

GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

NATIONAL FIELDWORK REPORT

Country: Belgium

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Date: 5 May 21

1. INTRODUCTION

Universities are increasingly aware of the need to take action to protect both staff and students from sexual harassment and all types of unwanted and inappropriate behaviours (sexist and sexual aggression).

Over the last five years, there has been a clear evolution, and all universities (in both parts of the country) have taken some types of actions, in particular with regard to students (acts between peers and by academic staff). The law provides staff with protection and prosecution policies. For students, it is penal law that applies. The actions taken have concentrated on preventive measures to change behaviours and attitudes (e.g. awareness-raising campaigns, training of contact persons) and, in particular, on the protection of students through the introduction or strengthening of specific channels for reporting and the accessibility of support from dedicated persons.

2. MAPPING OF POLICIES AND LEGAL FRAMEWORKS

Protection against violence, moral or sexual harassment at work¹ has been introduced in 2002 and is included in the Wellbeing at Work Code. Types of violence are outlined in its article 32 ter. It covers all workers, male and female. Violence is defined as follows:

- Violence at work means any situation in which a worker or other person to whom [this section (26)] applies is threatened or assaulted psychologically or physically in the course of work;
- Harassment or bullying at work: repeated abusive conduct, external or internal to the undertaking or institution, which occur over a period of time, and which have the purpose or effect of violating the personality, dignity, or physical or psychological integrity of a worker or another person to whom [this section] applies, during the performance of his or her work, to jeopardise his or her employment or to create an intimidating, hostile, degrading, humiliating or offensive environment and which is manifested in particular by words, intimidation, acts, gestures or unilateral writing. Such conduct may, inter alia, be related to [age, marital status, birth, property, religious or philosophical belief, political belief, trade union belief, language, current or future state of health, disability, physical or genetic characteristic, social origin, nationality, alleged race, colour, descent, national or ethnic origin, sex, sexual orientation, gender identity and expression];
- Sexual harassment at work: any unwanted verbal, non-verbal or corporal behaviour with sexual connotations, the purpose or effect of which is to undermine the dignity of

¹ The Act of 11 June 2002 on violence, moral or sexual harassment at work (M.B./B.S. 22.6.2002)

a person or to create an intimidating, hostile, degrading, humiliating or offensive environment.

This legislation is applicable to staff (academic and administrative) of RPOs, but not to students as they are not employees. In instances of violence, harassment etc., students will have to rely on the Penal Code. While this code sets out a number of possible infringements, as an illustration, please note that recently revenge porn has been added as a penal offence in Belgium.² The prosecution is not easy.

The phrase “gender-based violence” is not used in workplace policies and laws in Belgium.³ The laws and policies adopted are always gender-neutral.

Considering the structuring of the country into regions and communities, it is important to mention that working conditions laws are adopted at the Federal level while Communities are responsible for education.

The main actors regarding RPO policies are the ministers in charge of education and representatives of universities and higher education institutions. These representatives are, in the French-speaking part of the country, ARES (Academy of Research and Higher Education) and, in the Flemish-speaking part, VLIR (Flemish Universities Council) and VLUHR (Flemish Universities and Higher Education Council). As illustrated below, soft policies are in place (charter, gender focal point, standing commission, etc.) and refer to gender equality issues in RPOs, with limited reference to gender-based violence or inappropriate behaviours (sexism, sexual violence and harassment, etc.).

In the French-speaking Community, an interuniversity committee dedicated to the promotion of gender equality in research was established by a *decree* (law at federate level) on 10 March 2016. It is called the Committee for Women in Science (*Comité Femmes et Sciences*), and its secretariat function is ensured by ARES. Gender focal points have been nominated in each university and produce annual gender equality reports. Following the adoption of a Resolution by the Parliament of the French-speaking Community⁴ regarding support to higher education institutions in their fight against gender discrimination, a specific Commission on Gender in Higher Education (CoGES) was created in December 2020.⁵ This Standing Commission will offer a space for transversal discussion around gender themes. One of the aims will be to support institutions in fighting against harassment in higher education institutions and training professionals in detecting and supporting victims of violence.

At the initiative of the VLIR, a charter on gender in academia was signed in 2019 by the five Flemish universities⁶. This charter covers all aspects of gender in academia, including different

² Act of 4 May 2020 to combat the non-consensual dissemination of sexual images and recordings came into force on 1 July 2020.

