



PRESS/ Preventing - RESponding – Supporting – young survivors of GBV: sexual harassment, sexual and cyberviolence
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Deliverable 2.1. State of the art report

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PART I – SEXUAL HARASSMENT

1.1. Genealogy of the term

The history of the legal concept of sexual harassment starts in the United States, where the feminist lawyer Catherine MacKinnon, who spurred the legal debate in the US back in the 1970s, referred to sexual harassment as “*the unwanted imposition of sexual requirements in the context of a relationship of unequal power. Central to the concept is the use of power derived from one social sphere to lever benefits or impose deprivations in another* (MacKinnon, 1979: 1).” MacKinnon goes on to distinguish two forms of sexual harassment:

1. Quid pro quo in which sexual compliance is exchanged or proposed to be exchanged for an employment opportunity.
2. Hostile conditions of work where the sexual harassment is more difficult to locate. Though it is less clear, it is more pervasive since sexual harassment as a condition of work consists in making the work environment unbearable for women.

In 1980, Frank Till in his work “Sexual harassment: A report on sexual harassment of students” (1980) developed a famous typology on sexual harassment. His typology includes those behaviours which are widely associated with sexual harassment and those which do not include any form of sexual interaction:

- *Gender-based harassment*: it includes sexist remarks and attitudes that reflect devaluing and negative perceptions about women. These attitudes do not necessarily correlate to any form of sexual coercion.
- *Seductive harassment*, which includes unwanted erotic proposals that make others uncomfortable.
- *Sexual bribery*, which consists in forcing someone to engage in sexual activities while promising some kind of remuneration.
- *Sexual coercion*, which consists in forcing someone to engage in sexual activities while fearing potential penalties or punishments.
- *Sexual assault and/or attack*

Frank Till’s typology was further developed by Fitzgerald & Shullman (1985) who determined that the universe of harassing conduct could account for by three broad categories: *gender harassment*, *unwanted sexual attention*, and *sexual coercion*.

In 1980, the Equal Employment Opportunity Commission provided the following definition of sexual harassment: “*Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, or creating an intimidating, hostile or offensive working environment.*” (EEOC, 1980)

The following years, international (ILO) and European (EU) organisations will clarify sexual harassment in a manner that includes the following forms:

- Bodily forms of harassment (e.g. unwanted touches, kissing, groping, sexual assault, rape)
- Verbal forms of harassment (e.g. offensive questions, sexual comments)
- Non- verbal forms of harassment (e.g. catcalling, sexually-provocative, offensive or harassing gazing etc.)
- Cyber forms of harassment (e.g. sending inappropriate pictures to somebody etc.)

1.2. Prevalence of sexual harassment on a European and national level

According to the [FRA report](#) (2014a: 95-96), 83 to 102 million women (45% to 55% of women) in the EU-28 have experienced sexual harassment since the age of 15 and 13% to 21% in the EU-28 have experienced sexual harassment in the 12 months before the survey interview alone. When looking only at six specific forms of sexual harassment, which have been identified in the survey as more threatening and serious for the respondent: 45% of women in the EU have experienced these forms of sexual harassment at least once in their lifetime. Among women who have experienced sexual harassment at least once since the age of 15, 32% indicated somebody from the employment context – such as a colleague, a boss or a customer – as a perpetrator.

Regarding the forms of sexual harassment, 29% of women in the EU have experienced unwelcome touching, hugging or kissing since they were 15 years old; 24% of women have been subjected to sexually suggestive comments or jokes that offended them since the age of 15; 11% of women have received unwanted, offensive sexually explicit emails or SMS messages, or offensive, inappropriate advances on social networking sites (referring to experiences since the age of 15).

Looking at repeat victimisation, one in five women (19%) has experienced unwelcome touching, hugging or kissing at least twice since she was 15 years old, and 6% of women have been subjected to this physical form of harassment more than six times since the age of 15. Some 37% of all victimised women have been confronted with two or three different forms of sexual harassment since the age of 15, 27% with four to six different forms, and 8% with seven or more different forms.

Generally, the risk of exposure to sexual harassment is above average for women aged between 18 and 39 years. More than one in three women (38%) aged between 18 and 29 years experienced at least one form of sexual harassment in the 12 months before the survey, as well as almost one in five women (24 %) aged between 30 and 39 year. Sexual harassment is more commonly experienced by women with a university degree and by women in the highest occupational groups: 75% of women in the top management category and 74% of those in the professional occupational category have experienced sexual harassment in their lifetime, compared with 44% of women in the occupational category 'skilled manual worker' or 41% of women who state that they have never done paid work. In most cases of sexual harassment since a woman was 15 years old (68%), the perpetrator was somebody she did not know. Other perpetrators of sexual harassment include people whom the woman knows (without specifying it further) (35%), someone related to a woman's employment such as a colleague, boss or customer (32%), or a friend or an acquaintance (31%). Out of all women who described the most serious incident of sexual harassment that has happened to them, 35% kept the incident to themselves and did not speak about it to anyone, 28% talked to a friend, 24% spoke to a family member or a relative and 14% informed their partner. Only 4% of women reported to the police, 4 % talked to an employer or boss at their workplace and less than 1 % consulted a lawyer, a victim support organisation or a trade union representative.

