembly put it, *"It is crucial in matters of sexual or psychological harassment that persons who consider themselves victims be allowed to relate the facts, but also their suffering."*⁸⁰

⁷³ See note 17.

⁷⁴ See note 32 and 33.

⁷⁵ See note 42.

⁷⁶ See note 41.

⁷⁷ See note 54.

⁷⁸ See note 14.

⁷⁹ Extract from the Annual Report on the House of Commons Policy on preventing and addressing harassment, 2016–2017.

⁸⁰ See note 17.

This can translate into the establishment of a support and counselling unit and/or the appointment of trusted individuals, internal or external, with the necessary training to advise on medical, psychological and legal support. These neutral, expert or well-trained individuals should be in a position to help those who consider themselves victims determine whether their experiences and suffering meet the legal definitions of harassment or other acts of violence and inform them about parliamentary policy, procedure and possible remedial action for cases of harassment and violence. They may also guide individuals towards the appropriate health and social care services (doctor, psychologist, etc.).⁸¹

These services must be confidential and easily and discreetly accessible. Off-site services (not on parliamentary premises) are recommended to ensure confidentiality and strengthen the confidence of potential victims in these services. Their purpose is not to investigate the substance of a complaint, but to play a listening and advisory role in helping them take necessary steps.



Poster produced by the Scottish Parliament informing people about the confidential support service set up in line with the Parliament's Sexual Harassment Policy, 2019.
© The Scottish Parliament

Germany: There is an agreement (2018) on protecting government employees and on structures within the Bundestag dedicated to combating discrimination and psychological and sexual harassment, including an equal opportunity officer (*Gleichstellungsbeauftragte*) and other interlocutors (staff committee, psycho-social services, representatives of persons with disabilities, colleagues with relevant training). Such interlocutors perform a support function, with victims receiving individualized counselling, information and assistance in resolving disputes. Government employees in the Bundestag are informed of such useful contacts and of the employee protection agreement during induction sessions for new employees. Trainees and interns also receive information when they begin their training.⁸²

Austria: In March 2018, Parliament established an independent structure, the *Clearingstelle*. It consists of an independent expert appointed by the Speaker of Parliament whom MPs from both chambers, staff from political groups and parliamentary assistants can contact in the event of harassment. People have confidential access to various types of information and individualized counselling. It works primarily on prevention and awareness-raising initiatives and establishing a climate of respect within the institution.⁸³

France: In 2018, the Senate strengthened the process for receiving and hearing the accounts of parliamentary officers and assistants who consider themselves victims of psychological or sexual harassment while carrying out their duties. Officers can go to a focal point in the human resource department or, if they prefer, to members of a medical and social services unit (psychologist, doctor, etc.). Similarly, a support and listening centre has been established for parliamentary assistants, offering a medical and psychological services unit (occupational doctor and psychologist) and an administrative unit (Senate administrator and employee representative appointed jointly by assistant associations and unions). Assistants or public officials can if they wish contact one of these representatives to receive support in taking action. Without investigating the substance of complaints, these representatives play a listening and support role and may not disclose any information they receive during their exchanges.⁸⁴

⁸¹ "Physical violence and harassment can leave obvious physical, but also emotional, scars, requiring rehabilitation and counselling. Psychological and sexual violence and harassment can produce effects such as anxiety, depression, headaches and sleep disorders, negatively impacting job performance". ILO, *Ending violence and harassment against women and men in the world of work*, see note 10.

⁸² Response from the German Bundestag to an online questionnaire that members of the ASGP were invited to complete between 25 June and 6 July 2018.

⁸³ Response from the Austrian Parliament to an online questionnaire that members of the ASGP were invited to complete between 25 June and 6 July 2018.

⁸⁴ See note 13.

Republic of Korea: In accordance with the *Code of parliamentary procedure for preventing and addressing sexual harassment* (Section 5), the National Assembly's secretariat opened an advice bureau in 2018 specialized in counselling victims of sexual harassment. This bureau has a clinical psychologist and an appropriate place for consultations, which is easy to access and ensures confidentiality.⁸⁵

d) Security

Question

- What measures are in place to assist and protect people working in parliament who are subjected to harassment and sexist and sexual violence by third parties, including via online messaging and social networking?