³ It is not used in the legislation. However, it has been used in the past and the current National Action Plan on gender-based violence. However, the focus of such plans is not the workplace and RPOs are not addressed.

⁴ Parlement de la Communauté française, 24 April 2019, *Résolution visant à soutenir les établissements supérieurs dans la lutte contre les discriminations genrées*, session 2018-2019, Doc 790, no. 3, <https://www.pfwb.be/le-travail-du-parlement/doc-et-pub/documents-parlementaires-et-decrets/documents/001633585>

⁵ Décret programme 9 décembre 2020, M.B. 24.12.2020. See Article 58 accessible at: <http://archive.pfwb.be/100000020cb03e>

⁶ Vlaamse Interuniversitaire Raad (VLIR) & Jonge Academie (JA), VLIR-JA Charter



types of gender-based violence. Transgressive behaviour is mentioned under action line 4, 'Towards a workable working culture'. The commitment is formulated as follows: implicit bias, transgressive behaviour and potentially hurtful statements must be openly raised. The visibility and accessibility of the persons of trust (provided for by the law) and ombudspersons are increased. A working atmosphere should be created in which colleagues stand up for each other when these kinds of behaviour happen. The 'recommendations' part that follows suggests 'measures against transgressive behaviour', awareness-raising campaigns and training for personnel. The recommendations also suggest that the 'satisfaction monitor' (to be prepared yearly) "ideally also contains items related to the visibility of trust- and ombudspersons and the 'discussability' of (implicit bias and) transgressive language and behaviour". As stated in the GREVIO report⁷, higher education institutions in Flanders have a 'contact point for violence, harassment and unwanted sexual behaviour at work', which can also be accessed by students and third parties. Mediators are also available in some institutions. A common scenario with guidelines for the prevention and management of transgressive behaviour was developed at the Flemish higher education level. Ten generic instructions for each institution were developed with a particular focus on sexual misconduct.⁸

For the French-speaking RPOs, GREVIO also reports initiatives taken to provide better support to victims of harassment and violence, whether these acts are committed between students (or by third parties) on campus or by members of the teaching staff. The aim is also to reassure students that their complaints will be taken into account and their case followed up.⁹ For example, in collaboration with French universities, the Université Libre de Bruxelles (ULB) carried out a campaign in 2017 and 2018 to prevent sexist and sexual harassment, entitled '*Université libre de Harcèlement*'. An inventory of the prevalence of sexism and harassment at the ULB, a poster campaign throughout the campus, a launch conference, the strengthening of the normative and disciplinary framework, and the improvement of supervision and support for victims and witnesses were undertaken in this framework. In addition, a network of focal points was created to direct victims and witnesses of sexism and sexual harassment to the appropriate people to follow up on each situation.¹⁰ In Mons, the university set up a network of trained students called '*Cybercitoyens*' (Cyber-citizens) to watch out for and issue alerts in the event of harassment including, online harassment.¹¹

In terms of national and regional policies, one important aspect to mention is that while laws relating to working relations are adopted at the federal level (e.g. Act on Wellbeing at Work), the federate authorities (Communities) are in charge of education. It is the Communities that finance higher education institutions and validates curricula and diplomas. However, such policies have a limited impact on the organisational level of HEIs and RPOs. There is a principle of autonomy and a reluctance from the political level to intervene too much. As an illustration, during a debate

Gender in Academia 2019, *Brussel, 26 June 2019*, https://vlir.be/wp-content/uploads/2019/10/Publicaties-Gender-in-Academia-Gendercharter_VLIR-JA-1.pdf

⁷ Groupe d'experts sur la lutte contre la violence à l'égard des femmes et la violence domestique (GREVIO), (2019) Rapport soumis par la Belgique donnant effet aux dispositions de la Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique conformément à l'article 1, paragraphe 68 (rapport de référence), GREVIO/inf (2019)4.

⁸ GREVIO report, op.cit., p.20.

⁹ Newspaper article in Le Soir, one of Belgium's main French-speaking newspapers, in January 2020, <https://plus.lesoir.be/275560/article/2020-01-26/les-universites-renforcent-leurs-dispositifs-anti-harcèlement>.

¹⁰ GREVIO report, op.cit., 19.

