

## **Sexual Harassment: A Pervasive Form of Gender Discrimination**

Developments regarding the reporting of hundreds of cases of sexual harassment at international level are a manifestation of the remaining challenges towards the achievement of gender equality. Similar to other forms of violence against women, these cases of sexual harassment are a cause and consequence of the unequal power relations between women and men in society.

This year, International Women's Day, is thus being commemorated in the midst of such incidents that taint and curb not only the advancement of women in different spheres but of society in general. On the other hand, these incidents gave rise to stronger calls for action for equal treatment for women and men. Various international movements and groups of activists were mobilised to denounce sexual harassment, to encourage women to share their own experiences of sexual harassment and to provide support to victims.

Various EU Directives state that sexual harassment is contrary to the principle of equal treatment of women and men and constitutes gender discrimination. In line with EU legislation, the *Equality for Men and Women Act* prohibits sexual harassment and stipulates that persons who sexually harass other persons are guilty of an offence. Moreover, in line with the EU Directives, the Act states that when facts are brought before a Court or another competent authority from which it may be presumed that a person was treated less favourably, the incumbent has to prove that there has been no breach of the principle of equal treatment.

In addition, the *Council of Europe Convention on preventing and combating violence against women and domestic violence* specifies that forms of violence, such as sexual harassment, that are experienced by women due to their gender are considered as gender-based violence. The provisions of this Convention will be fully integrated in national law through the *Gender-Based Violence and Domestic Violence Bill*, which passed to second reading in Parliament.

Sexual harassment is not limited to the workplace and it can also occur in social settings and can include any unwelcome and offensive non-verbal, verbal and physical forms of harassment as well as cyberharassment. In effect, sexual harassment in Europe is common and pervasive. A study by the European Union Agency for Fundamental Rights (FRA) estimates that 83 million to 102 million women experienced sexual harassment since the age of 15. Similarly, the study shows that 50% of women in Malta experienced sexual harassment since the age of 15.

Research findings show that many women, however, do not talk about their experiences of sexual harassment with anyone and very few report the most serious incidents to their employers or to a responsible authority. It was found that this is due to lack of awareness, fear, shame and downplaying the seriousness of the cases and these are only a few reasons that discourage victims from reporting their cases. Moreover, sexual harassment can be erroneously considered as 'normal' practice or as an action that should be 'welcomed' by victims rather than as unwanted attention in the course of everyday gender relations.

The National Commission for the Promotion of Equality (NCPE) is empowered by Chapter 456 of the Laws of Malta to investigate complaints of alleged sexual harassment and to provide the necessary assistance and information in the compilation of a complaint. NCPE also works to empower women and men through training sessions that disseminate further information on the rights and responsibilities related to sexual harassment to any groups that request such training including to management.

Different stakeholders, such as employers, have the responsibility to prevent and curb sexual harassment. As stated by the *Gender-Based Violence and Domestic Violence Strategy & Action Plan* that was recently launched by the Ministry for European Affairs and Equality, gender-based violence, including sexual harassment, is a societal concern. The *Equality for Men and Women Act* specifies that persons responsible for any work place, educational establishment, and establishments at which goods, services or accommodation facilities are offered to the public should not permit that persons present in such establishments suffer sexual harassment. In fact, as part of the Equality Mark Certification, organisations put in place a sexual harassment policy as a clear statement that such behaviour is unacceptable. To date there are 80 organisations that have been awarded the NCPE Equality Mark.

On International Women's Day the developments achieved throughout the years to empower women to develop their potential and make significant advancement and contribution in the economic, political and social spheres as well as in the family, are commemorated. This year, International Women's Day accelerates our momentum to continue working to give voice to victims of sexual harassment as part of our work to enhance gender equality; as well as to support and encourage activists working in this field to ensure that the developments achieved in the sphere of gender equality can be truly experienced by all, free from harassment and violence.

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