

Recommendations for policy-makers towards ending gender-based violence

Policy-makers at the European, national and regional levels can make significant contributions to promoting safe and inclusive environments in higher education institutions and research organisations by creating framework conditions and conducting concrete activities. Based on the findings from the EU-funded UniSAFE project, this factsheet makes recommendations aimed at reinforcing the legal and policy frameworks for ending gender-based violence.

Readers of this factsheet may want to consult [UniSAFE's toolkit section on concepts and meanings](#). Background information about the root causes of gender-based violence in research and academia are laid out in the [White Paper for Policymakers and Institutional Managers](#), together with a presentation of the [7P model](#) (Prevalence, Prevention, Protection, Prosecution, Provision of services, Partnerships, Policy).

September 2023



Gender-based violence in research and higher education



Definition of gender-based violence

According to the Council of Europe, **gender-based violence** is 'any type of harm that is perpetrated against a person or group of people because of their factual or perceived sex, gender, sexual orientation and/or gender identity'. On the 1st of June 2023, the European Union acceded to Istanbul Convention on preventing and combating violence against women and domestic violence. It is important to clarify that while women and non-binary people are most affected by gender-based violence, it is relevant to everyone due to intersecting inequalities related to their gender and other characteristics.

UniSAFE adopts a broad understanding of gender-based violence, encompassing all forms: physical violence, sexual violence, psychological violence, economic violence, sexual harassment, harassment on the grounds of gender, and organisational harassment – in both online and offline contexts.

Gender-based violence occurs in every sphere and domain of life and in every organisation. Higher education and research institutions are particularly prone to high levels of gender-based violence. Some of the specific features of higher education and research institutions – such as unequal power relations, the specific organisational culture, and the high concentration of young adults – may make the occurrence of gender-based violence more common in these institutions than in other settings (O'Connor et. al., 2021). Gender-based violence in higher education and research institutions not only harms the victims, but it also harms the purpose and integrity of the knowledge-making mission of academic and research institutions by:

- jeopardising the future of students and staff and negatively impacting their health, well-being, and their study or career outcomes;
- causing institutional reputation loss and related economic costs resulting from the failure to provide a safe, inclusive and respectful environment;
- impacting the future of society, as higher education and research institutions train future leaders and shape societal progress.

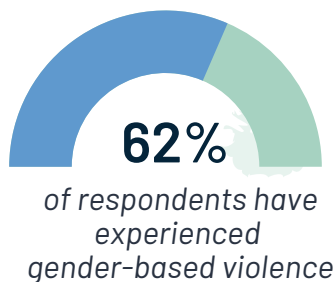


To advance meaningfully towards a safe research and academic environment, the following features of gender-based violence must be recognised and put to the fore of institutional policies:

- Gender-based violence is a **continuum** (Kelly, 1987 ; Walby et al., 2014; Hearn et al., 2022), as different forms of violence are interrelated and overlap, and seemingly ‘innocent’, ‘mild’, and subtle forms of misconduct and transgressive behaviours – when not addressed – gradually escalate into more severe and graver forms of violence. This is reflected in students’ and staff’s **uncertainty as to what constitutes violence**, because different forms of violence of this spectrum are not recognised as such.
- Gender-based violence reflects the **unequal power relations** in academia between students and academics and between hierarchically positioned groups of academic staff. It also reflects the power relations in society as a whole, which are structured not only by gender but also by other characteristics, such as age, ethnicity, sexuality, or disability, which interact with gender and lead to intersectional inequalities. The hierarchical nature of higher education and research institutions contributes to the **underreporting of gender-based violence owing to fears of retaliation and negative impact on one’s career**.
- Gender-based violence should be regarded not just as the inappropriate behaviour of an individual, but also as **an expression of the organisational culture** that allows such behaviours to continue unabated. This is reflected, when a case finally comes to the fore, in the realisation that everyone already knew about it.



The scope of the problem in Europe



Nearly two in three (62%) of the over 42,000 respondents who took part in the UniSAFE survey on gender-based violence in research organisations in 2022 stated that they had experienced at least one form of gender-based violence within their institution (including physical, sexual, psychological, economic, and online forms of gender-based violence).

Respondents from minoritised groups (based on gender identity, sexual orientation, ethnicity, or disability) were more likely to disclose experience of gender-based violence. Women (66%) and non-binary people (74%) were more likely to have experienced at least one form of gender-based violence. Respondents who identified as LGBTQ+ (68%), who reported a disability or chronic illness (72%) or belonged to an ethnic minority (69%) experienced at least one incident of gender-based violence more often than those who did not identify with these characteristics (Lipinsky et al., 2022).

What is alarming is that only 7% of students and 23% of staff who participated in the UniSAFE survey and stated that they had experienced gender-based violence within their institution reported the incident.



Only 7% of students of students having experienced gender-based violence in the context of their institution have reported it

Almost half of the victims (47%) did not report the incident because they were not sure that the behaviour was serious enough to report. Other common reasons for not reporting were that the survivors did not recognise the behaviour as violence at the time it occurred (31%) or did not think that anything would happen if they reported the incident (26%). This underscores the permissiveness and normalisation of violence in higher education and research institutions and the failure of institutions to take action against *all* forms of gender-based violence, including forms that are not always covered in legislative definitions of gender-based violence (Linková et al., 2023).