¹¹ Newspaper article in Le Soir, op. Cit.



in the Flemish Parliament on sexual harassment at the end of 2017, the minister then in charge of education mentioned that the federal law on the wellbeing of employees also applied in the education sector, so no specific legislation was needed. The minister was also against large-scale prevalence studies and against a central service for reporting cases but said that mentalities have to change and that people should be made aware of where they can report harassment. Barriers to reporting should be lowered.¹²

The role of RPOs in providing knowledge on GBV is limited to some research commissioned by public authorities – for example, the most recent ones on transgressive behaviours in the cultural and media sector in Flanders¹³ and on experience of violence in Brussels Capital Region¹⁴ – and work by individual researchers¹⁵ or master students¹⁶ In gender studies.

Regarding the inclusion of GBV as a topic in relevant curricula and in teaching in universities, a participatory process was started by the French-speaking Community and Ares in 2020.¹⁷ This is part of the implementation of the Istanbul Convention and will be covered under point 3 below.

3. DEBATES REGARDING #METOO AND THE ISTANBUL CONVENTION

There has been no specific debate relating to the ratification of the Istanbul Convention in relation to universities. The ratification was not really discussed in Belgium, as there was a broad consensus on the need to ratify it. The belief that Belgium was already compliant certainly contributed to the absence of debate.

However, the convention provides that actions should be taken to train professionals, in particular through formal courses. For example, a participatory process was started by the French-speaking Community and Ares in 2020. It is in line with the request to the Member States to take the necessary measures to include issues of violence against women informal education programmes and in non-formal education structures (Article 14), as well as to ensure the initial and ongoing training of professionals likely to be involved in managing and/or combating violence against women (Articles 15 and 17). Four priority domains have been identified: medical and paramedical, psychosocial, legal and media and communication studies. A number of recommendations have been adopted for all these official curricula.¹⁸



¹² Vlaams Parlement, Verslag van de gedachtewisseling, namens de Commissie Grensoverschrijdend Gedrag uitgebracht door Bert Moyaers over grensoverschrijdend gedrag in de sector Onderwijs, 1357 (2017-2018) – Nr. 9 24 januari 2018 (2017-2018).

¹³ Willekens, M., Siongers J, Lievens J., (2018), Waar ligt de grens? Grensoverschrijdend gedrag in de cultuur- en mediasector, Cudos, Universiteit Gent, available in Dutch at: <https://journalist.be/app/media/2018/07/Rapport-Grensoverschrijdend-gedrag-in-de-cultuur-en-mediasector-finaal.pdf>.

¹⁴ Van Parys A-S., Leye, E., (2017), *Etude de prévalence sur les violences faites aux femmes en Région de Bruxelles-capitale*, Service Publique Régional de Bruxelles, Available in French at <https://equal.brussels/wp-content/uploads/2020/03/FR-Rapport-final.pdf> and in Dutch.

¹⁵ For example, Melotte P, Licata, L, (2014), *Women facing sexist remarks: confrontation or avoidance*, European Association of Social Psychology General Meeting, unpublished.

¹⁶ Montay, J., (2018), *Sexisme en politique belge, enquête auprès des élues et attachées de presse*, Mémoire dans le cadre du Master en spécialisation en études de genre.

¹⁷ Fédération Wallonie-Bruxelles, *Processus participatif visant l'intégration de contenus relatifs aux violences faites aux femmes dans l'enseignement supérieur, Note contextuelle et présentation des travaux et recommandations élaborés par les participant.es au processus*, 2020.

¹⁸ Fédération Wallonie-Bruxelles, *Processus participatif*, op.cit.

The #MeToo movement has certainly raised awareness and encouraged women to speak up about violence and sexism in all contexts. The media are covering issues of sexism more frequently, and formal complaints are being made. A quite recent example linked to universities concerns a plastic surgeon, Jeff Hoeyberghs, who gave a lecture in December 2019 at the invitation of a conservative and nationalist association at the University of Ghent, during which he made sexist remarks. Images were circulated online, leading to 1,500 complaints to the Institute for the Equality of Women and Men. The University of Ghent (a Dutch-speaking part of the country) clearly distanced itself from his comments, and the association was temporarily suspended. Another example is that in Louvain-la-Neuve University (in the French-speaking part), the hashtag #Louvainleporc has been created to collect testimonials, through Facebook and Instagram in particular, of aggressions on the campus. Following disclosure of such facts, the university authorities remind people of the existence of the 'Together' system. Thanks to it, any victim or witness of sexual violence can call on the resources offered by this system, in particular by filing a report via the address together@uclouvain.be. It allows anyone to be welcomed, in complete confidentiality, listened to and informed about the possibilities of action that exist.¹⁹

4. PUBLIC OPINION ON GBV

To the expert's knowledge, national public opinion surveys on this subject, in general, or in universities and research organisations, are not available. A national prevalence survey on violence is normally carried out every ten years, but the last one dates from 2009 (and was published in 2010). Other prevalence studies at a regional level and in some sectors have been conducted, as mentioned in the annotated bibliography.

