

Too Few, Too Little: Parliaments' Response to Sexism and Sexual Harassment

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Despite the increasingly reported incidence of sexual harassment among female elected representatives and staff members around the world, many more cases may not surface due to the power asymmetries, partisan logics and male organisational culture underpinning parliaments. No workplace is immune to sexual harassment, but when such misconducts occur in parliaments women's right to fully and equally participate in political life is severely infringed. While international organisations have issued numerous resolutions calling parliaments to take action, this article shows that most legislative chambers in Europe and the Americas lag behind the adoption of adequate preventative measures, complaint mechanisms and reparation measures.

Keywords: #MeToo, Parliaments, Power, Sexism, Sexual Harassment, Violence Against Women In Politics

1. Introduction

Sexual harassment constitutes a 'severe occupational hazard' for women in all workplaces (Oertelt-Prigione, 2020). This form of violence against women is driven by the gender power relations and sociocultural norms about gender operating both in the world of work and in broader society (Hoel and Vartia, 2018, p. 9), stemming more from a desire to dominate than a desire for sex (MacKinnon, 1983; McLaughlin *et al.*, 2012). These gendered dynamics are also found in the inner workings of legislative chambers (see Erikson and Verge, this volume). Due to the historical exclusion of women, the male point of view and experiences frame process, policy and organisational arrangements (Lovenduski, 2005). Furthermore, the parliamentary workplace is not immune to sexual misconduct (Krook, 2018; Collier and Raney, 2018a). In the wake of the global #MeToo movement, hundreds of female MPs and staff members have declared having

been sexually harassed and many more cases are likely to go unreported (IPU, 2016, 2018).

Sexism and sexual harassment provoke feelings of humiliation, anger, sadness, stress and anxiety, thereby affecting their ability to work normally, as is the case of female workers in other fields (Pillinger, 2017). While these forms of gender-based violence are structural in contemporary societies, when they become ‘the cost of doing politics’ for women MPs and parliamentary staff, the foundations of democracy are undermined as it impairs their contribution under equal conditions to political debates and may cause their retreating from politics or foregoing of career opportunities, thereby infringing women’s right to political participation (Krook and Restrepo Sanín, 2019, p.13). This is why international organisations view these misconducts as integrating the continuum of violence against women in politics (IPU 2016, 2018; UN Women-OHCHR, 2018).¹

Admittedly, parliaments should act as role-model institutions. Therefore, this article investigates the actions undertaken by legislative assemblies from Europe and the Americas to enshrine a zero-tolerance policy against sexism and sexual harassment, a topic which has received little scholarly attention. Such measures are assessed against the resolutions issued by international organisations like the United Nations, the Inter-Parliamentary Union, the Council of Europe, the European Parliament and the Organization of American States. Besides identifying the parliaments that have produced specific policies tackling these misconducts, the empirical analysis assesses the extent to which existing complaint mechanisms properly protect the victims and afford them adequate counselling and reparation. In doing so, I draw on feminist institutional analyses that explore how the adoption and implementation of new formal rules are constrained by pre-existing informal rules. In line with previous research (Collier and Raney, 2018a, 2019b), this study indicates that the factors enabling sexism and sexual harassment in the parliamentary workplace remain fundamentally intact. Moreover, instead of instituting a victim-centred approach, some of the measures adopted have re-inscribed gender in negative ways.

2. Sexism, sexual harassment and gender power relations in the workplace

Sexual harassment is severely underreported. This notwithstanding, surveys carried out in regions as different as Europe, the Americas and South-East Asia suggest that about one in two women in the paid workforce report some form of

¹It should be mentioned, though, that there is an ongoing debate on the characterisation of this concept, with some authors arguing that the harms should only count as gendered political violence if perpetrators aim at excluding women from politics (Bardall *et al.*, 2019).

sexual harassment in their workplace (Pillinger, 2017, p. 14). It includes conducts that vary in type and severity, ranging from sexist remarks or behaviours devoid of sexually predatory component that nonetheless convey hostile and degrading attitudes about women, unwanted sexual attention or inappropriate sexual advances, implicit or explicit sexual requests in exchange for job decisions, to sexual abuse or assault (Hoel and Vartia, 2018, p. 13).²

The prevalence of workplace sexual harassment is explained by several overlapping factors. First, it is more likely to occur in male-dominated occupations and work units with skewed sex-ratios (Rospenda *et al.*, 1998; Uggen and Blackstone, 2004). Secondly, women in positions of power frequently suffer a backlash from clients, subordinates, and co-workers who resort to harassment as a 'power equalizer' and as a 'tool to enforce gender-appropriate behavior', that is, to put women—as well as men with non-conforming sexuality or gender identity—in their place' (Berdahl, 2007; McLaughlin *et al.*, 2012, p. 641). Thirdly, concerning organisational culture, whereas informal recruitment practices and informal networking pave the way for misconduct to occur (Hennekam and Bennett, 2017), the existence of grievance procedures can act as a mitigation factor (Lopez *et al.*, 2009).