On an international level relevant studies have also been conducted by the Interparliamentary Union (IPU). The 2016 IPU study was based on quantitative and qualitative data provided by 55 women parliamentarians from 39 countries spread over five regions of the world. According to the study sexism, harassment and violence against women parliamentarians are very real and widespread, pointing to a phenomenon that knows no boundaries and exists to different degrees in every country, affecting a significant number of women parliamentarians. The study's findings also reveal troubling levels of prevalence – particularly for psychological violence, the most widely spread form, affecting 81.8% of the respondents from all countries and regions (IPU, 2016: 3).

A second study was conducted in 2018 in cooperation of IPU with the Parliamentary Assembly of the Council of Europe (PACE), and was based on interviews with 123 women from 45 European countries. The study shows that acts of sexism, abuse and violence against women are indeed to be found in parliaments in Europe: 85,2% of female MPs said that they had suffered psychological violence in the course of their term of office, 46,9% had received death threats or threats of rape or beating, 58,2% had been the target of online sexist attacks on social networks, 67,9% had been the target of

comments relating to their physical appearance or based on gender stereotypes, 24,7% had suffered sexual violence and 14.8% had suffered physical violence (IPU,PACE, 2018: 1).

With the exception of the surveys conducted by FRA on a European level the data for sexual harassment experienced by LGBT persons are scarce. According to the [FRA report on the EU LGBT survey \(2014b\)](#), respondents who say they experienced harassment in the 12 months preceding the survey, three quarters (75%) think that the last such incident happened partly or entirely because they were perceived to be LGBT. Also, according to the latest [FRA research for LGBTI equality \(2020\)](#), a majority of LGBTI respondents (58%) say they experienced, during the five years before the survey, harassment in the form of offensive or threatening situations – including incidents of a sexual nature – at work, on the street, on public transport, in a shop, on the internet, or anywhere else. Overall, in the twelve months before the survey, two in five respondents (38%) in the EU experienced one or more of these acts because they are LGBTI. The harassment rates are quite similar across the EU. Trans and intersex respondents report the highest rates of LGBTI-related harassment. The results are particularly worrying regarding the younger age groups (15 to 17 and 18 to 24). On average, these groups report more often experiencing harassment for being LGBTI in the year before the survey across all harassment categories. Moreover, 51% of respondents aged 15 to 17 said that someone from school, college or university perpetrated the most recent incident of harassment they experienced due to being LGBTI. Such incidents could take place on school premises or on the way to school – however, 42% specified that the incident took place at school (FRA, 2020: 42).

In 2019, the UK [Trades Union Congress](#) conducted a research on the sexual harassment of LGBT people in the workplace and produced the following findings:

- 68% LGBT people surveyed reported being sexually harassed at work, yet two thirds didn't report it to their employer.
- More than 4 in 10 (42%) LGBT people who responded to the survey said colleagues made unwelcome comments or asked unwelcome questions about their sex life.
- 1 in 4 of those who didn't report were prevented from raising the issue with their employer by their fear of being 'outed' at work.
- The research found unacceptably high levels of sexual harassment across all different types of harassing behaviours for both LGBT men and women.
- LGBT women responding to the survey experienced higher levels of sexual harassment and sexual assault in many areas. There were also some areas where men and women reported similar levels of sexual harassment.
- The difference in experience was particularly apparent in reported instances of unwanted touching, sexual assault and rape at work.

In the national context, the first nation-wide research on sexual harassment in the workplace in Greece, was conducted by the [Research Centre for Gender Equality](#) (KETHI, Artinopoulou, Papatheodorou, Papagiannopoulou, et al) in 2004. Sixteen years later, another nation-wide research was conducted by [ActionAid](#) in 2020 (Papagianopoulou, Kasdagli, Mourtzaki, 2020) with 1.001 women across the country and 376 employees in the catering /food service and tourism sector, which concluded that:

- 85% of women in Greece have experienced sexual harassment in the workplace.
- 1 in 10 women has been a victim of an attempted sexual assault while 1 in 5 has been a victim of sexual extortion.
- Half of the women mentioned that it was another colleague while 1 in 4 mentioned that the perpetrator was a customer. In 1 in 5 cases the senior manager of the company is involved while more than 1/3 of the cases concerns an employee in the higher ranks.
- 56% of the violating behaviors took place in the office, 29% of women reported that it took place in common areas (bathrooms, kitchens) while 15% of women reported that it took place in a social event related to work (party, social gathering).

- Only 6% made an official report of the sexual harassment they experienced to a relevant actor (e.g. Labour Inspectorate) while only 37% reported it to the management of the company/organization. 94% of the women underlined the need to establish and implement relevant politics on behalf of the company management, 86% argued that women do not talk since they fear losing their jobs and 78% does not believe that sexual harassment is an unusual phenomenon in the workplace.
- Regarding employees in the food industry and tourism, 85% of women that currently work in these fields have experienced sexual harassment in the workplace while 22% has been a victim of sexual assault and rape.
- In 53% of the cases there was no repercussion for the perpetrator while no colleague involved in a sexual harassment case ever lost his job.