The role of policy-makers in ending gender-based violence



Policy-making is the primary role of European, national, and in certain contexts, regional authorities. In the higher education and research context, they can initiate legislative change, formulate and implement policy, establish regulatory bodies and rules (including accreditation and quality assurance).

Policy-makers are also in charge of monitoring and evaluating adopted policies. Additionally, they have a role in communicating adopted policies to the stakeholders affected by them, for engaging in policy dialogue and exchange with these stakeholders. Lastly, they can push for the topic of gender-based violence to feature on the research agenda in their countries to advance knowledge and build a basis for taking action at the institutional level.

The national legal and policy frameworks set the basic rights and obligations for higher education and research institutions in relation to their role as educational institutions but also as employers. They outline the general direction and assist in its implementation through e.g., setting the overall framework, funding and methodological guidance. In relation to gender-based violence, policy-makers can establish rules regarding the mandatory establishment of ombudspersons/trust points and support centres, require policies at institutional level and annual progress reports .

At the EU level, national authorities can contribute to addressing the issue through coordinating policies, building a common theoretical and conceptual framework for addressing gender-based violence, exchange of experience through mutual learning and adopting common approaches to the issue.



Recommendations

The recommendations outlined below are valid and applicable for national and regional policy-makers.

General actions

Policy coordination

- Engage with other public administration bodies to ensure national policy coordination across justice, research, higher education, gender equality and other remits, to ensure a unified approach in terms of terminology, concepts used, procedures etc.
 - National authorities have a crucial role in ensuring that policy coordination in a particular area, such as gender-based violence, occurs across the public administration bodies (as also recommended by the Istanbul Convention in its Article 10. The designated national authorities should engage all relevant actors to advance the policy framework for ending gender-based violence in higher education and research.
- Engage in a policy dialogue with umbrella organisations and university associations, responsible ombudspersons, student/staff associations and unions, social workers and NGOs working with victims and survivors, lawyers and employer associations and trade unions, when designing and evaluating policies adopted, including for example, the development of guidance on how to keep disciplinary procedures fair and less legalistic, ensuring a victim-centred and trauma-informed approach focused on restorative justice.

Value setting and awareness raising

- Formulate and promote underlying values for the policies adopted, and communicate these proactively towards various stakeholders, to ensure that information about the adopted policies and their value orientations is widely known.
 - To this end, national authorities should clearly communicate that institutions have a legal duty of care as educational and training institutions, employers and important social actors, to ensure that their working environments are safe from all forms of violence. National authorities should also raise awareness about the fact that excellence in research cannot exist in the absence of ethical conduct and social integrity and that gender-based violence constitutes ethical misconduct and a violation of social integrity.

Setting the legal and policy framework and providing policy guidance

- Conduct a review of the legal interpretation of this duty of care as one of the primary obligations that higher education institutions have, to ensure that it encompasses cases of gender-based violence. This should be done in cooperation with other relevant actors, and particular attention must be paid to highlighting the duty of care towards students and staff.

- Issue directives or guidelines that outline minimum requirements, standards and reporting duties for higher education and research institutions.
 - These should be based on the 7P model to ensure that the approach to ending gender-based violence is comprehensive. In addition, intersectionality considerations should inform and be reflected in all policy frameworks and measures, with particular attention to prevalence, assessment and certification, and monitoring and evaluation. Victim-centred and trauma-informed approaches and solutions should be fostered, with stress on multi-disciplinarity and avoiding over-juridification.
- Work, together with relevant stakeholders, to remove existing (or perceived) legal obstacles to addressing gender-based violence in relation to legal frameworks at European, national and levels.
- Provide clear guidance on how the existing legal framework is to be implemented in concrete cases of gender-based violence, making the distinction between criminal and civil law duties and principles. Institutions need clarification as to what actions they can undertake following internal disciplinary processes.
- Adopt and implement the proposed Directive of the European Parliament and of the Council on combating violence against women and domestic violence ([COM/2022/105 final](#)).
- Implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

Personal data protection

- Provide guidance on the application of GDPR to cases of gender-based violence in higher education and research settings, including a balance between the protection of personal data of alleged perpetrators under GDPR and the protection from violence in higher education and the research and innovation sectors.
 - Research shows that victims are often not notified whether a perpetrator has been sanctioned; and/or are not informed about the disciplinary procedure. Similarly, information about the perpetrator is not shared in the institution (such as with promotion committees) or between institutions. Furthermore, higher education and research institutions express uncertainty about the interpretation of GDPR in terms of prosecution and disciplinary proceedings and other aspects of implementing their institutional policies.

Quality assurance in higher education and research

- Include the issue of gender-based violence in accreditation and reporting systems of institutions and/or institutional assessment systems, where relevant.
 - Accreditation, funding and assessment systems can help to enforce that institutions have policies and procedures in place to prevent and respond to gender-based violence.