As pinpointed by feminist institutionalist works that examine the ways in which gender inequalities are (re)produced in institutional settings, the above-mentioned risk factors are not alien to the parliamentary workplace. On the one hand, despite the increasing numbers of female MPs, deeply entrenched informal rules still reward hyper-masculine behaviour and leadership styles. Bullying culture in predominantly adversarial debates, including belittlement, derogatory speech and name calling, is disguised as 'politics as usual' and is often protected by parliamentary privilege (Collier and Raney, 2018a, p. 438; Krook, 2018, p. 68; Culhane, 2019, p. 16). On the other hand, women's political breakthroughs often meet direct and indirect discrimination aimed at disciplining the 'space invaders' (Puwar, 2004; Lovenduski, 2005). Such contrapower gendered dynamics are illustrated by the widespread sex-based harassment experienced by female MPs, top candidates, party leaders and prime ministers across the world (Krook and Restrepo Sanín, 2019; Håkansson, 2019).

Regarding the organisational culture, the late-hour informal networking in bars, so characteristic of 'male homosociality' in politics (Bjarnegård, 2013), official travel, dinners and receptions with use of alcohol may blur the professional and personal boundaries and lead to unsafe work conditions for women MPs and staff (IPU, 2018, p. 12). Likewise, asymmetries of power between MPs and staff—particularly where MPs can hire their own staff—or among clerks and aides yield

²See, for example, the definitions provided by the European Union in *Directive 2002/73/EC, Equal treatment in access to employment*, and by the U.S. Equal Employment Opportunity Commission (https://www.eeoc.gov/laws/types/sexual_harassment.cfm, accessed on 20 January 2020).

a ‘culture of deference and impunity’ (Collier and Raney, 2018a, p. 439; Krook, 2018, p. 69; Culhane, 2019, p. 17), which leaves victims of sexual harassment in an extremely vulnerable position. Also, party discipline norms, which may ‘militate against disclosure’ (Hoel and Vartia, 2018, p. 40) to protect the party brand from scandal, are heightened by largely informal recruitment criteria (Kenny, 2013).

Lack of confidence in reporting and investigation mechanisms, fear of victimisation and retaliation or even dissuasion from lodging complaints emanate from power asymmetries, partisan logics and the male organisational culture underpinning parliaments (Culhane, 2019, p. 16; Krook and Restrepo Sanín, 2019, p. 6), as the #MeTooEP has pinpointed.³ However, surveys of women MPs and parliamentary staff suggest a rather high prevalence: 68% of female MPs declared having received sexist or sexual remarks during their term of office on social networks and media as well as on parliaments’ premises (IPU, 2018, p. 5), with younger female MPs, those who are outspokenly feminist or belong to ethnic or LGBT minorities being more likely to be targeted (IPU, 2016, 2018, p. 13). Furthermore, 25% of the surveyed women MPs declared having suffered sexual harassment in the course of their parliamentary term, a share that rises to 41% among female parliamentary staff. In both cases, the perpetrator typically was a male MP (IPU, 2018, p. 8).

The pervasiveness of sexism and sexual harassment in parliaments calls for the urgent adoption of measures. Yet, as feminist institutionalists have pinpointed, new rules tend to be ‘layered’ alongside (Waylen, 2014) or ‘nested’ in pre-existing gendered formal and informal (non-written) rules (Mackay, 2014), thereby limiting the scope of the new measures and undermining their effective implementation. New rules may also re-inscribe gender in pernicious ways (Kenny, 2013). Even when appealing to ‘gender neutrality’, gendered hidden expectations, stereotypes and power asymmetries might be reinforced (Collier and Raney, 2018b). As MacKinnon notes (1983, p. 658), in the case of sexual aggressions, ‘when it [a law, a code of conduct, a complaint mechanism] is most ruthlessly neutral, it will be most male; when it is most sex-blind, it will be most blind to the sex of the standard being applied’. In this vein, the gap between the recommendations put forth by international organisations and the actual measures adopted by parliaments speaks of both the operation of gendered institutional logics and the gendered power-distributional implications of institutions (Waylen, 2014, p. 216).