A research conducted by the [Social Action and Innovation Centre](#) (KMOP) in 2020 (Alexopoulou & Doufexi- Kaplani, 2020), which included interviews with 7 representatives of workers unions, employers' associations, NGOs and the Citizen's Ombudsman and an online research with 126 employees and 27 employers, produced the following findings:

- 52,38% of the employees has experienced sexual harassment at some point in their professional life and 40% did not know the relevant procedures for victim protection.
- The majority (91.27%) agreed that women are more exposed to sexual harassment.
- The majority of employees reported that the most common form of sexual harassment are sexual invitations or jokes that make them feel uncomfortable (70.63%); unwanted sexual insinuations (65.08%); conversations regarding the sex life of another colleague (59.52%); sexual comments regarding a colleague's appearance (59.52%); and 1.59% admitted that sexual assaults and rapes occur often in their workplace.
- 42.86% of the employees reported having witnessed some form of sexual harassment against another colleague in their workplace.
- 42.06% of the employees underlined that the company in which they work does not provide any document with clauses against sexual harassment.
- 29.63% of employers noted that there are no specific procedures for sexual harassment reporting in their company while 11.11% is not aware if they have any. In addition, more than half (55.56%) of employers mentioned that there is no mechanism for the documentation and observation of cases of sexual harassment.
- Regarding prevention, almost half of the employers (48.15%) underlined that there no preventive measures in their company.

Finally, according to the two national annual reports on violence against women (General Secretariat for Demography and Family Policy and Gender Equality/GSDFPGE, 2020 and 2021) providing statistical data derived from the Counseling Centres and Accommodation Shelters, a very small percentage of the women supported have experienced sexual harassment. More specifically, of the 4.872 women GBV survivors and multiple discrimination victims supported by 42 Counseling Centres in the country from November 2019 to October 2020, only 2% (i.e. 64 women) has experienced sexual harassment ([GSDFPGE, 2020:25](#)), whereas of the 4.275 women GBV survivors supported from November 2020 to September 2021, only 3% (i.e. 103 women) has experienced sexual harassment ([GSDFPGE, 2021:87-88](#)).

1.3. International, European and National legal framework

1.3.1. The International and European legal context

At the international level, sexual harassment was defined in [CEDAW General Recommendation No. 19 \(1992\)](#) on violence against women as including “such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions.” The 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.”

Again, in the field of work, Article 1 of the recent ILO Violence and Harassment Convention of 2019 ([No. 190 on violence and harassment](#) and [complementary recommendation No. 260](#)), reads as follows: “the term “violence and harassment” in the world of work refers to a range of unacceptable behaviours 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 includes gender-based violence and harassment; the term “gender-based violence and harassment” means 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.”

[Recommendation No. 206](#), accompanying the ILO Convention, stresses the “inclusive, integrated and gender-responsive approach” enshrined in Article 4(2) of the Convention and that, based on this provision, “members should address violence and harassment in the world of work in labour and employment, occupational safety and health, equality and non-discrimination law, and in criminal law, where appropriate.” The Recommendation is divided into: **core principles; protection and prevention; enforcement, remedies and assistance; guidance, training and awareness-raising.**

It should be noted that **the Convention clearly approaches sexual harassment as part and parcel of gender-based violence.** More specifically, article 1 (b) notes that the term “gender-based violence and harassment” means 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.

Moving to the **Council of Europe**, in the [Istanbul Convention](#) (2011), sexual harassment is considered as a form of violence that might occur anywhere and consists of “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” (article 40).

In **EU law**, harassment related to sex and sexual harassment have been addressed as a form of discrimination in matters of employment and occupation – access to employment, including promotion, and vocational training, working conditions, including pay, occupational social security schemes, and self-employment- and in the provision of and access to goods and services. EU directives referring to sexual harassment:

- [Directive 2000/43/EU](#) on equal treatment irrespective of racial or ethnic origin which **includes the definition of harassment** “when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment”
- [Directive 2000/78/ EU](#) **establishing a general framework for equal treatment in employment and occupation**, including the definition of harassment and particularly in working environments.
- [Directive 2002/73/EC](#) of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. It is underlined that harassment related to the sex of a

person and sexual harassment are contrary to the principle of equal treatment between women and men. To this end it is emphasised that **these forms of discrimination** occur not only in the workplace, but **also in the context of access to employment and vocational training, during employment and occupation.**

- [Directive 2004/113/EC](#) of 13 December 2004 on implementing the principle of equal treatment between men and women in the access to and supply of goods and services. In the directive, it is noted that discrimination based on sex, including **harassment and sexual harassment, also takes place in areas outside of the labour market.**
- [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 (recast).

However, as stated in the 2021 report of the European Network of Legal Experts in Gender Equality and Non-discrimination on the [“Criminalisation of gender-based violence against women in European States, including ICT-facilitated violence”](#), the approach on the gender equality EU directives is more limiting than the CoE Istanbul Convention and the ILO Convention. The directives call for the prohibition of harassment as a form of discrimination and the imposition of sanctions, yet they do not establish obligations that are sufficiently precise, allowing for adequate monitoring and enforcement in the Member State or at the EU level (ENLE, 2021: 88).

