

GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

NATIONAL FIELDWORK REPORT

Country: Luxembourg

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1. INTRODUCTION

It should be first highlighted that in Luxembourg, the main focus relating to the issue of gender-based violence is the fight against domestic violence regulated by the Act of 8 September 2003 and amended by the Act of 20 July 2018 approving the European Council Convention on domestic violence.¹ While there is some understanding that GBV can happen in universities and research organisations, the issue is not discussed.

2. MAPPING OF POLICIES AND LEGAL FRAMEWORKS

Luxembourg has laws defining harassment and sexual harassment in the workplace (implementation of EU Directives on gender equality).

Harassment is defined in article L. 241-1(2) of the labour code as a situation in which unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment'. Sexual harassment is defined in article L. 245-2 of the labour code as follows: 'any forms 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'. It is specifically laid down in the law that employers must abstain from any sexual harassment in employment relationships. Employers must ensure that any reported act of sexual harassment stops immediately, and they must take preventive measures to ensure the protection and the dignity of their employees. Similar provisions are applicable to staff in the public sector.²

The main stakeholders are:

- The research institutions in Luxembourg, which are public research institutions supported by the government through multi-annual conventions (the current one runs from 2018 to 2021): LIH (Luxembourg Institute of Health), LISER (Luxembourg Institute for Socio-Economic Research), LIST (Luxembourg Institute for Science and Technology) and UL (University of Luxembourg).
- The National Fund for Research, FNR³

¹ Memorial A No. 631 of 30 July 2018.

² Kerschen Nicole (2020), How are EU rules transposed into National law? Gender Equality Country Report, Luxembourg, European Network of legal experts in Gender Equality and non-discrimination. Available at

<https://www.equalitylaw.eu/downloads/5244-luxembourg-country-report-gender-equality-2020-1-01-mb>

³ <https://www.fnr.lu/research-with-impact-fnr-highlight/1wise-women-science-engineering-luxembourg-lay-land/>.



- The Ministry of Higher Education and Research (MESR)
- The Ministry of Equality between Women and Men (MEGA)

Through the multi-annual conventions financing research institutions in Luxembourg, some requirements in terms of gender equality can be imposed. This has been the case regarding the proportion of women on the boards of such institutions. The Acts relating to the creation of the Fund for National Research⁴ and the organisation of Public Research⁵ contain provisions promoting a gender-balanced composition of their boards, laying down that they should contain at least 40% of the underrepresented sex. This gender balance rule is also valid for Scientific Advisory Boards which advise the Boards of Directors on scientific matters.

The University of Luxembourg (created in 2003) has a Gender Equality Officer and a Gender Equality Committee.⁶ Their activity includes the creation and implementation of a gender equality plan that:

- Promotes gender diversity in research and academic careers;
- Supports women as the underrepresented gender in leadership positions;
- Ensures that the training, promotion and evaluation procedures regarding University of Luxembourg staff are gender-responsive.

The focus is clearly on human resources management, but the issue of gender-based violence, sexism or harassment is not mentioned.

The only interesting thing to mention is a research project (a collaboration between MEGA and UL) entitled “From stereotypes to hostile sexism – A psychological analysis of conceptions about gender”.⁷



3. DEBATES REGARDING #METOO AND THE ISTANBUL CONVENTION

The Law of 20 July 2018 approved the Istanbul Convention and amended the Criminal Code, the Code of Criminal Procedure, the Law of 8 September 2003 on domestic violence and the Law of 29 August 2008 on the freedom of movement of persons and migration. There was not a great deal of debate. Some considered that as Luxembourg was already in line with the Convention, its ratification was not necessary, while others felt that, therefore, there was no reason to refuse to send such an important signal. The ratification of the Convention led to the amendment of the law but had no effect concerning gender-based violence in research institutions.

While there has been some discussion around violence towards women following the #MeToo movement, this is limited and does not emerge in RPOs. Generally, the subject of sexual harassment and gender-based violence at work is taboo as it is felt that the country is so small that “everybody would know about it”.

⁴ Act of 31 May 1999 and amended by the Law of 27 August 2014.

⁵ Act of 29 December 2014

⁶ https://www.uni.lu/universite/presentation/gouvernance/deleguee_a_l_egalite_du_genre

⁷ Ministère de l'égalité entre les femmes et les hommes (2020), *Plan d'action national pour une égalité entre les femmes et les hommes*. Available in French at <https://mega.public.lu/fr/publications/publications-ministere/2020/plan-d-action-national-egalite.html>.

4. PUBLIC OPINION ON GBV

No national public opinion surveys about GBV in general or in universities and research organisations have been identified.

5. IMPACT OF COVID-19 ON DISCUSSIONS ABOUT GBV

There is some discussion on the impact of COVID-19 on gender equality. A study by the University of Luxembourg is under way, one of whose axes is on a detailed analysis of the situation and development of domestic violence during the pandemic. Within the discussion on domestic violence in general in the country, there is also some concern that the pandemic is leading to an increase in cases of violence.

An article by the Gender Equality Officer of the University of Luxembourg, deriving from the discussions about GBV in universities and research organisations and new related developments, points at some inequalities between researchers. However, the focus is on the effect on women's careers (lagging behind in terms of publications) and not on gender-based violence.

6. CONCLUSION

The issue of gender-based violence at work is not really discussed in Luxembourg. While some associations are collecting data on mobbing and harassment and point to the higher number of women victims, this is not presented or considered as gender-based violence. The focus in Luxembourg is on domestic violence. The country is small with only a few RPOs, so, in principle, some actions such as prevalence studies could be taken, but as mentioned, very little information is available on the official websites of the stakeholders, so it is very difficult to assess any way forward.

7. REFERENCES

Kerschen Nicole (2020), *How are EU rules transposed into National law? Gender Equality Country Report, Luxembourg*, European Network of legal experts in Gender Equality and non-discrimination.

Ministère de l'égalité entre les femmes et les hommes (2020), *Plan d'action national pour une égalité entre les femmes et les hommes*.



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