3. International recommendations

Rising in defence of women’s political rights, international organisations have urged parliaments to adopt policies to fight sexism and sexual harassment,

³See the online platform of workers of the European Parliament: <https://metooep.com> (accessed on 20 January 2020).

institute effective complaint mechanisms and establish penalties for offenders. No international human rights law explicitly mentions such conducts and aggressions in the political field, although both the Inter-American Convention on the prevention, punishment and eradication of violence against women (Organization of American States, Convention of Belém do Pará, 1994) and the Convention on preventing and combating violence against women (Council of Europe, Istanbul Convention, 2011) enshrine the right of women to a life free from violence in both the public and private spheres. Furthermore, human rights and women's rights treaties should be interpreted as living instruments.⁴ For example, the CEDAW Committee has inquired Italy, Costa Rica, Bolivia, Honduras, Togo, and The Bahamas about instances of violence against women in politics in its observations of state parties' reports (UN-OHCHR, 2018, p. 17).

Zero-tolerance for sexism and sexual harassment in politics has been proclaimed, though, in soft law instruments like resolutions and declarations issued by the United Nations, the Inter-Parliamentary Union, the Council of Europe, the European Parliament and the Organization of American States.⁵ Similarly, anti-harassment policies and complaint procedures are actions included in the 'gender-sensitive parliaments' framework developed by the Inter-Parliamentary Union (IPU, 2011; see also EIGE, 2019). The main recommendations set out by these international organisations are the following:

- Setting up a task force of independent experts to examine the situation of sexual harassment in parliament, and conducting surveys and public debates periodically to raise awareness of the issue of violence against women in politics.

⁴These include the Convention on the Political Rights of Women (1953), the International Covenant on Civil and Political Rights (1966), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 1979), the United Nations Beijing Platform of Action (1995) and the 2030 Agenda for Sustainable Development (2015).

⁵*Women and Political Participation*, Resolution 66/130, United Nations General Assembly, 19 December 2011; Report of the Special Rapporteur on violence against women, its causes and consequences on violence against women in politics, Seventy-third session, General Assembly, 6 August 2018 (see also Resolution A/73/148 (17 December 2018)); *The freedom of women to participate in political processes fully, safely and without interference: Building partnerships between men and women to achieve this objective*, Resolution adopted by the 135th Inter-Parliamentary Union Assembly, Geneva, 27 October 2016; *Promoting Parliaments Free of Sexism and Sexual Harassment*, Resolution 2274, Parliamentary Assembly of the Council of Europe, 9 April 2019 (13th Sitting); *Resolution of 26 October 2017 on combating sexual harassment and abuse in the EU (2017/2897(RSP))*; *Resolution of 11 September 2018 on measures to prevent and combat mobbing and sexual harassment at workplace, in public spaces, and political life in the EU (2018/2055(INI))*; and *Declaration on political violence against women in politics*, 6th Conference of the State Parties to the Belém do Pará Convention, 15–16 October 2015 (OAE/Ser.L/II.7.10).

- Introducing legislation on violence against women in politics or incorporating specific provisions into existing laws on eliminating violence against women, including the criminalisation and prosecution of online violence;
- Explicitly prohibiting sexist speech, sexist acts and sexual harassment in the code of conduct for members of parliament and introducing sanctions for breaches of ethical standards;
- Establishing complaint mechanisms (institutional protocols) to prevent and sanction sexual harassment, ensuring that: both members of parliament and parliamentary staff are covered; victims can report incidents in full safety and confidentiality and due diligence is applied; full independence of the complaint mechanism is guaranteed, free of party allegiances; gender balance of competent bodies; effective and proportional sanctions to the gravity of the case, which may include withdrawing immunity from prosecution to members of parliament for sexual harassment and violence against women; and publication of confidential register of cases;
- Ensuring that victims of harassment have access to assistance and confidential counselling, and prohibition of conciliation in the resolution of crimes;
- Establishing access to justice mechanisms and reparation measures for victims;
- Regularly disseminating information about the complaint mechanism and organising compulsory training programmes for staff and MPs.

For analytical purposes, as [Figure 1](#) shows, these recommendations can be clustered into three different types of interventions, namely regulations, complaint mechanisms and preventative and accompanying measures.