It is incumbent upon parliaments to create a safe and protective environment for all their members and staff, and they are not exempt from this responsibility if the perpetrators are third parties. The role of parliament's security services is paramount here, as is their ability to work with the police, especially when an MP or another person working in parliament is threatened or assaulted by a third party because of their activities there.

Security services should be made aware of incidents of harassment and sexist and/or sexual violence and trained to respond appropriately and with the same seriousness to these acts as to other acts of violence. They must hear a victim's allegations in confidence, conduct an impartial investigation, and where appropriate, take specific measures to protect people and their close family and friends under threat, such as personal protection and protection of property, including homes and offices.

They must also anticipate potential risks, taking such steps as conducting a security check of parliamentary premises and constituency offices and providing advice and guidance on appropriate measures to ensure the security of MPs and staff.

Lastly, security services must have a thorough knowledge of the digital environment in order to advise and assist people who are being bullied and threatened through mobile messaging and social networking, including threats of death, sexual violence and sexist and sexual insults.

United Kingdom: All MPs have access to recommended security measures for their constituency offices and homes. Any MP or peer or member of their staffs who has security concerns when away from the estate is advised to contact their local police in the first instance. This includes reporting threats and abuse received via the internet and social media. In addition, the police maintain a Parliamentary Liaison and Investigation Team to assist all members and all staff with advice on any specific, immediate threat or urgent issue, or to discuss general security concerns while on the estate.

Also, the Members' Security Support Service is a dedicated and specialized team in Parliament which supports members in accessing security measures for offices and homes. The team can also provide personal security advice to MPs, peers and their staffs, including support and advice on social media safety.⁸⁶

⁸⁵ See note 54.

⁸⁶ UK Parliament and IPU, UK Gender-Sensitive Parliament Audit 2018, Report of the gender-sensitive Parliament audit panel to the House of Commons Commission and the House of Lords Commission, November 2018.

Switzerland: MPs who feel threatened can go to Parliament's security services or the federal police department who, depending on the individual case, may advise them to file a complaint to the cantonal police, which may then take specific measures, such as providing close protection.⁸⁷ In addition, MPs experiencing harassment or bullying can use the services of an independent specialized body (*Fachstelle für Mobbing und Belästigung*), which provides advice and counselling. Anonymous interviews can be held on the body's premises (in Bern or Zurich) or by telephone.⁸⁸ There is also a counselling service for online harassment or cyberbullying.

Harcèlement Harcèlement obses- sionnel

On vous harcèle par téléphone, par SMS, par courriel ou par lettre.



INDICES:

- Courriels, SMS ou lettres insistantes;
- Appels téléphoniques à n'importe quelle heure du jour et de la nuit;
- Espionnage, surveillance et flaqueur par des inconnus.

QUE FAIRE ?

- Ne réagissez pas aux messages et aux tentatives de contact;
- Sauvegardez les courriels et les messages concernés: ils pourront vous servir de preuve le cas échéant;
- Présentez la police.

POUR OBTENIR DES CONSEILS:

Mme Monika Baum, déléguée à la sécurité
monika.baum@parlament.admin.ch
Téléphone: 058 322 92 30

Usurpation d'identité sur Internet

Des inconnus se font passer pour vous sur les réseaux sociaux et y publient des déclarations qui vous portent préjudice ou qui ne correspondent pas à votre point de vue.



INDICES:

- Réactions de colère à la suite de publications ou de nouvelles demandes d'amis;
- Douces exhortations par les gens de vous reconnaître quant à l'authenticité des déclarations ou de demandes que vous auriez faites.

QUE FAIRE ?

- Ne réagissez pas à ce type de publications;
- Sauvegardez les publications concernées: elles se avoient effacement des captures d'écran;
- Déposez une plainte auprès de la police.

POUR OBTENIR DES CONSEILS:

Pascal Adam, délégué à la sécurité informatique
pascal.adam@parlament.admin.ch
Téléphone: 058 322 92 30

MENACES HARCELEMENT INSULTES

Que faire ? À qui demander de l'aide ?
Petit guide à l'intention des membres de l'Assemblée fédérale.