5. IMPACT OF COVID-19 ON DISCUSSIONS ABOUT GBV

There is a general awareness that COVID-19 has an impact on gender equality and on increased violence, in particular from (ex-) partners. The expert has no overview of all potential research and discussions about GBV in universities and research organisations.

One initiative that is worth mentioning is the special prize for research on gender and COVID-19 instituted by ARES and its Women and Sciences Committee.²⁰ The first prize in the 'Health' category was awarded to a study of the *Evaluation of the impact of the COVID-19 health crisis on the delay of presentation of victims of sexual violence to a referral centre for treatment*.²¹ A second study surveyed researchers from five universities (UCLouvain, UGent, UHasselt, ULiège and ULB) on the impact of participation in virtual meetings on academic careers.²² What is interesting to note is that ARES is giving money for research on gender. The downside is that the impact of COVID-19 on academic careers has only been approached from the perspective of virtual meetings.

¹⁹ <https://uclouvain.be/fr/decouvrir/egalite/campagne-together.html>

²⁰ See: <https://www.ares-ac.be/fr/actualites/746-11-02-2021-webinaire-cf-s-genre-et-covid-19>

²¹ Rozenberg, S., Roux, M., Rousseau, C., (2020), *Evaluation de l'impact de la crise sanitaire liée au COVID-19 sur le délai de présentation des victimes de violences sexuelles au sein d'un centre de référence de prise en charge*. A short presentation of results is available at : https://www.ares-ac.be/images/Femmes_sciences/2021-02-11/Impact-de-la-crise-sanitaire-sur-le-delai-de-presentation-des-victimes-de-violences-sexuelles_Roux-11.02.2021.pdf

²² Thunus, S, Standaert, W., (2020) *Participation aux réunions virtuelles et inégalités de genre dans la carrière académique*, https://www.ares-ac.be/images/Femmes_sciences/2021-02-11/Participation-aux-reunions-virtuelles-et-inegalites-de-genre-dans-la-carriere-academique_Thunus-11.02.2021.pdf.



6. CONCLUSION

To conclude, the ball is rolling but will require a further push. The issue of violence in higher education institutions is receiving some attention, but predominantly in universities and on the issue of student-student and student-staff relations. As mentioned, such cases are governed by penal law. Generally, prosecutions in this field are few, and results in terms of sanctions are poor. Progress will depend on the ability to change behaviours and attitudes and to implement effective protection measures.

Violence in the workplace has had a legal framework for many years, but there is almost no case law on sexual (or 'gender-based') harassment in the workplace. People prefer to complain about harassment to make their cases more neutral. In the future, it will be necessary to ensure that the measures in place are used, are effective, and go beyond a formal announcement. What are the monitoring tools? What information is available? So far, little information is published, for example, on the implementation of the charter adopted in 2019 by Flemish universities and its first results. The possibility of linking the adoption of a gender plan with the financing of research and universities has never been discussed, to the knowledge of the expert. There is little chance that this will be put in place, at least in the short or medium term.

7. REFERENCES

Please format references to conform to the APA style guidelines (see: <https://apastyle.apa.org/>).

Fédération Wallonie-Bruxelles (2020) *Processus participatif visant l'intégration de contenus relatifs aux violences faites aux femmes dans l'enseignement supérieur, Note contextuelle et présentation des travaux et recommandations élaborés par les participant.es au processus.*

Groupe d'experts sur la lutte contre la violence à l'égard des femmes et la violence domestique (Grevio), (2019) Rapport soumis par la Belgique donnant effet aux dispositions de la Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique conformément à l'article 1, paragraphe 68 (rapport de référence), GREVIO/inf (2019)4.

Vlaamse Interuniversitaire Raad (VLIR) & Jonge Academie (JA), (2019) *VLIR-JA Charter Gender in Academia 2019*, Brussel, 26 juni 2019.,



This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 101006261.

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