4. Data and methods

In examining the measures tackling sexism and sexual harassment in the parliamentary workplace context, attention is paid to the national legislatures of the Americas and Europe (including the European Parliament, henceforth EP), the two world regions where the most comprehensive recommendations have been issued—by the Organization of the American States in the former, and by the Council of Europe and the European Union in the latter. Both regions include parliamentary and presidential systems and there is a great variation in age of politics' democracy and economic development. As of January 2020, the Americas and Europe lead the world ranking on women's representation in parliaments, with 31% and 30% female MPs, respectively, although significant cross-regional disparity is observed ([IPU, 2020](#)). For its part, the EP reached 41% women in 2019.

<i>Regulations</i>	<i>Complaint mechanisms</i>	<i>Preventative and accompanying measures</i>
<ul style="list-style-type: none"> • Domestic legislation • Parliaments' codes of conduct and standing orders 	<ul style="list-style-type: none"> • Coverage • Type and composition of investigation bodies • Provisional measures • Sanctions for perpetrators • Reparations for victims 	<ul style="list-style-type: none"> • Support services and counselling • Training • Information and awareness-raising

Figure 1. Parliamentary policies tackling sexism and sexual harassment.

The empirical analysis draws on the thematic reports published by international organisations in the past few years (Council of Europe, 2018; UN Women-OHCHR, 2018; EIGE, 2019; IPU, 2019), which allow me to identify the measures adopted by parliaments. The data provided in these reports often do not fully match, as international organisations rely on the information provided by parliaments when asked about their practices. For this reason, I have also resorted to primary sources such as the information published by parliaments on their websites and the few research articles and independent reports available for specific parliaments. Parliaments' measures are then assessed against international recommendations, focusing on the three domains outlined in Figure 1.

A trade-off between the in-depth rich analyses provided by case studies and the broader insights gained from larger samples is unavoidable. The goal underlying my choosing of the latter research strategy is twofold. First, while large-N studies cannot trace the strategies used to translate international norms into specific parliamentary contexts, they allow capturing the reach of norm diffusion across different parliaments and regions. Secondly, determining the specific measures that are more commonly introduced and the ones most neglected by parliaments sheds light on the extent to which gendered formal or informal rules underpin—and eventually survive—the adoption and implementation of new measures in this unique workplace.

5. Regulations

This section identifies the explicit mentions (or lack thereof) to sexism and sexual harassment in politics found in either domestic legislation or parliamentary regulations such as codes of conduct and standing orders.

Domestic legislation

Four countries in the Americas, all from Latin America, have incorporated provisions on political violence into existing laws on eliminating violence against

women: Bolivia (Law No. 348, 2013), Paraguay (Law No. 5,777, 2016), El Salvador (Decree No. 250, 2011) and Argentina (Law No. 26,485, 2009), along with three states and the capital city of Mexico (Albaine, 2017, pp. 121–123). Also, up to six countries in this region have introduced specific bills on violence against women in politics (Bolivia, Costa Rica, Ecuador, Honduras, Mexico and Peru) but, to date, only in Bolivia has the legislation been passed (Law No. 243, 2012). Mexico's Federal Elections Tribunal approved in 2016 a judicial protocol that has led to the disqualification of male candidates who have committed violence against women politicians (UN Women-OHCHR, 2018, p. 27). Furthermore, the Inter-American Commission of Women of the OAS issued in 2017 the *Model Law on the Prevention, Punishment and Eradication of Violence against Women in Political Life*, which suggests several protective guarantees domestic legislation could introduce.

Conversely, legal provisions for violence against women in politics do not exist in Europe. This critical omission adds to the fact that, in most countries of the world, elected representatives, in contrast with parliamentary administrative staff, are not covered by anti-discrimination legislation as they are not considered regular employees—the exceptions in Europe are Denmark and Greece.

Although political parties are the 'main distributors' of traditional masculinity in parliaments (cf. Lovenduski, 2005, p. 56), globally, party regulation rarely includes gender-equality provisions (Childs, 2013). The UN, the EP and the Council of Europe have called political parties to adopt specific procedures to protect their public officers, employees and members from sexual harassment, but they are only legally required to do so in Bolivia. To incentivise the adoption of such procedures, the Inter-American Commission of Women of OAS issued in 2018 the *Model Protocol of Political Parties to Prevent, Punish and Eradicate Violence against Women in Political Life*.