1.3.2. The Greek legal context

In 2011, the European Network of Legal Experts (ENLE) in the field of Gender Equality completed a report on [“Harassment related to sex and sexual harassment law in 33 European countries”](#), in which Sophia Koukoulis- Spiliotopoulos provides a detailed analysis of the Greek legal framework on sexual harassment. The following information draw from her work (2013: 116-127).

Sexual harassment consists violation of law [3896/2010](#) transposing Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), mostly repeats provisions of law 3488/2006 transposing Directive 2002/73/EC on harassment. Article 3(2)(a) of Act 3896/2010 reads: *“Harassment and sexual harassment and any less favorable treatment due to submission or rejection of this conduct constitute gender discrimination and are prohibited.”* Article 3(2)(b) also stipulates that *“any less favourable treatment of a person related to the change of sex also constitutes discrimination on the ground of sex.”* Consequently, **unwanted conduct towards a transsexual, when it is related to transsexuality or to the previous or new sex of this person** (e.g. teasing, offensive jokes), **constitutes harassment on the ground of sex. When it is of a sexual nature** (e.g. sexual advances on account of the person’s previous or new sex), **then it constitutes sexual harassment.** Harassment may also constitute multiple discrimination, a violation of the principle of non-discrimination prohibited by Greek legislation, and also applying to (widespread) harassment against foreign female workers. In this context, the harassment of a woman who is pregnant or has recently given birth (which is frequent and aims at forcing her to quit, so that the employer is dispensed of his/her obligations towards her), should be considered harassment on the ground of sex, irrespective of whether it leads to resignation or dismissal or non-promotion or to any other unfavourable modification of her working conditions. This may be termed *“harassment on grounds of pregnancy and maternity.”*

Workers or candidates for employment in the private or public sector, in any employment relationship, may lodge an action seeking compensation before civil courts. The burden of proof lays to the employer. He/ She should provide evidence that there has not been sexual harassment or any violation of the law on the equal treatment. The “burden of proof” applies against civil courts, the Civil Ombudsman or the Labour Inspectorate, in the public and private sector or freelance professions. Furthermore, workers or candidates for employment on a private-law contract may seek before civil courts: i) a declaration of the nullity of a dismissal, non-promotion or non-hiring and compensation; ii) compensation for being forced to quit due to the conduct of the employer or his agents. Those in a

public-law relationship: civil servants of the State and other public authorities (local authorities and other legal persons governed by public law) may lodge a recourse for the annulment of a dismissal, non-promotion or non-hiring, and an action for compensation, before administrative courts.

According to ENLE's report on Greece, the general rule laying the "burden of proof" on the claimant deters people from filing a complaint, combined with other factors such as fear of victimization or a 'bad name' in the labour market. These fears, which potential witnesses share, are increasing with the deregulation of employment relationships and unemployment. They could be alleviated if organisations took cases to courts and other authorities, which they hardly do, due to lack of awareness of this possibility and/or lack of resources and legal aid. Without modifying their approach to the burden of proof, courts tend to rely on evidence given by persons in whom the claimant confided and in a few cases on circumstantial evidence.

Finally, it should be mentioned that in 2021 Greece ratified the Convention 190 of the International Labor Organization (ILO) to eliminate violence and harassment in the workplace (Law 4808/2021, Official Government Gazette Issue A' 101/19.06.2021). The Law provides for the mandatory appointment of a designated "reference person/focal point" responsible for providing relevant advice and guidance to employees. In addition, employers are obliged to provide workers with adequate information on the dangers of and the means of protection against violence or harassment in the workplace and to render information on the procedures available and the competent authorities for lodging and handling complaints of violence or harassment easily accessible to employees. In case of violation of the above prohibition of violence and harassment at work, Article 12 of the Law establishes the right of each of the affected persons, even if the relationship in the context of which the alleged incident or violent behaviour took place, has ended, to file a complaint with the Labour Inspectorate and the Ombudsman. Moreover, Article 16 establishes an Independent Department within the Labour Inspectorate, responsible for monitoring violence and harassment incidents at the workplace and for drafting and submitting reports with quantitative and qualitative data on complaints, for managing these complaints and for cooperating with the Greek Ombudsman within the scope of its responsibility and with the GSDFPGE, in order to develop guidelines and protocols for disputes related to violence and harassment.

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PART II – CYBERVIOLENCE

2.1. In search of a comprehensive definition

Over the past decade, there has been growing attention to different forms of interpersonal violence perpetrated through the use of digital communication technologies. A range of umbrella terms using prefixes such as "technology", "digital", "cyber", "Internet", "electronic" or "online" have been used to describe different types of harassment, violence, aggression and abuse against women and girls involving technological devices or platforms. However, there is little consensus among researchers and policy makers as to the most appropriate term to describe the ever-changing pattern of cyberviolence (Henry & Flynn & Powel, 2020: 1830). The terms more commonly used so far in international and European reports are **online violence against women**, **online and ICT-facilitated forms of gender-based violence against women**, **gender-based cyberviolence** and **cyber gender-based violence against women**. These seem to be used interchangeably (ENLE and European Commission, 2021: 53).