Brochure produced by the Swiss Parliament informing members of the Federal Assembly about what action to take in the event of threats, harassment or insults, 2018.
© Swiss Parliament

Menace Contrainte

Vous êtes victime d'un courriel qui profère des menaces à votre encontre ou à l'encontre de votre famille par téléphone, par lettre ou par courriel.



INDICES:

- Menaces de guet-apens, lettres de la loi ou de la mort, etc.

QUE FAIRE ?

- Si vous craignez un danger immédiat, appelez aussitôt la police;
- Ne réagissez pas aux appels, courriels ou lettres de ce genre;
- Sauvegardez les courriels et les messages concernés: ils pourront vous servir de preuve le cas échéant.

POUR OBTENIR DES CONSEILS:

Mme Monika Baum, déléguée à la sécurité
monika.baum@parlament.admin.ch
Téléphone: 058 322 92 30

Chantage Sextorsion

Des inconnus prétendent posséder sciemment à votre encontre ou à l'encontre de votre famille des données compromettantes (telle que votre aspect, les données de votre carte de crédit, etc.) et vous menacent de publier ces données sur Internet ou de les transmettre à vos proches.



INDICES:

- Si vous voulez que l'offense des deux parties en matière de données compromettantes soit immédiatement effacée, contactez immédiatement l'Unité de sécurité (US) de la sécurité informatique.

QUE FAIRE ?

- Ne réagissez pas à ce type de courriels;
- Ne faites aucun versement;
- La cas échéant, changez immédiatement le mot de passe que l'offense a été mentionné dans son message.

POUR OBTENIR DES CONSEILS:

Pascal Adam, délégué à la sécurité informatique
pascal.adam@parlament.admin.ch
Téléphone: 058 322 92 30

Insultes Atteinte à l'honneur

Vous recevez des courriels ou des lettres d'insultes.



INDICES:

- Si vous craignez que l'offense des deux parties en matière de données compromettantes soit immédiatement effacée, contactez immédiatement l'Unité de sécurité (US) de la sécurité informatique.

QUE FAIRE ?

- Ne réagissez pas aux courriels, aux lettres ou aux messages insultants;
- Sauvegardez les courriels et les messages concernés: ils pourront vous servir de preuve le cas échéant.

POUR OBTENIR DES CONSEILS:

Mme Monika Baum, déléguée à la sécurité
monika.baum@parlament.admin.ch
Téléphone: 058 322 92 30

Harcèlement sexuel Cyberharcèlement

Vous subissez des agissements notamment physiques ou verbales au sein du Palais du Parlement ou en dehors, ou vous êtes victime de harcèlement sexuel sur les réseaux sociaux.



INDICES:

- Harassment sexuel;
- Harassment sexuel;
- Attouchements non consentis;
- Courriels, publications ou messages à caractère sexuel ou dénigrant.

QUE FAIRE ?

- Essayez de poser des limites claires;
- Sachez dire «non»;
- Établissez un rapport écrit succinct sur chaque incident;
- N'hésitez pas à demander conseil.

POUR OBTENIR DES CONSEILS:

Mme Claude Blum, Fachstelle Mobbing und Belästigung
claudie.blum@parlament.admin.ch
Téléphone: 031 381 49 50

e) Alternative recourse and remedies

Question

- What other means of remedy and reparation are available for victims of sexist and/or sexual violence?

It should be stressed that a parliament's internal remedies, and the disciplinary sanctions established under its policies, are without prejudice to other possible remedies under domestic as well as international law. Victims should therefore be informed of the other remedies available to them and made aware that such remedies have different reparatory objectives, different procedural deadlines and different evidentiary requirements.

87 Radio Télévision Suisse (RTS), "Nearly 60 per cent of members of the Federal Parliament say they feel threatened," 25 May 2019.
88 According to a decision of the Swiss Parliament of 12 December 2017.