Parliaments' codes of conduct and standing orders

Beyond a quite generic reference banning direct or indirect discrimination based on sex, very few parliaments explicitly prohibit sexist behaviour and sexual harassment in their codes of conduct/ethics or standing orders. The existence of such references or lack thereof is not related to how recently the code of conduct was adopted or revised. For instance, in the codes of conduct of the Spanish and Portuguese lower houses, passed in February 2019 and September 2019, respectively, the misconducts examined here are critically omitted. The parliaments whose code of conduct does make explicit reference to sexual harassment are: in the Americas, Canada, the USA, Bolivia and Mexico (Senate); and in Europe, the EP, Iceland, Ireland and Luxembourg. Yet, only in three of these legislative chambers (Canada, Iceland and the EP) MPs must sign a pledge committing to

contribute to a work environment free of sexual harassment. This signed declaration must be delivered at the outset of their term. Failure to do so entails in the EP that MPs may not be appointed as rapporteurs or participate in official delegations. Altogether, guaranteeing a workplace free from sexism and sexual harassment is not viewed by most legislatures as part of the parliamentary ethical standards, which stands in sharp contrast with the widely extended form to be signed by MPs in the case of integrity, reflecting legislatures' institutionalised gender-blindness.

In the UK (House of Commons) and France (Senate), interpretative decisions of the code of conduct and the rules of procedure, respectively, as regards 'respect' and 'dignity' have enabled to take disciplinary measures against MPs for sexual harassment (IPU, 2019, p. 49). It is also through such an interpretation of unparliamentary—i.e. offensive—language that free speech can be limited, although the most common disciplinary action for sexist comments made by male MPs during parliamentary debates is rather soft (i.e. a mere warning), which speaks to the 'normalcy' of abuse stemming from 'male logic of appropriateness of behavior, adversarial debate, and parliamentary privilege' (Collier and Raney, 2018a, p. 448). Stronger disciplinary actions have been identified in the French National Assembly (cut of parliamentary allowance for one month) and the EP (suspension of daily allowances for 30 days, suspension of parliamentary activity for 10 days, and prohibition to represent the institution at delegations or inter-parliamentary conferences for one year).

Relying on the re-interpretation of gender-blind rules, though, hinges on the gender-awareness of the officeholders sitting in bodies with disciplinary capacity, whose composition is highly masculinised.⁶ Moreover, such interpretations can be overturned. The European Court of Justice found the interpretation of the EP bureau excessive because the sexist comments made by a male extreme-right MP 'did not disrupt the regular functioning' of the chamber.⁷ The revised EP standards of conduct (no. 11) now specify that interpretations of offensive language (including defamatory language, hate speech and incitement to discrimination) must uphold the grounds protected from discrimination in the Charter of Fundamental Rights such as sex, race and sexual orientation (Article 21).

6. Complaint mechanisms

Not all parliaments whose code of conduct makes reference to sexual harassment have instituted a complaint mechanism, and vice versa. When institutional

⁶For example, according to EIGE's Gender Statistics Database, in July 2019 women occupied the presidency of national parliaments in 17% of EU-28 countries and made up for 32% of the bureaus. See: <https://eige.europa.eu/gender-statistics/dgs> (accessed on 20 January 2020).

⁷See the ECJ case, T-770/16 and T-532/17, *Janusz Korwin-Mikke v. Parliament*.

complaint mechanisms exist, attention is paid in this section to the persons covered by such instrument, the type and composition of the investigation committee, along with the sanctions established for perpetrators and the reparations afforded to victims.

Coverage

In some parliaments, the complaint procedure only applies to acts between parliamentary employees, like in Sweden and Costa Rica. In Finland, MPs, staff and assistants are all subject to the same guidelines, as is the case of the EP and the US House of Representatives, which also applies to interns. In the lower house of Canada, UK and Ireland, separate frameworks apply to MPs and the personnel they employ, including paid or unpaid interns and volunteers and to employees of the chamber (IPU, 2019, pp. 39–40). The Chilean Parliament and the Mexican Senate have the most comprehensive protocol as regards coverage. It includes MPs, civil servants, advisers and assistants hired by the institution, parliamentary groups' or MPs' staff, external service providers, and any other complainant who alleges harassment by anyone subject to the protocol in the exercise of their functions, thereby covering all people who use the parliamentary premises. While sexual harassment can also occur in travels and social functions, explicit reference to those situations has been only found in the Canadian case. This reflects a narrow understanding of gender differences in vulnerability, which taps again into the institutionalised gender-blindness of parliaments.

