

## Engender Parliamentary Briefing: Condemnation of Misogyny, Racism, Harassment and Sexism

### INTRODUCTION

Engender welcomes this Scottish Parliament Debate on Condemnation of Misogyny, Racism, Harassment and Sexism and the opportunity to raise awareness of the ways in which women in Scotland's inequality contributes to gender-based violence.

Harassment and other forms of violence against women and girls (VAWG) are both a cause and a consequence of women's inequality. Through our policy and advocacy work we have drawn attention to the multitude of ways in which women's inequality persists in Scotland<sup>1</sup> and without concerted action to address these, attitudes and actions which replicate sexism and create the conducive context for men's violence will continue.

### MISOGYNY, SEXISM AND HARASSMENT

Violence against women and girls (VAWG) exists at epidemic levels across Scotland, whether manifested as domestic abuse, sexual violence, forced marriage, female genital mutilation (FGM), so-called honour-based violence, or harassment in person or online. The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee's General Recommendation 35 recognises that VAWG takes multiple forms, including "*physical, sexual, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty.*" The Council of Europe's 'Istanbul Convention' further articulates that the many forms VAWG can take includes "unwanted verbal, non-verbal or physical conduct of a sexual nature".<sup>2</sup>

**Sexual harassment re-creates women's subordination through verbal and physical acts which assert that women and girls do not have equal access and rights to safety, public space, and physical autonomy.** This is reflected in **Equally Safe**, Scotland's strategy to eradicate violence against women, which **adopts a gendered analysis placing violence against women as both a cause and consequence of women's inequality.**

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<sup>1</sup> See for example, Engender (2019) Engender Parliamentary Briefing: International Women's Day 2019

<sup>2</sup> Article 40 of the Council of Europe Convention on preventing and combating violence against women and domestic violence

Women's inequality is maintained and enforced by sexism and misogyny. Sexism is the set of assumptions, beliefs and stereotypes that women and men behave in certain ways because of natural or innate differences.<sup>3</sup>

Misogyny however is the system which polices and enforces the norms and expectations, through which women are coerced or punished for not behaving in a particular way. Misogyny often has openly hostile elements of abuse, coercion or violence either in private or public space. The internet has seen dramatic rises in online misogynistic harassment with survey data from Amnesty International finding that 21% of women in the UK reported having experienced online abuse or harassment at least once.<sup>4</sup>

**Engender has therefore recommended that Scotland develops a standalone misogynistic offence which addresses the impact that misogynistic harassment has on women's autonomy, wellbeing, safety, and freedom of expression.** We have joined other national women's organisations in expressing this view to Scottish Government as it consults on amending hate crime law.<sup>5</sup>

## **INTERSECTIONALITY**

We do not consider ourselves experts in race-based discrimination and harassment but we clearly recognise that women are found within all protected groups and that our experience of misogyny may be intensified by other aspects of our identity in different contexts.

However, currently available data on harassment and violence against women is not disaggregated by race and by gender in any meaningful way. Engender has therefore been limited in any efforts to chart how multiple identities experience sexual harassment and discrimination in Scotland. A project we delivered between 2013 and 2015 on anti-sectarianism found that "The most common type of religious-inflected street harassment [disclosed in the project] was of Muslim women wearing hijab or other types of head-covering."<sup>6</sup>

**The Scottish Government and other public bodies should encourage better collection and analysis of data which allows for greater understanding of how multiple overlapping identities contribute to our experiences of sexism and misogyny.**

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<sup>3</sup> Kate Manne (2018) Down girl: The logic of misogyny

<sup>4</sup> Amnesty International (2017) Toxic Twitter - Women's Experiences Of Violence And Abuse On Twitter

<sup>5</sup> Engender (2019) Response to the Scottish Government consultation on hate crime legislation

<sup>6</sup> Engender (2015) The 'S' Word: Women's experiences of intraChristian sectarianism in Scotland

## WORKPLACE SEXUAL HARASSMENT

As many as 52% of women in the UK have experienced some form of sexual harassment in the workplace.<sup>7</sup> Once sexual harassment is properly conceptualised as a manifestation of power relations, the economic and social consequences of harassment within the workplace are clearly visible.