Memorial outside the British Parliament to Jo Cox, a young woman MP in the House of Commons from 2015 to 2016, who was murdered on 16 June 2016, London, United Kingdom, 2016.
© Justin Tallis/AFP

Other recourse and remedies

AT NATIONAL LEVEL

It may be possible in some cases to initiate criminal or labour law proceedings subsequent to or in parallel with a parliament's internal proceedings.

- **Penal law, laws on violence against women, laws on violence against women in politics**

Depending on the country's legal framework, alleged victims of violence may also decide to bring criminal proceedings against the perpetrator (reporting them to the police or the criminal courts, for example). If the complaint concerns a member of parliament it must be verified whether parliamentary immunity must first be lifted.

- **Labour law**

In several countries, the various forms of violence and harassment – physical, psychological and sexual – are covered by provisions of labour law or laws on workplace health and safety. In most cases such laws prohibit workers, supervisors and third parties from committing such acts; provide for accessible and transparent means of filing complaints; and specify sanctions against perpetrators or employers and/or reparations for victims.⁸⁹ In several countries, prohibition is accompanied by the obligation for employers to take measures to prevent and respond to violence and harassment. Thus, depending on the national legal framework concerned, the alleged victim could also invoke labour law to pursue remedies against her/his employer – parliament in this case – for breaching its obligation to protect her/him.

⁸⁹ ILO, *Ending violence and harassment against women and men in the world of work*, see note 10.

AT INTERNATIONAL LEVEL

- **IPU Committee on the Human Rights of Parliamentarians**

This Committee is a unique source of protection and redress for MPs facing harassment and violence. It seeks to establish the facts of a given case by cross-checking and verifying, with the authorities of the countries concerned and the complainant, the allegations and information forwarded to it. The Committee's aim is to find a satisfactory settlement that is in line with relevant international and national human rights law and recommendations. The Committee keeps the identity of the complainant and the treatment of the complaint confidential if the complainant so requests. For more information on the Committee and its procedure, including the submission of complaints, please visit the IPU website at: www.ipu.org.

- **The United Nations Special Rapporteur on violence against women, its causes and consequences**

A special body established by the United Nations Human Rights Council has the mandate of gathering information, including individual complaints, concerning violence against women, and recommending measures to eliminate it. The Special Rapporteur can then transmit urgent appeals and communications to the States concerning the cases of presumed violence against women that it receives. The allegations can pertain to one or several persons or to a generalized situation of violence against women and/or tolerance of it.⁹⁰

- **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

Any person can submit a communication in respect of a State party to the Protocol to the United Nations Committee on the Elimination of Discrimination against Women if the person considers that his/her rights under CEDAW have been violated, and provided that she/he has exhausted all available domestic remedies (Articles 2–7). The Committee can also take the initiative to conduct an inquiry after receiving reliable information indicating grave or systematic violations by a State party to the Protocol of rights set forth in the Convention (Articles 8 and 9).⁹¹

A communication may not be examined if it has already been submitted to another treaty body or regional mechanism,⁹² to avoid duplication of international efforts.

f) Workplace culture

Together with implementing policies to regulate conduct, each parliamentary institution also needs to address problematic cultural norms that are barriers to the full participation of, and equality between, men and women, whether parliamentarians or staff. The IPU Plan of action for gender-sensitive parliaments and its self-assessment toolkit are designed to assist parliaments in carefully examining its structures, operations and working methods to ensure that they cater to the needs and interests of both men and women.⁹³

In many cases internal inquiries into sexism, harassment and violence in parliament will also have revealed specific concerns and recommendations about workplace culture that should be addressed. This work is an essential part of creating a workplace where everyone is valued and treated with dignity and respect.

⁹⁰ <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/Complaints.aspx>

⁹¹ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCEDAW.aspx>

⁹² For example, if the case has already been submitted to the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, or the European Court of Human Rights or the African Commission on Human and Peoples' Rights.

⁹³ See note 7.