Investigation bodies

Complaints affecting staff members are handled by the human resources office (e.g. Sweden) or by other parliamentary departments (e.g. UK). Sexual harassment complaints involving MPs are typically handled by parliamentary committees on ethics and conflicts of interest (e.g. Mexico), standards and privileges committee (e.g. UK), and internal regime, procedure or house affairs (e.g. Chile, Canada). Yet, entrusting the handling of such complaints to bodies that specialise on financial misconduct is not adequate at all, since criteria on whether a behaviour is deemed unacceptable or a piece of evidence convincing requires expertise on the allegations under examination. Moreover, the partisan composition of these bodies entails that political parties may be incentivised to use the allegations as a political weapon against their rivals, leading both the complainant and the accused to be suspicious about the fairness of the investigation process. Similarly, when complaints can be handled by parliamentary party groups (if the complainant and the respondent belong to the same party caucus), as in Canada (where party whips can even propose sanctions) and Finland, the goal of protecting the

party brand from scandal may trump victims' guarantee of due process. Party allegiance and discipline norms may thus be upheld to the detriment of victims (Collier and Raney, 2018b, p. 2), further reinforcing gender hierarchies, as men still occupy the majority of party leadership positions.

Some parliaments have set up a specific committee responsible for both preventing and handling the complaints that includes expert advisers (medical officers from the health services department and lawyers). In the EP, half the members are MPs (more specifically, *quaestors*)⁸ and the other half are representatives of the administrative staff or of parliamentary assistants, depending on the complaint under consideration; in Costa Rica, a human resources officer also integrates this committee. The UK parliament has instituted a fully independent investigation process when sexual harassment allegations affect MPs, which are conducted by the Standards Commissioner, an appointed figure. In Iceland, violations of the code of ethics are addressed to a three-person advisory committee whose president is appointed by the speaker of the parliament and the other two members are nominated by the parliamentary committee on higher education amongst experts in law and ethics.

Yet, expertise on violence against women is only secured in the specific committee set up in the Mexican Senate through the presence of the chamber's gender equality officer and the chair of the parliamentary committee on gender equality. Failure by parliaments to secure expertise on sexual harassment by those conducting the investigation may lead to gendered processes, like demanding multiple statements of the incident or investigating the sexual life of the complainant. The institutional mechanisms of the Chilean Parliament and the Mexican Senate are the only ones putting emphasis on avoiding the so-called re-victimization.

Some parliaments set a relatively short time frame to present allegations, like 180 days (USA) or one year (Canada) after the occurrence of the incident. In contrast, in the UK parliament, even incidents having occurred more than seven years ago can be investigated if authorised by the Committee on Standards. Short deadlines for lodging complaints impose principles of male objectivity in reporting sexual misconducts that fail to take into account women's experiences (MacKinnon, 1983, p. 651), with post-traumatic stress being very common in these cases. Additionally, unproven complaints and false complaints are frequently and incorrectly referred to interchangeably. Indeed, the inclusion of severe penalties for false complaints in the policy could deter victims from lodging a valid complaint in the first place (Hoel and Vartia, 2018, p. 58). Therefore,

⁸The *Quaestors* have an advisory role in the Bureau of the EP. They are responsible for administrative and financial matters that directly affect MPs and can present proposals to modify the rules adopted by the Bureau.

parliaments tend to reproduce the patriarchal logics that aggravate complainants' fear of not meeting the (male) standard of reasonable belief.

Internal investigations do not preclude victims from filing a criminal charge in a court of justice. Those persons leading the investigation or the persons the investigator report to may decide but are not obliged to refer the matter to the public prosecutor, with the exception of Bolivia where the law establishes that civil servants and public officials who fail to report the act of violence suffered by female politician are themselves exposed to sanctions. In some parliaments like in Canada and the UK mediation precedes the investigation and in the US lower house it is optional since 2018, whereas it is explicitly forbidden in Bolivia. It should be reminded that mediation is not appropriate for sexual harassment cases. The power asymmetry that may have enabled the misconduct makes it 'unreasonable to ask the victim to sit down together with the perpetrator' (Hoel and Vartia, 2018, p. 58). This type of resolution is thus male-sided and it perpetuates dominant gender power structures.

Provisional measures

Very few of the institutional protocols under examination foresee provisional measures, while the investigation is conducted to safeguard the physical and psychological integrity of the complainant, which suggests that a victim-centred approach is largely missing and that a male-sided perspective of conflict resolution tends to be applied. The EP grants permission for the complainant to perform work at home or in the parliament, but not in the office of the MP concerned, or to be granted a leave of absence. A significantly different approach is applied in Mexico and Chile where it is the accused who cannot contact the victim and may be temporarily removed from office (IPU, 2019, p. 48), thereby avoiding the re-victimisation that removing complainants from their workplace may entail.

