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Tackling sexual harassment

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Digital sexual abuse in Belgium

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1. Country context

Digital sexual abuse, in particular in relation with sexting practices, is increasingly problematic, especially for youth and children.

In 2016, 92% of Flemish youth (Northern region of Belgium) (12-18 years old) had its own smartpone and most adolescents are active social media users (Van Waeg et al., 2016). Moreover, social media pose additional risks for digital sexual abuse related to sexting. Social media allow adolescents to participate through producing self-representations and most of the users present themselves in a gendered stereotypical manner.

81 % of all Flemish sexts are sent through Snapchat. This app gives a false sense of security as the pictures disappear after a few seconds, however screen shots are often taken.

Latest numbers about the online sharing of sexual pictures for the Northern region of Belgium (Vanouytsel et al., 2016) indicate that:

- 34% of the surveyed youth between 14 and 18 years old, active on Instagram, posted a sexy picture, and 24% of the surveyed youth (14 to 18 years old), using Snapchat, has sent a sexting picture;
- 18% of youngsters have sent a sexual picture to someone with whom they are not in a romantic relationship;
- 10% has asked someone with whom they don't have a romantic relationship for a sexy picture;
- 13% has shown a received sexual picture to others or disseminated it (more boys than girls);
- 18% has asked his/her current partner for a sexting picture (significantly more boys);
- 3.5% of youngsters being in a romantic relationship reported that their current partner has put pressure on them to send a sexting picture;
- 3% of the youngsters being in a romantic relationship reported that they have put pressure on their current partner to send a sexting picture (significantly more boys).

Youth never blame those who receive or share the sexual pictures, whereas the victim is often the blamed one and is regarded as stupid to send a sexual picture.

The sharing of sexual pictures can result in online bullying and gender-based harassment. In total, 18.7% of the female adolescents in Flanders were at least once called slut, whore or similar names on social media and perceived this as harassing or unwelcome (Van Royen et al., 2017).

The yearly report of Child Focus (Child Focus, 2017) concludes 128 files reports for secondary sexting in 2016 and 41 reports of sextortion. This is an underestimated number, because many victims don't report due to shame.

A Flemish action plan was released to promote and protect the physical, psychological and sexual integrity of minors, and to stimulate collaboration among organisations within the field of youth and sexuality for the prevention of potential abuse.

Awareness initiatives tackling the online sharing of private pictures in Belgium, are pro-actively initiated by civil society organisations with expertise in media literacy, sexual health, and youth. One of these, Child Focus, addressing sexual exploitation of children, has a service point for reporting digital sexual abuse and cooperates with the federal police and justice to tackle digital sexual abuse. Moreover, Child Focus is a member of the international network “INHOPE” in which expertise and reports are exchanged in order to guarantee fast removal of online shared naked pictures.

1.3. Legal background

1.3.1. Child pornography

In Belgium several articles from the Penal Code apply for the fight against child pornography on the Internet.

Beginning of 2016 a specific article was introduced in the Penal Code that penalises:

- the showing, making accessible or dissemination
- of an image or recording
- of a naked person or a person engaging in an explicit sexual act
- without consent or knowing
- even when the person primarily gave consent to make the recording (art. 377/1 Sw). If a minor is involved, the juvenile judge can impose a sanction (Lievens, 2017).

In addition, a number of articles of the Criminal Code may be relevant with regard to sexting. The display, sale or distribution of writings or images that are indecent are criminalised by Article 383. If this is done in the presence of minors below the age of 16 more severe sentences are imposed according to article 386. In addition, article 384 stipulates that the production of indecent writings or images is also a criminal offence. Article 383bis of the Criminal Code addresses child pornography. More specifically, acquiring, knowingly providing access to, possessing and distributing images of sexual abuse of minors constitute criminal offences.

All these articles are formulated in a technology-neutral manner, so in theory they could be applied to social media and sexting (Lievens, 2012).

1.3.2. Right to image or privacy

“Article 10 of the Copyright Act prohibits the author or owner of a portrait from reproducing or communicating it to the public without the consent of the person that is portrayed” (Lievens, 2012). In addition, posting or sharing a picture of someone else can also be qualified as the processing of personal data. This entails the

application of the Data Protection Act which also requires the consent of the person involved (Article 5). In cases of secondary sexting or the sharing of sexual pictures, these Acts could thus be violated.

1.3.3. Law against sexism

In 2014, the federal minister of equal opportunities introduced a new law that makes sexual harassment illegal in Belgium. Under the new legislation, it is a criminal offence to insult a person based on gender or to make intimidating sexual remarks in the street. Under article 444 of the Criminal Code, “sexism is defined as any gesture or behaviour which is clearly intended to express contempt for a person because of her/his gender, or regards her/him as inferior for the same reason, or reduces her/him to her/his sexual dimension, and which causes a serious violation of her/his dignity”. The new law also aims to tackle online sexism promulgated on social media sites like Facebook.

1.4. Good practices

Child Focus pro-actively created initiatives including a comprehensive approach to tackle sexting and aimed at youth, parents and schools. Beginning of October 2017, Child Focus launches a new website, in cooperation with the Flemish expertise centre Sensoa bundling together information and applying existing good practices aimed at creating awareness around sexting among young people.

Particularly aimed at youth counselors, support is provided on how to deal with sexual harassment. Sensoa, the centre on sexual health, youth and media literacy developed a method to identify transgressive sexual behavior according to different ages (Sensoa, 2017). This tool supports the identification of sexual harassment and an appropriate response following the harassment. Now it will be adapted to the school context, as well as adaptation in the form of an interactive video, with new situations focused on the online context. Moreover, an interactive tool is launched for youth counselors to deal with online relationships and sexual behavior.