United Kingdom: Both Houses are seeking to implement the recommendations of a Gender-Sensitive Parliament Audit carried out in 2018. The House of Commons also appointed a new independent Director for Cultural Transformation to lead the work of applying the recommendations from the Dame Laura Cox report regarding problematic parts of the parliamentary workplace culture with a view to effecting tangible, measurable and lasting change.⁹⁴

II. Monitoring and evaluating policy implementation

a) Resources for policy implementation and monitoring

Questions

- Are all the services and measures provided for in the policy receiving appropriate institutional support for their mission? Is implementation proceeding as planned?
- Are complaint review procedures followed?
- Are disciplinary sanctions applied when sexism, harassment and violence are proven?
- Will regular and transparent reports be provided on policy implementation, including the use of services? Who will be responsible for preparing those reports?
- How will information on cases of harassment/violence be registered/archived and how long will it be kept?

Parliaments should make sure to allocate sufficient financial and human resources to ensure proper application of all aspects of the policy.

It will also be essential to systematically monitor the policy's implementation by gathering data and reporting on the use of different services, complaint processing procedures and information and training activities. This data will help to evaluate whether the policy is achieving its objectives and to guide decisions in administering it.

Here again, confidentiality and the safety of the individuals concerned must be given priority. It is possible to report on the use of assistance services and the number of complaints without compromising the confidentiality of those concerned. For example, there could be mention each year of the number of information requests made and the number of complaints filed. The complaints filed could then be classified according to whether they were judged admissible, were the subject of a formal inquiry, were resolved formally or informally, or, in cases where the requests were formal, resulted in a finding that harassment had taken place.

The reports could also provide information on training and communication activities conducted during the year, including the number of people benefiting from them broken down according to personnel category and by gender, as well as participant feedback.

⁹⁴ Letter from the clerks of the House of Commons and House of Lords to the IPU, September 2019.

Canada: By virtue of the *Policy for preventing and dealing with harassment*, the human resources manager makes sure that the policy is implemented and submits a statistical report each year to the Board of Internal Economy on the following:

- “the number, nature and outcome of harassment complaints;
- the number, nature and outcome of cases entailing recourse to alternative dispute settlement methods, such as mediation;
- the outcome of the initial complaint reviews, inquiries and appeals, as well as the corrective and/or disciplinary measures taken, including the measures recommended;
- the number of persons participating in the information and training sessions on the Policy.”⁹⁵

Finland: The parliament publishes a report on parliamentary staff every two years and a report on staff safety at work every four years. The reports indicate the number of cases of harassment and unacceptable behaviour reported and processed in accordance with the *Guidelines of the Bureau of Parliament for the prevention of inappropriate behaviour and harassment*.⁹⁶

b) Evaluating and improving the policy

Questions

- Is the policy achieving the objectives set out for it or are changes needed?
- How long after its entry into force will parliament be evaluating the policy? And at what intervals thereafter?
- Who will conduct the evaluation? What will it consist of?
- How does the mechanism in place help to achieve objectives in respect of gender equality? Is that mechanism raising awareness in parliament about this question?

The policy’s effectiveness and impact over the longer term should also be evaluated. Parliamentary authorities can assign this evaluation to the working group responsible for dealing with harassment and violence in parliament or to outside experts. The evaluation will seek to verify whether the objectives established by parliament when it adopted the policy have been or are being achieved.

Analysis of the data and information gathered through systematic monitoring will be very useful in this process. New anonymous surveys of people working in parliament (see section on collecting data and evidence under Step 1) will make it possible to analyse whether parliament’s actions under the policy over a given period of time have served to prevent sexist acts, harassment and violence against women and respond to cases that may have arisen. It should examine in particular whether the services and procedures put in place to handle complaints provide adequate protection and assistance to victims and hold perpetrators to account. The baseline data collected at the beginning of policy development should be part of the process. Parliament would use them to track progress and setbacks over time, and report on this.

In certain cases, an evaluation can shed light on unanticipated positive or negative consequences and identify situations, specific practices or cultural norms that can increase the risks of harassment and violence – or indicate a need for additional training in particular aspects. The evaluation could also seek to determine how the policy is changing the work environment and the behaviour of individuals working in parliament.

⁹⁵ See note 38.

⁹⁶ See note 42.



Thousands of women attend mass rallies across Argentina under the slogan Ni Una Menos ("Not one less") to protest against violence and femicide, Buenos Aires, Argentina, June 2019.