In a [2018 report, the UN Special Rapporteur on violence against women](#) (UN SRVAW) provided a broad definition of online/ ICT-facilitated forms of violence: ***"The definition of online violence against women [...] extends to any act of gender-based violence against women that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately (UN, General Assembly, 2018: 7, par. 23).*** In one paragraph, the Special Rapporteur

refers to **“online and ICT-facilitated forms of gender-based violence against women”** as the most inclusive concept.

The [UN Committee on the Elimination of Discrimination Against Women \(CEDAW\) General Recommendation 35](#), extends the definition of gender-based violence under General Recommendation 19 by adding **“gender-based violence against women manifests in a continuum of multiple interrelated and recurring forms, in a range of settings, from private to public, including technology-mediated settings.”** And **“gender-based violence against women occurs in all spaces and spheres of human interaction, whether public or private...and their redefinition through technology-mediated environments, such as contemporary forms of violence occurring in the Internet and digital spaces.”** In addition, the UN General Assembly, 2013 consensus [Resolution on protecting women human rights defenders](#) (A/RES/68/181), contains language on technology-related human rights violations: **“information-technology-related violations, abuses and violence against women, including women human rights defenders, such as online harassment, cyberstalking, violation of privacy, censorship and hacking of e- mail accounts, mobile phones and other electronic devices, with a view to discrediting them and/or inciting other violations and abuses against them, are a growing concern and a manifestation of systemic gender-based discrimination, requiring effective responses compliant with human rights.”**

At European level there is no commonly agreed set of definitions encompassing all forms of cyberviolence against women and girls. CoE conventions on violence against women and on cybercrime implicitly include references to cyberviolence against women. However, the European Commission and the EU bodies as well as the Council of Europe apply different definitions in their instruments and programs. Many of the forms of cyberviolence and hate speech online against women remain under-defined ([FEMM Committee, 2018: 12-13](#)).

The Council of Europe **Istanbul Convention** contains several articles that can be applied to cyberviolence and hate speech online against women (article 3b on intimate partner violence, article 33 on psychological violence, article 40 on stalking). The Council of Europe’s defines sexist hate speech as **“expressions which spread, incite, promote or justify hatred based on sex”**, including posting and sharing content, inciting to violence or hatred against women or LGBTIQ people on the grounds of their gender identity, gender expression or sex characteristics (see CoE, 2016).

FRA has produced a number of definitions of cyberviolence against women for its 2014 survey regarding violence against women in the EU (e.g. cyberstalking, cyber harassment) ([FRA 2014a](#)).

EIGE defines cyberviolence as gender-based violence which is perpetrated through electronic communication and the internet:

- [Non-consensual pornography](#) (also called ‘revenge porn’)
- [Cyber harassment](#) refers to women’s experiences of sexual harassment that involve 1) unwanted offensive sexually explicit emails or SMS messages; 2) inappropriate offensive advances on social networking websites such as Facebook, or in internet chat rooms.
- [Cyber stalking](#) is defined as: 1) emails, text messages (SMS) or instant messages that were offensive or threatening; 2) offensive comments posted on the internet, 3) intimate photos or videos shared on the internet or by mobile phone (see also, EIGE, 2017).

In academic research, there is a plethora of terms matched by a variety of definitions of what constitutes online abuse or abuse which involves digital technologies, such as **“technology-facilitated sexual violence”** (Powell & Henry, 2017), **“image- based sexual abuse”** (DeKeseredy & Schwartz, 2016; Henry & Flynn, 2019), **“technology-facilitated domestic and family violence”** (Douglas et al., 2019), **“digital coercive control”** (Harris & Woodlock, 2018), **“cyber-victimization”** (Reyns, Burek, Henson, and Fisher, 2011); **“technology-based coercive behavior.”** Fiona Vera- Gray (2017) has argued that prefixes emphasizing the technological aspect tend to shift the focus from gender inequality and the structural causes of violence against women and non-conforming genders. Douglas et al. (2019) also argue that technology-facilitated forms of domestic and family violence **“should be understood as a form of coercive control that is inextricably tied to, rather than separate from, domestic and family violence”**

and the broader cultural values and practices that engender it (2019:3).” In their work on “*technology-facilitated*” violence, Powell, Henry & Flynn (2018) note that this term has the benefit of simultaneously capturing the facilitatory role that technology plays in the perpetration of violence without exceptionalizing this role or downplaying the drivers of the abuse, including gender inequality but also other forms of racial and social marginalization (Powell, Henry & Flynn, 2018: 1832).

Such challenges relating to terminology are familiar to the broader discussion of violence against women. In her article “*What’s in a name?*” Karen Boyle (2019) considers the controversies of naming “*domestic abuse*”, “*violence against women*,” “*men’s violence against women*,” and “*gender-based violence*.” She questions whether “*abuse*” better encapsulates the “*range of physically, emotionally, financially, and sexually controlling behaviours women experience*” (Boyle, 2019:22). Boyle underlines the difficulty to find the right language to convey different women’s experiences of violence while also addressing the structural causes of gender violence which affects trans women, non-binary people and men. Boyle’s (2019) suggestion, adapting and extending Liz Kelly’s (1988, 1987) continuum of sexual violence, is that the field of violence against women, or gendered violence more broadly, would benefit from additional “*continuum thinking*.” The approach of continuum thinking is also incorporated in EU reports where various forms of cyberviolence are seen as part and parcel of a continuum of violence, often starting offline and reverberating online and vice versa (FEMM Committee, 2018).