Sanctions and reparations

Usually, the body or person that investigates the allegations recommends a sanction to the president of the parliament or to the committee she reports to. In some cases, the sanction is subject to a floor vote by the whole house (e.g. Canada). Parliamentary protocols do not tend to create specific sanctions for sexism or sexual harassment conducts; rather, they refer to existing sanctions in the regulatory frameworks the perpetrator is subject to (MP or staff). The Chilean and Mexican protocols and the Bolivian law are the only ones that define the sexist behaviours and sexual harassment conducts and associate them to a range of sanctions according to their severity. Parliamentary sanctions may include warning, withdrawal of messages contrary to norms, censure with financial

implications (reductions in the MP's monthly allowance), temporary suspension of parliamentary functions and dismissal or removal from employment or public office. In Bolivia, criminal charges for these misdeeds entail a prison sentence of up to eight years.

Generally, undefined sanctions are coupled with extremely rare reparation measures, which elicits a weak commitment to eradicate sexism and sexual harassment from parliamentary life. In the Chilean protocol, reference is made to symbolic reparation—i.e. issuing a public apology. In the EP, if an assistant can no longer work with her MP, her salary may be covered by the MP's budget for parliamentary assistants and, if judicial proceedings are initiated against an MP, legal fees are covered by the institution. In the USA, since 2018, congresspersons are responsible for the settlements for harassment and their wages could be garnished if they fail to do so. In the French Senate, when the alleged victim had been forced to take sick leave or resign, the accused senator's allowance for hiring assistants is suspended and, if the working relationship cannot be restored, his parliamentary group must offer an alternative position to the victim (IPU, 2019, p. 49). While it is crucial to afford complainants new work opportunities when they come forward, party networks are not necessarily a safety net for victims, as they are riddled with male homosociality (Bjarnegård, 2013; Verge and Claveria, 2018). In the Mexican case, the offender is recommended special therapy to avoid the repetition of misdeeds.

7. Preventative and accompanying measures

Next, I survey the counselling and support services available to victims along with the preventative measures adopted by parliaments, such as the provision of training and the dissemination of information about misdeeds and about the complaint mechanism.

Support services and counselling

Some parliaments (e.g. EP, Austria, Ireland, Switzerland, France, Sweden, Canada, Chile and USA) have set-up free confidential support and counselling units or services, internal or off-site, to advise victims of sexual harassment on medical, psychological and legal matters, and to inform them about the institutions' policy and help them navigate the steps to lodge a complaint or a criminal charge. Such services do not investigate the substance of complaints and cannot disclose the information they are entrusted with by victims. Other parliaments (e.g. Germany) extend to their employees the support services available to the civil servants of the country's public administration in cases of harassment (IPU, 2019, pp. 13, 55). However, these services do not necessarily have expertise in the

particular dynamics and effects of sexual harassment, which illustrates once more the gender-blindness of the institutional measures. To date, only the UK parliament counts with external expert support in cases of sexual misconduct suffered by people working for or visiting the institution (the Independent Sexual Misconduct Advisory Service).

Training

Very few legislatures have set-up training sessions on how to recognise and prevent sexual harassment, which perpetuates the idea that it does not occur in the parliamentary workplace and fails to pinpoint the gendered informal rules that may enable misconducts. This training is received by the parliamentary staff upon its recruitment in Costa Rica, Finland, Ireland and Sweden. The French parliament includes specific content in the training sessions provided to MPs and parliamentary assistants at the beginning of the legislature. Other parliaments claim to organise specific in-person courses on a regular basis, like Chile—which also include content on how to mainstream gender in the legislative process—and the EP (IPU, 2019, pp. 41, 54).⁹ However, anti-harassment training for both members and parliamentary staff is only mandatory in Canada and the USA. Applying a broader scope, in Argentina, all public officers from the executive, legislative and judiciary branches must receive gender equality training (sessions funded by each institution), and non-attendance can be sanctioned (Law no. 27499, known as ‘Ley Micaela’ in memoriam of a victim of femicide).

Information and awareness-rising

A few studies on the scope of sexism and sexual harassment and on how to develop or review anti-harassment policies have been conducted by inquiry parliamentary committees, joint working groups (MPs, parliamentary staff and human resources) or independent experts in the UK (Culhane, 2019), France, the EP and Bolivia (IPU, 2019, pp. 23, 27). In the Swedish Parliament, a survey was conducted to identify whether women MPs can perform their legislative duties on par with their male peers (Erikson and Josefsson, 2019). The revised US Congress policy also mandates regular staff surveys about workplace culture but no report has been issued yet.