The UN CEDAW Committee's General Recommendation 19 states "*Equality in employment can be seriously impaired when women are subjected to gender specific violence, such as sexual harassment in the workplace.*" Women report sexual harassment as having a negative impact on their mental health and their confidence at work, leading them to change their own behaviour in the workplace. This includes avoiding certain work situations to avoid the perpetrator or not applying for promoted posts within the organisation. In this way workplace sexual harassment reinforces women's subordinate role in the workplace.<sup>8</sup>

EU law has also provided a minimum floor for member states in the prevention of harassment based on sex and race through the 'Victims Directive'.<sup>9</sup> Additionally the EU has driven gender equality measures in the workplace such as the 'Equal Opportunities and Equal Treatment Directive'<sup>10</sup> and the 'Pregnant Workers Directive'<sup>11</sup> which challenge sexist structures and attitudes. **Brexit poses serious risk that these measures may be weakened by future government priorities and bilateral trade deal negotiations.**

However, there is still much more work to be done elsewhere too. The Sexual Harassment and Sexist Behaviour Survey conducted by the Scottish Parliament found that a fifth of respondents had experienced harassing behaviour – 30% of women and 6% of men.<sup>12</sup> In 45% of cases the perpetrator was an MSP and in 40% a member of MSP staff. The Scottish Parliament must act as a leader for other employers and public bodies through its refreshed policies for workplace harassment. This must be joined by strong responses to sexist and misogynistic voices and actors as well as promoting measures to advance women's equality in all spheres.

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<sup>7</sup> TUC (2016) Still just a bit of banter? Sexual harassment in the workplace in 2016

<sup>8</sup> Close the Gap (2017) Working Paper 17: Gender pay gap statistics

<sup>9</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime

<sup>10</sup> Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation

<sup>11</sup> Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

<sup>12</sup> The Scottish Parliament (2018) Sexual Harassment and Sexist Behaviour Survey, Final Report,

## HOW CAN PUBLIC BODIES BETTER RESPOND?

The Equality Act 2010 provides that under the public sector equality duty (PSED) public authorities must have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and to foster good relations between people with protected characteristics. Under PSED, harassment and victimisation are encapsulated within the meaning of unlawful discrimination.<sup>13</sup>

Employees can seek remedy for sexual harassment in the workplace that is perpetrated by a colleague. However the third-party harassment provisions set out in that Act were repealed in 2013, meaning there is no remedy for harassment perpetrated by customers, clients, or individuals with other forms of relationships to the employer.

The Scottish Specific duties in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 further requires public bodies to undertake a range of activities that enable the better performance of the PSED, including reporting on mainstreaming equality; setting equality outcomes and reporting on progress; carrying out equality impact assessments; gathering, using and publishing employee information; publishing a gender pay gap and an equal pay statement setting out equal pay policy; and information on occupational segregation. **However there is a clear lack of administrative data regarding public bodies' information about women's experience of harassment within the scope of their activities. Public bodies should prioritise its collection and use as part of their PSED obligations.**

**More generally, we think that the Public Sector Equality Duty is failing to advance women's equality. We look forward to the Scottish Government review of how the Duty is operating in Scotland.**

All employers, including public bodies, must do more to recognise that the cultural shift needed to eliminate sexual harassment includes awareness of how gender inequality and women's subordination due to sexism and misogyny is at the core of gender-based violence against women. Even the most robust policies and process to investigate and respond to harassment will not eradicate it without the eradication of sexism itself.

## CONCLUSION

Addressing sexism and misogyny at the heart of women's inequality will be necessary to achieve meaningful change, and we must go further and faster to challenge these structural issues. Engender is ambitious for a Scotland where women and girls are free to lead a good life without harassment, other forms of violence and

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<sup>13</sup> <https://www.equalityhumanrights.com/en/advice-and-guidance/sex-discrimination>

discrimination and free from traditional stereotyping about their capabilities and interests.

The Scottish Parliament should contribute to this with bolder efforts to address economic, social and political inequality which cut through sexist presumptions and challenge misogynistic attitudes.

#### **FOR FURTHER INFORMATION**

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#### **ABOUT US**

Engender is a membership organisation working on feminist agendas in Scotland and Europe, to increase women's power and influence and to make visible the impact of sexism on women, men and society. We provide support to individuals, organisations and institutions who seek to achieve gender equality and justice.