- National authorities are responsible for establishing regulatory frameworks and oversee the accreditation or quality assessment processes for higher education institutions and research institutions. This may also entail institutional approvals and ensuring compliance and policy enforcement. In this respect, national authorities should ensure that educational assessment, accreditation to run the university and/or certification systems such as HRS4R, Athena Swan, Label Egalité or others, include criteria on the quality and comprehensiveness of institutional gender-based violence policies.

Policy monitoring and evaluation

- Ensure that policy frameworks and actions on gender-based violence are monitored and evaluated.
 - National authorities have a responsibility for assessing the effectiveness and impact of policies they adopt over time. By evaluating policy frameworks/cycles, policy-makers can determine whether the policies in place are effectively addressing gender-based violence. Evaluations can also identify gaps in policy implementation and enforcement, which can inform future policy development.

Policy enforcement

- Put in place enforcement mechanisms for any requirements issued for higher education and research institutions.
 - Issuing legislation and accompanying policies will not be effective in the absence of follow-up and enforcement mechanisms. Experience shows that when funding is made dependent on the compliance of institutions, this positively affects the actual implementation of requirements.

Prevalence

- Promote and support the collection of data on gender-based violence in higher education and research institutions, by commissioning research on the prevalence and underlying causes of gender-based violence and using data to inform policy development and decision-making.
- Instruct, and where relevant conduct, regular, harmonised data collection on prevalence of gender-based violence in higher education and research and innovation sectors and publish results.

Specific actions towards higher education and/or research organisations

Annual reporting

- As part of their oversight and monitoring remit, require research performing and funding organisations to provide annual statistical reports on the status of gender-based violence including the handling of cases and policy progress.
 - Such a reporting request should clearly state that an (apparent) absence of cases is a negative indicator in that it likely signals lack of trust in institutional processes and procedures, rather than the fact that incidents of gender-based violence do not occur.

Make gender-based violence an integral part of gender equality policies

- Require that gender equality plans or other forms of accreditation, where they are mandated, address gender-based violence as an obligatory area of action.

Engaging stakeholders

- Instruct higher education and research organisations to ensure wide engagement with institutional stakeholders, including student associations and junior researchers in precarious positions and people at increased risk of being subjected to gender-based violence such as LGBTQI+ students and staff, students and staff with a disability, international students and staff and others, in the design and evaluation of these policies.
 - Engaging a wide range of relevant stakeholders through participatory approaches in the design, implementation, monitoring and evaluation of policies at the institutional level contributes to the robustness and uptake of such policies and mitigating against various forms of resistance.

Inspiring practices



In France, the “Circulaire sur la prévention et le traitement du harcèlement sexuel dans les établissements publics d’enseignement supérieur et de recherche, n° 2015-193» (Circular on the prevention and treatment of sexual

harassment in the institutions of higher education and research) specifies the responsibilities, duties and roles of higher education and research institutions with regard to the protection of (presumed) victims and the prosecution of (alleged) perpetrators of sexual harassment, with reference to the existing legislation. The Circular was published at the initiative of the Ministry of National Education, Higher Education and Research, along with a Vademecum, providing guidance to the institutions. More info [here](#).



In Ireland, the Higher Education Authority has launched its implementation plan for 2022 – 2024. The actions set out in the plan respond to the recommendations that emerged from the National Surveys of Staff and Student Experiences of Sexual Violence and Harassment in Irish HEIs, which were conducted by the Higher Education Authority (HEA) at the request of the Minister for Further and Higher Education, Research, Innovation and Science. The delivery of the actions in this plan is intended to build on and complement the broad range of initiatives ongoing across the sector towards the outcomes set out in the national policy framework published in 2019; ‘Safe, Respectful, Supportive and Positive: Ending Sexual Violence and Harassment in Irish Higher Education Institutions (often referred to as the ‘Framework for Consent’), and accompanying institutional action plans. The HEA is responsible for monitoring the implementation of the framework, and HEIs submit reports on progress to the HEA on an annual basis. The Ending Sexual Violence and Harassment in HEIs Implementation Plan is available [here](#).



In Spain, gender-based violence (GBV) has been addressed institutionally by higher education institutions for over a decade, fundamentally as a result of the obligations imposed by various national laws, such as Organic Act No 3/2007 on Effective Equality between Women and Men, Act No. 14/2011 on Science, Technology and Innovation, and Act 1/2004 Comprehensive Protection Measures against Gender Violence. A new amendment of the Spanish law on Research & Innovation brings alignment with the EU framework by including the institutional change to support inclusive and gender-sensitive environments (i.e., free from gender bias, discrimination, sexist behaviour and sexual harassment). Specifically, the State Pact against sexual violence focuses on public universities and the Adaptation of the Protocol focuses on public research organisations.

Further reading



Explore the recommendations for other stakeholder groups developed by UniSAFE:

- Recommendations for Higher Education and Research Institutions, available [here](#).
- Recommendations for Higher Education and Research Institution Associations and Umbrella Organisations, available [here](#).
- Recommendations for Student Associations and Unions towards ending gender-based violence, available [here](#).
- Recommendations for Staff Associations and Unions, available [here](#).
- Recommendations for research funding organisations towards ending gender-based violence, available [here](#).

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