Among the types of behaviour amounting to ICT-facilitated violence, the UN Special Rapporteur on VAW, in the 2018 report mentioned above, notes the following emerging forms of violence committed online: **doxing**,¹ **sextortion**,² and **trolling**.³ In another study for the European Parliament (ENLE & European Commission, 2021), additional behaviours were included, such as image-based sexual abuse, non-consensual creation or distribution of private sexual images, cyberbullying, online sexual harassment, unsolicited receipt of sexually explicit material, mobbing,⁴ upskirting,⁵ etc.

Given the definitional variance regarding cyberviolence **it remains a challenge to aggregate data at European level and to compare national**. Data collection mechanisms which measure the prevalence of the phenomenon of cyberviolence are not yet coordinated and each Member State measures the prevalence of cyberviolence using different indicators and definitions (FEMM Committee, 2018: 37). The need for better collection of data related to violence against women has been recognised by the EU and the Council of Europe (EIGE, 2017b).

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2.2. Prevalence of cyberviolence

According to the Cybersafe 2021 report, 23% of women in Europe have experienced abuse or harassment online (Cybersafe, 2021: 30-33). This could involve receiving offensive or threatening emails or text messages, or finding offensive or threatening comments about oneself disseminated online (ENLE and European Commission, 2021: 7). The best information on cyberviolence comes from the European Agency for Fundamental Rights’ (FRA) European Survey on Violence Against Women (VAW) (2014), which included questions on cyber stalking and cyber harassment. According to the FRA Survey on Violence Against Women (2014), **11% of women in the European Union have experienced cyber harassment since the age of 15**. Between 18 and 29 years of age, 20% of women have

¹ **Doxing** is the act of revealing identifying information about someone online, such as their real name, home address, workplace, phone, financial, and other personal information, with the purpose of harassing, threatening or damaging the person.

² **Sextortion** can take different forms, but it generally entails a threat to expose sexual images in order to make a person do something. These threats may come from strangers or (former) intimate romantic partners attempting to harass, embarrass and control victims.

³ **Trolling** is the act of leaving an insulting message on the internet with the intention to upset, refute, discredit or silence someone.

⁴ **Mobbing**, refers to the act of choosing and targeting someone to bully or harass through a hostile mob deployment, sometimes including hundreds or thousands of people.

⁵ **Upskirting** is the surreptitious and non-consensual taking of images or videos up a woman’s skirt.

experienced cyber harassment, versus 13% of 29 to 39 years of age and 11% between 40 and 49 years of age. Between 50 and 59 years old 6% of EU women have experienced cyber harassment and over 60 years old, they are 3% (FRA, 2014a).

According to (EPRS, 2021), it was estimated that in 2020, 1 in 2 young women experienced gender-based cyber violence, whereas according to the European Commission, (2022), women are systematically targeted online by violent right wing extremist groups and terrorist groups intending to spread hatred against them. The so-called ‘incel’ (involuntary celibate) movement, for instance, incites to violence against women online and promotes such violence as “heroic” acts. Cyber violence particularly impacts women active in public life, such as politicians, journalists and human rights defenders. This can have the effect of silencing women and hindering their societal participation.

Data and statistics on cyberviolence against women and LGBTQI people in the EU are therefore extremely scarce and diluted (e.g. FRA, 2020), which is why most resolutions and research reports (European Parliament, 2021; FRA 2020, 2014b; EIGE, 2017b) point out the need to collect gender- disaggregated data concerning prevalent forms of cyberviolence whilst fostering the uniformity and comparability of data gathered by member states.

2.3. International and European legal context

The 2018 FEM study for the European Parliament “Cyberviolence and hate speech online against women” provides an analytical legal framework on an EU and international framework of a number of soft law measures, relevant treaties, directives, resolutions and recommendation that apply to the various forms of cyberviolence. In Greece, there is no specific legislation targeting forms of cyberviolence against women, girls and LGBTQI people. However, the Istanbul Convention (law 4532/2018), the Lanzarote Convention (law 3327/2008) and the Budapest Convention (law 4411/2016), ratified by the Greek state, consist key steps towards the future development of a legal framework regarding cyberviolence. There are no official data regarding cyberviolence in Greece.

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2.3.1. UN Resolutions, Strategies and Reports

- The [UN General Assembly resolution on protecting women human rights defenders \(2013\)](#)
- The [UN Human Rights Council resolution on the promotion, protection and enjoyment of human rights on the internet \(2016\)](#),
- The [UN General Assembly's resolution on the right to privacy in the digital age](#) (2016)
- The Committee on the Elimination of Discrimination against Women (CEDAW Committee) adopted in 2017 the new [General Recommendation 35](#)
- In 2018, the [Special Rapporteur on Violence Against Women](#) will release a thematic report focusing on online gender-based violence.
- The [UN Human Rights Council on July 4th 2018 voted resolutions](#) on the “Promotion, protection and enjoyment of human rights on the Internet”, several of them concern cyber violence.