Educational initiatives include an education programme aimed at secondary education, in which youth are taught to reflect on which pictures to take and share, be aware of the ‘portrait right’ and reflect on values such as respect, empathy, trust, intimacy, and integrity. In this way youth learn to autonomously and critically reflect on decisions in regard with taking, receiving and sharing of pictures.

Furthermore an educational package for youth between 12 and 16 years old about online contact risks in general will be launched, as well as a game for youth to discuss the theme of sexual harassment and to facilitate seeking support.

Several awareness initiatives exist such as a theatre performance. With this performance awareness is raised among pupils of the first and second grade of secondary schools, emphasising that everybody who shares a sexual picture of someone is responsible for the consequences.

A prevention spot was produced about “Sexting” for young people (age 13-16) to encourage them to think about the consequences of their behaviour on the Internet. Parents are also assigned a central role and information is provided specifically to support them initiating an open dialogue with their children.

Child Focus also offers “Clicksafe” training courses for professionals working with young people (school teachers and principals, social workers, youth workers, psychologists,...) to help them discuss the theme “safe and responsible Internet” with children and young people.

Other tools launched and building further on good practices include a policy tool for schools to discuss their current strategy around sexting and reinforce it. Schools are not bound to put in place a policy on tackling digital sexual abuse but in the light of the increasing prevalence, they are concerned with this issue and raise questions on how to tackle and respond to digital sexual abuse. Moreover e-safety and digital awareness is part of the schools’ cross-curricular final terms.

Other initiatives include the adaptation and dissemination of the framework ‘sexuality and policy’. This framework provides organisations tools and guidances for advancing their policy on sexuality and physical integrity.

2. Policy debate

Currently there is an increased political attention in Belgium for the tackling of digital sexual abuse.

2.1. Support for victims

For the domains Youth and Media, policy is focused on prevention and pedagogy. Filing a complaint is not always the most indicated step in case of digital sexual abuse. Even though there are cases involving paedophiles and sextortion, nevertheless the majority of secondary sexting occurs among minors without thinking about the consequences and the legal context. Therefore a pedagogic and restorative approach of dealing with the situation is preferred. More important than filing complaints is to stimulate victims to tell their story to a confidential person and seek for adequate help. Parents should be stimulated to openly dialogue with their children about media. In addition, many communication channels are available for youth to tell their story, such as anonymous chatboxes, help- en hotline, etc.

2.2. Sexting is considered as a normal part of sexual development

Another approach adopted in Belgium, is the promotion of awareness of the risks of sexting and online privacy, but with respect for sexual development of young people. Abstinence from sexting is not promoted but it is recommended to do it in a reflective, responsible and an unrecognisable way.

2.3. Sharing ain’t caring

The focus of the current approach in Belgium is to divert the attention from victimisation to the role of the receiver of a sexual picture and the (potential) harasser. In the new initiative on secondary sexting and the website sexting.be, emphasis is put on the responsibility of those sharing the pictures and avoiding feelings of blame among the victims.

3. Learning

The educational initiatives proposed by the Danish Ministers with the Stepping Up Initiatives are applicable in Belgium. A lot of similarities are present with good practices currently applied in Belgium. The multifaceted actions focusing on education are essential and valuable. In addition to emphasising the risks of sexting, ethics and values on handling someone's private pictures are discussed.

Furthermore, it is important and necessary that these initiatives create attention for victim support.

Positive is also that a multi-stakeholder approach is taken including parents, teachers and young people themselves. Nevertheless, there is a lack of attention for social media providers, who can play an important role in prevention and responding to digital sexual abuse. Furthermore, more attention could be devoted for the support and development of policies by schools, in order to establish a policy in regard with prevention and responding to the risks of sexting.

4. Conclusions and recommendations

4.1. Focus on the role of those sharing

Good and essential practices include the support of victims and provide better reporting mechanisms with support directed at emotional help and solutions. As we know from research that shame and feelings of self-blame among victims can be present and are problematic (Van Royen, 2016), it is important to devote attention to victims' support. Also the focus on the harasser's responsibility and those who share pictures is an important strategy applied in the current initiatives. Educational initiatives should emphasise the ethics on picture sharing, but also focus on creating equal gender norms, starting from a young age.

4.2. Social media providers

However, the role of social media is often overlooked when promoting initiatives to tackle digital sexual abuse. The required actions can be situated at three levels: prevention, detection and responses and should strive for an increase in youth of their autonomy and empowerment. In particular, it has been shown that social media providers could apply messages on their platform for youth to rethink before sharing someone's pictures and to withhold from sexual harassment (Van Royen, 2017). Overall, social media can play an important role in promoting behavioral norms on their platform. This could be achieved by clear communication towards (potential) harassers, both in the form of preventive messages as well as after harassment occurred in the form of responses where harassers can learn from. Moreover, youth need to be informed in a youth-friendly way on the user terms of social media including the prohibition of sharing sexual content.

4.3. Important role for schools and parents

In addition, school staff and parents have a crucial role in detecting and preventing digital sexual abuse. Moreover, these actors, as well as online safety organisations can arm children and adolescents with strategies and tools on how to respond when one is confronted with harassment. It is also essential that each school invests in establishing a school policy in regard with prevention, detection and responses.

Important will be to continue involving adolescents in this conversation in the future to ensure that their rights and expectations are reflected in the initiatives. In this way protection can be guaranteed but on the other hand their freedom of expression should be cherished.

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