© Carol Smiljan/NurPhoto

Lastly, parliament will benefit from giving visibility to the results of policy implementation and sharing its experience, lessons learned and good practices with other parliaments and the IPU. By actively taking part in these exchanges, parliaments can assert themselves as institutions working to improve knowledge in this area and lead by example, helping to end systematic sexism, harassment and violence against women – in parliament and in all walks of life.

Annex 1

Compilation of definitions found in relevant instruments

United Nations Declaration on the Elimination of Violence against Women (1993)⁹⁷

Violence against women

“Violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. (Article 1)

United Nations Committee on the Elimination of Discrimination against Women

Violence against women

The United Nations Committee on the Elimination of Discrimination against Women adopted two general recommendations on violence against women: GR 19 and GR 35. The concept of “violence against women”, as defined in GR 19, has placed an emphasis on the fact that such violence is gender-based – that is, directed against a woman because she is a woman – or affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.⁹⁸

Sexual harassment

For the Committee, sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.⁹⁹

The Beijing Platform for Action (1995)

The Beijing Platform for Action recognizes that violence against women, and sexual harassment in particular, is an affront to a worker’s dignity and prevents women from making a contribution commensurate with their abilities. It calls on governments to enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence (...) in (...) the workplace. (item124(c))¹⁰⁰

97 See note 3.

98 United Nations Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 2017, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=60kG1d%2fPPRiCAqhKb7yhslidCrOIUTvLRFDjh6%2fx1pWAeqJn4T68N1uqnZjLbtFua20BK3UEqIB%2fCyQlg86A6bUD6S2nt0i%2bnd-bh67tt1%2b099yEEGWYpmnzM8vDxmwt>

99 United Nations Committee on the Elimination of Discrimination against Women, General recommendation No. 19 on violence against women, 1992, https://tbinetnet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf

100 ILO, *Ending violence and harassment against women and men in the world of work*, see note 10.

ILO Convention concerning the Elimination of Violence and Harassment in the World of Work (2019)¹⁰¹

Violence and harassment in the world of work (Article 1a)

This refers to a range of unacceptable behaviour and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and that includes gender-based violence and harassment.

Gender-based violence and harassment (Article 1b)

This means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately; sexual harassment is included.

The Convention acknowledges that gender-based violence and harassment disproportionately affect women and girls. It also recognizes that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination and unequal gender-based power relations, is essential to ending violence and harassment in the world of work.

In addition, according to an ILO study, **psychological violence and harassment** is the most widely reported form of violence and harassment in the world of work and covers a range of verbal and non-verbal abuse, psychological and sexual harassment, bullying, mobbing and threats. This can include manipulating a person's reputation, isolating the person, withholding information, assigning tasks that do not match capabilities or setting impossible goals and deadlines.¹⁰²

Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) (2014)¹⁰³

Violence against women (Article 3) is understood as a violation of human rights and a form of discrimination against women and refers to 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.

Gender-based violence against women means violence that is directed against a woman because she is a woman, or that affects women disproportionately.

Psychological violence (Article 33) is intentional conduct seriously impairing a person's psychological integrity through coercion or threats.

Stalking (Article 34) means intentionally and repeatedly engaging in threatening behaviour directed at another person, causing the person to fear for her or his safety.

Physical violence (Article 35) means intentionally committing acts of physical violence against another person.

¹⁰¹ See note 4.

¹⁰² ILO, *Ending violence and harassment against women and men in the world of work*, see note 10.

¹⁰³ <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

Sexual violence (Article 36) refers to all acts of violence of a sexual nature perpetrated against another person without their consent, including rape or obliging a person to take part in non-consensual sex with a third party.

Sexual harassment (Article 40) is 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.

Sexism: The Recommendation of the Committee of Ministers of the Council of Europe on preventing and combating sexism¹⁰⁴ proposes the first ever definition of sexism as any act, gesture, visual representation, spoken or written words, practice or behaviour based upon the idea that a person or a group of persons is inferior because of their sex, which occurs in the public or private sphere, whether online or offline, with the purpose or effect of:

- i. violating the inherent dignity or rights of a person or group of persons; or
- ii. causing physical, sexual, psychological or socio-economic harm or suffering to a person or group of persons; or
- iii. creating an intimidating, hostile, degrading, humiliating or offensive environment; or
- iv. constituting a barrier to the autonomy and full realization of human rights by a person or group of persons; or
- v. maintaining and reinforcing gender stereotypes.

Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) (1994)¹⁰⁵

Violence against women

This consists of any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere (Article 1).

Violence against women in political life

In 2015, the Follow-Up Mechanism to the Convention of Belém do Pará (MESECVI) adopted the Declaration on Political Harassment and Violence against Women, which is defined as any action, conduct, or omission that is based inter alia on their gender, individually or collectively; that has the purpose or result of undermining, annulling, impeding or restricting their political rights, violating the rights of women to a life free of violence and to participate in political and public affairs on an equal footing with men.¹⁰⁶

In addition, the MESECVI adopted the Inter-American Model Law on the Prevention, Punishment and Eradication of Violence against Women in Political Life (2017) for the purpose of assisting in the harmonization of national legal frameworks with the Belém do Pará Convention on the issue of violence against women in political life. For the effects of this law, “violence against women in the political life” means any gender-based action, conduct or omission, direct or through third parties, that causes harm or suffering to one or more women and has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of women’s political rights. Violence against women in the political life may include, but is not limited to, physical, sexual, psychological, moral, economic or symbolic violence (Article 3).

Readers are also referred to Article 6 of the model law, which lists a long series of manifestations of violence against women in political life.¹⁰⁷

¹⁰⁴ See note 5.

¹⁰⁵ <https://www.oas.org/en/mesecvi/docs/BelemDoPara-ENGLISH.pdf>

¹⁰⁶ <http://www.oas.org/en/mesecvi/docs/Declaracion-ENG.pdf>

¹⁰⁷ <http://www.oas.org/en/mesecvi/docs/LeyModeloViolenciaPolitica-EN.pdf>

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) (2003)¹⁰⁸

Violence against women (Article 1(j))

This refers to all acts perpetrated against women that cause or could cause them physical, sexual, psychological or economic harm, including the threat to take such acts or to impose arbitrary restrictions on or deprivation of fundamental freedoms in private or public life, whether during peace time or situations of armed conflicts or war.

States party to the Maputo Protocol are required to take measures to ensure transparency in the recruitment, promotion and dismissal of women and to combat and punish sexual harassment in the workplace (Article 13 (c)).

¹⁰⁸ <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>

Annex 2

Summary of questions used in IPU studies

Psychological violence

During the course of your term/work in parliament:

- Have you been the target of sexual or sexist remarks?
- Have newspapers and television disseminated images of or comments about you that were highly disrespectful or with sexual connotations? (question for women MPs only)
- Have terribly humiliating or sexually charged images of or comments about you been disseminated in the social networks?
- Have you been psychologically harassed or exposed to insistent and intimidating behaviour, such as unwanted attention or verbal contacts or frightening interactions?
- Have you been threatened with attacks on your safety or that of close relations (family members, friends, etc.)?
- Have you been threatened with loss of your job or impediments to your professional advancement? (question for female parliamentary staff only)

Physical violence

During the course of your term/work in parliament:

- Has anyone slapped, pushed, struck or thrown something at you that might have injured you?
- Has anyone ever threatened to use, or actually used, a firearm, knife or other weapon against you?
- Have you ever been kidnapped, beaten or abducted?

Sexual violence

During the course of your term/work in parliament:

- Sexual harassment: Have you been subjected to degrading or humiliating remarks or behaviour with sexual connotations? Have inappropriate sexual advances and/or requests for sexual favours been made to you?
- Sexual aggression: Have you been forced to engage in sexual acts, have sexual relations or do something sexual in nature?

Economic violence

During the course of your term/work in parliament:

- Have you been denied funds to which you were entitled (such as MP allowances or staff salary or performance bonuses)?
- Have you been denied parliamentary resources (office, computer, staff, security) to which you were entitled? (question for women MPs only)
- Has your property ever been damaged or destroyed?



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