Publishing information on existing parliamentary measures against sexual harassment makes it more likely that individuals will be aware of the protection the

⁹In November 2018, only 19 of the 751 MPs signed up for a pilot training course on sexual harassment at the workplace: <http://www.europarl.europa.eu/news/en/headlines/society/20171023STO86603/sexualharassment-meps-debate-situation-in-the-eu-in-plenary> (accessed on 20 January 2020)

institution affords. Various parliaments have produced guides (e.g. EP, Finland), information sheets (e.g. France, Switzerland) or posters (e.g. UK) that outline the zero-tolerance policy, including examples of misconducts, steps to follow to lodge a complaint, and available counselling services. This information can also be found on the respective intranets (IPU, 2019, pp. 51–52).

Some parliaments regularly issue a report with statistics on the number of complaints and the outcome of the process (e.g. Canada, Finland, UK and USA), giving some transparency to the application of the institutional protocol, although the public naming of an offender is rarely required (Collier and Raney, 2018b, p. 807), which could be a form of reparation for the victims. More generally, issues of confidentiality 'prevent the institution from learning' (Hoel and Vartia, 2018, p. 58).

8. Conclusions

Very few legislative chambers from Europe and the Americas have adopted measures to combat sexism and sexual harassment. While international recommendations in this field are relatively recent, the speed of norm diffusion is significantly slower than the one observed for the adoption of measures to fight politicians' corruption (see European Parliament, 2011). This indicates a clear hierarchy of which values are ascribed to healthy democracy and reflects the institutional view that the parliamentary workplace is immune to sexual harassment, which lets 'business as usual' go unchecked. Assessing why parliaments adopt new measures or revise existing ones falls beyond the scope of this article, but the analysis has found no straightforward relationship with levels of women MPs. Rather, changes have been generally stirred by an outburst of sexual harassment allegations in the parliament.

Most crucially, the article reveals that codes of conduct and complaint mechanisms present several pitfalls, including lack of coverage for all the persons who work in the institution, imprecise definitions of punishable misconducts, relatively soft sanctions for perpetrators and scarce reparation measures for victims. Moreover, the committees or officials conducting the investigations tend to lack both partisan independence and expertise in violence against women. The analysis also shows that parliaments have not addressed the pre-existing gendered formal and informal rules that enable sexist and sexual misconducts to occur in this particular workplace, such as masculinised adversarial styles of debate or the vertical gender segregation of offices. Likewise, apparently gender-neutral rules that nonetheless have gendered effects, like a defence of free speech as an unquestionable parliamentary privilege, remain largely intact, leaving unsanctioned sexist speech and derogatory remarks. Additionally, gender discrimination has been reinscribed in some policies such as: entrusting party whips with seeking an internal solution or the establishment of mediation procedures reinforce gender power asymmetries; short deadlines to lodge a complaint fall back on male standards of

objectivity; lack of expertise of the investigators may lead to victim-blaming inquiries; and over-emphasis on false complaints are likely to deter women from coming forward.

By examining parliaments from both sides of the Atlantic, some regional traits have been identified in the approaches used to tackle sexism and sexual harassment. While European and North American parliaments' point of departure is a breach of ethics, Latin American parliaments draw on the infringement of the human rights of women, as shown by the explicit consideration of these misconducts as a form of violence against women in politics in both domestic legislation and parliaments' codes of conduct along with by the wider range of reparation measures established. Also, Latin American parliaments integrate anti-harassment measures into a broader gender equality framework that includes parity, gender mainstreaming in parliamentary work and the intersection of gender with other axes of inequality. Further research is thus needed to delve into the normative underpinnings of the measures adopted by parliaments.

To conclude, the fact that businesses and public administrations are legally obliged to adopt anti-harassment and equality policies while the institutions having passed such legal mandates might not have them is, at the very least, paradoxical. Parliaments cannot keep relying on political parties for self-policing the misconducts of elected representatives and staff members. It is about time that adequate policies are set up by legislative chambers. Reform efforts should also aim at gendering parliamentary rules and processes in order to uphold women's political rights and, more broadly, to guarantee the well-being of all the people who work in the core institution of representative democracy.

Acknowledgements

The author wishes to thank Josefina Erikson, Sonia Palmieri and the anonymous reviewers for their thoughtful comments to this article.

Conflict of interest

The author declares no conflict of interest.

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