2.3.2. Council of Europe Treaties

- [The Budapest Convention on Cybercrime and additional protocol](#). The Convention on Cybercrime, adopted in 2001, is the first international treaty focused on internet related crimes.
- [The Istanbul Convention on combating violence against women and domestic violence](#). More specifically, the following articles can be applied to digital violence: Article 33 on psychological violence, Article 34 on stalking, and Article 40 on sexual harassment.
- [The Lanzarote Convention on Protection of Children against sexual exploitation and sexual abuse](#) requires criminalisation of all forms of abuse against children.

2.3.3. European Union Legal Framework

At the EU level, several regulations, directives, EP resolutions and EC policies are directly or indirectly applicable to various forms of cyber violence and hate speech online against women.

- [Directive on combating the sexual exploitation of children online and child pornography](#)
- [The Victims' Rights Directive](#) contains provisions that protect victims of crime in the EU and provides a minimum level of rights, protection, support, access to justice and restoration.
- [Directive on preventing and combating trafficking in human beings and protecting its victims.](#)

2.3.4. *European Parliament Resolutions*

- Resolution of [4 December 2021 on combatting gender-based violence: cyberviolence](#),
- Resolution of [17 April 2018 on empowering women and girls through the digital sector](#), threats against women and that the various forms of cyber violence against women are still not legally recognised.
- Resolution of [17 April 2018 on gender equality in the media sector in the EU](#),
- Resolution of [26 October 2017 In the European Parliament on combating sexual harassment and abuse in the EU](#),
- Resolution of [3 October 2017 on the fight against cybercrime](#),
- Resolution of [12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence](#),
- Resolution of [14 March 2017 on equality between women and men in the European Union in 2014-2015](#),
- Resolution of [26 February 2014 on sexual exploitation and prostitution and its impact on gender equality](#).

PART III – SEXUAL HARASSMENT AND CYBERVIOLENCE IN THE MEDIA

3.1. Introductory remarks

Recognising that hate speech and hate-motivated violence not only pose grave danger for the cohesion of a democratic society and the protection of human rights and the rule of law but are also highly underreported, and therefore if left unaddressed can lead to acts of violence and conflict on a wider scale, the European Commission against Racism and Intolerance (ECRI) of the Council of Europe, has considered multiple effective approaches to tackle hate speech and cyberhate in particular (e.g. self-regulation by public and private institutions, media and the Internet industry, adoption of codes of conduct accompanied by sanctions for non-compliance, education and counter-speech to fight misconceptions and misinformation forming the basis of hate speech, raising public awareness, etc.). To this end, ECRI has always considered criminal sanctions/prohibition necessary when hate speech publicly incites violence against individuals or groups of people and a measure to be used as a last resort in order to keep a balance between fighting hate speech and safeguarding freedom.

Due to underreporting and the fact that victims rarely report incidents to the authorities fearing perpetrators will retaliate or do not trust the justice system, or because they are discouraged by the social environment there is limited data on this widespread type of violence. Such practices are supported by a media public space that is filled with what are called “masculinist politics”. This term addresses the ubiquitous presence of the powerful male actor who will use war tactics to deal with everyday social and political problems (Vouyioukas, Liapi 2020: 6), in the media as well, and generally in the public sphere. Masculinist politics shame those who have problems, especially problems which carry the “stigma” of sex, sexuality and abuse, while it establishes a ‘social superiority of cruelty’ (see also Kanaouti 2019: 156; Read-Hamilton, 2014: 6). On the other hand, media-promoted stereotypes reproducing patriarchal behaviours and viewpoints about the ‘feminine’ psyche, do not only regard

external characteristics, but form and re-form identities for social actors and social presences. When volatile weather is described by the media as resembling “moody females” (Kanaouti 2020: 27), it may not be a surprise that reports for femicides in the media reproduce the heteronormative “romantic” paradigm centered on jealousy, as a sign passion and love. For example, in France media report femicide cases as ‘family or separation dramas’ (Anteby-Jemini, Raffin, 2018: 109), and in Greece they report them as ‘crimes of passion’, ‘love crimes’, (Peglidou, 2018: 116).

3.2. Media reporting of gender-based violence

Impe (UNESCO, 2019) addresses a multiplicity of important issues in media reporting of gender-based violence, highlighting major problematic areas:

- There is silence about key issues of gender-based violence, the actual context is unexplained, and what is underlined are clichés like ‘honor’, and ‘honor crimes”, or the sexuality and conduct of the victim. Also, there is prioritization, and reports for gender-based violence usually do not appearing in prime time, thus hiding or silencing the phenomenon. Moreover, the time of reporting is limited, and therefore reporters themselves often cannot/do not understand the bigger context, or have the opportunity talk to survivors.
- The vocabulary and in general the language used in media depictions of gender-based violence is also highly problematic (e.g. stereotypical, heteronormative and controlled – based notions of ‘love’, mis-reasoning and characterisations of victims/survivors as ‘unlucky’). Verbal abuse can be present in reporting that ‘lectures’ or incites judgment and verbal violence/harassment is also inscribes gender-based sexual characteristics, which in turn are used to characterize women, LGBTQ and young people only in reference to heterosexual men and/or macho identities.
- Headings, titles of articles and of news items in general may be sensationalized in order to attract the audience. This practice is also used by the extreme right to make their audience outraged about something that is not supported in their main articles / reporting. Stereotypes, voyeurism, further victimization of the victims has dire consequences for both the victims and society in general.
- There is no detailed knowledge of the problem in the media sector, and there are no expert journalists on gender issues or gender equality who may be consulted. As a result, more than often the media turn to members of the celebrity culture to be consulted about gender-based violence issues. This fact together with the lack of reliable statistics on gender-based violence or the use of forced conclusions about relevant data, makes for sensational, or simplistic conclusions, and therefore headlines.
- The use of music and other ‘props’, as well as problematic reporting, makes for a sensational approach to reporting, whereas hidden cameras and undercover methods, especially when used without caution, also contribute to the sensationalisation of the subject matter, and the further victimization of survivors, whose resilience and agency are more than often (intentionally) disregarded or ignored, since for mainstream media the notion of the ‘victim’ becomes an (everlasting) identity.
- Also, the media rarely focus on a journalism that would be beneficial to the victims, such as portraying responses to violence, and a depiction of what the state institutions are doing to combat gender-based violence. Rather, the crime is presented as the end of the story, making it seem as though it is inevitable / or that its effects are inevitable and inescapable.

According to Galdi and Guizzo (2021), the proliferation of sexual harassment in the media normalizes harassment behaviour and has three important primary effects: a) it increases engagement in sexual harassment, making it an everyday occurrence, b) it renders victims’ acceptance of sexual harassment ‘natural’, and c) it discourages bystander intervention. Thus, media representations of harassment as matter or fact, or as ‘normal’, has a three-fold effect: **the effect on the perpetrator**, **the effect on the victim**, and **the effect on the social environment**. In what Galdi and Guizzo call **the**

Media-induced Sexual Harassment framework, they recognize three mechanisms that the media activate by their objectification of women: a cognitive, an emotional and a normative mechanism. The cognitive mechanism causes a dehumanization of the objectified, the emotional disrupts empathic resonance, so that there is no empathy felt or shown towards the objectified, and thirdly, the normative mechanism shifts gender norms, so that the meaning behind each gender representation is disrupted and modified (Galdi and Guizzo 2021: 660).

3.3. Media reporting and the Greek #Metoo

Aiming at revealing the role of (social) media in Greece and pointing to the need for a more inclusive approach, the Media Jokers team in cooperation with ENA Institute for Alternative Policies, published a special issue in 2021 in which participating authors critically comment on the main aftermaths arising and instigated by the Greek #Metoo in public discourse (via reports and representations in newspapers, online media/social media and TV). According the authors of the special issue it is important to highlight and analyse how mainstream media report gender-based violence given that media reporting is an important indicator through which to measure progress towards shifting social and cultural norms that reinforce or challenge all types of gender-based violence in our society.

According to Kyriakidou (2021), although at first complaints for gender-based violence in the media led to optimism about the impact of the #Metoo, the media and public discourse in Greece were mainly characterized by scandal-mongering regarding the details about the personal stories of the victims, sexism against the victims through questioning about why they decided to disclose now and homophobia. The main media frame of #Metoo was the politicization of the issue on the basis of a political scandal not aiming to highlight political responsibility and expose how the abuse of power allowed and led to the tolerance of gender-based violence and corruption but to disempower survivors and the dynamic of the growing movement (Kyriakidou, 2021:4-5).

Right after Sofia Bekatorou (Greek sailing champion and Olympic medalist) spoke out about a 1998 sexual assault by a high-ranking Hellenic Federation official which sparked an outcry in Greece over the revelations she disclosed, the media rushed to show their contempt towards the criminal offence of rape. Apart from contempt however, journalists started posing questions about why she decided to speak out now and not earlier, why after so many years, etc., insinuating she was at least partly responsible for her victimisation and therefore asking for answers in order to allow the truth to shine. Discourse was often used in order to silence the gravity of the incident and also to turn the public gaze elsewhere degrading the circumstances under which the crime was committed (Kavvoura, 2021: 17).

As pointed out by Mitropoulou (2021), before Bekatorou and #Metoo in Greece, there have been a number of incidents accepting and reproducing rape culture on TV. These incidents did bring forth sexual harassment, causing intense pressure by the audience especially through social media but after a short-term decompression by TV channels they did not lead to public disclosures of similar stories (Mitropoulou, 2021: 27-28). Using the Starkey, Koerber, Sternadori and Pitchford (2019) qualitative media framing analysis of news coverage about #Metoo in four national contexts (i.e. the US, Japan, Australia, and India) which reveals four media frames: a) the brave silence breaker, b) the stoic victim of an unjust system, c) the recovered or reluctant hero, and d) the hysterical slut, Mitropoulou comes to the conclusion that, in Greece #Metoo seems to have been projected less as “social media activism” and more as a “slogan” or “brand name” for the phenomenon of sexual abuse. Therefore, based on the Starkey, et al (2019) typology, she argues that the main protagonists of these stories seem to fall into the first category of media framing, i.e. the brave silence breakers who made their stories visible and disclosed sexual abuse in various sectors of public life but not all. This has opened a cycle which is still open as new reports make it to the evening newscasts – though at a slower pace (Mitropoulou, 2021: 26-30).

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