



INSTITUUT VOOR
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Workshop: Hate Speech in practice

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Hello, I am...

- Annelies Cardon
 - Legal case worker
 - Belgian Institute for the Equality of Women and Men
 - Mission:
 - Monitor the compliance with the principle of equality of women and men/gender
 - Combat any form of discrimination or inequality on the grounds of sex/gender
 - Mandate:
 - Studies and research
 - Recommendations
 - Provide aid and assistance to anyone who wants information with regard to their rights and obligations
 - Take legal actions when a law that promotes gender equality is violated

Legal service

- 549 notifications in 2016, 736 in 2017 
 - 21 cases in 2017: incitement to hate, violence, discrimination and segregation based on sex
 - 132 cases in 2017: sexism and the sexism law



What do we do with sexist hate speech?

- Analysis of case/circumstances
 - Infringement of the law?
 - Gender act: incitement to hate, violence, discrimination, segregation
 - Sexism law
 - Inform victim of legal possibilities
- Based on seriousness of the case:
 - Propose contacting police
 - Propose contacting Public Defender's office
 - Support victims with legal proceedings, explain criminal proceedings, intervene on their behalf with actors



What do we do with sexist hate speech?

- Based on the offender and the wishes of the victim
 - Contact the offender: inform them of complaint, legislation
 - Aim is information and sensitization
- Are there different actors that can help?
 - Self regulatory organisations for media, journalists, advertisement -> deontological code
- Based on media attention and wishes of the victim
 - Public communication: change the narrative, inform on a larger scale, shift in mentality



Let's get to work

- 2 groups, each one case
- Questions:
 - What can you do for the victim, as an EB?
 - Would this be a criminal offence/by law forbidden in your country?
 - Are there any partners that could help?



CASE 1

After the #metoo movement took off in Belgium, a known television maker and actor garnered media attention after unwanted sexual advances and stalking behavior.

As he was always considered the 'ideal-son-in-law', people were shocked. Some doubted the veracity of the statements, some turned against the female victims.

X. is a famous actress and director in Belgium. She took it upon herself to defend the victims. This led to her being attacked as well.



One event in particular hurt her. A Facebook post commented on her appearances on tv in a very hurtful, derogatory and sexist way. A journalist from an online men's magazine found this Facebook post. He thought it was a good counter-argument against the public discourse on #metoo.

He posted the Facebook message in its entirety as an article on the magazine's website, wrote an intro for it, and posted some links to old nude screen shots of X. from a movie from the '80s in which she played a prostitute.

It was not long before people started commenting that the article crossed the line of respectful behavior. After comments on Twitter, a reaction from X., and other news sites reporting on the strong reaction, the article was taken down.



The article/Facebook post contained the following phrases:

“no other actress used her female charcuterie in a more grateful way to get in the picture and stay in the picture”

“the fact that male attention has diminished in recent time, not at all surprising considering her in alcohol drowned head, does not excuse her developing penis envy and trying to take revenge on men. Let alone evoke women to go on a witch hunt. No X., you always wanted your own portion of attention, not in the least from men, no reason to complain now. Or did you think Playboy was only read by intelligent men who wanted to discuss the interviews?”

“my late grandfather used to say: ‘A bear dances for money, my boy’. Well X. was, in her day, a bear. And I have been told she danced very well.”



- What would you do if you received a complaint from various women about this article?
- What if you receive a complaint from X. herself?



What did we do?

- We contacted X. ourselves
- Legal analysis:
 - Could be considered as sexism under the sexism law
 - Gesture/act = any kind of human behaviour
 - In public
 - Towards at least 1 identifiable person
 - With intent ('clearly aimed at ...') to express contempt because of/treat someone as inferior/reduce someone to their sex
 - Serious violation of dignity
 - BUT: press crime → no prosecution in Belgium

What did we do?

- **Police:**
 - Because no prosecution, not worth all the effort
- **Partners?**
 - Deontological code for journalists: filed a complaint with the self-regulatory body
- **Damages?**
 - Considering civil court: infraction on a law or damage because of someone's mistake can result in compensation
- **Media:**
 - Communication on the lack of protection + partly positive decision of Counsel of Journalists
 - Beware not to use the hurtful phrases ourselves again



CASE 2

A popular satirical television show, run by comedians, gave a DJ-performance during a summer festival. On the stage where they gave their DJ-set were a couple of female dancers.

During the performance, one of the comedians yelled 'whores' and encouraged the audience to do the same.

Afterwards in an interview during a radio show, he said that the dancers were offended by him using that word and he had apologized to them.



He commented further : *“What is a typical cliché word that is often used at festivals? Whores. And I thought I would boost up the audience with ‘whores, whores, whores’. And that worked. Everyone was happy, except those two dancers. They thought, we feel personally insulted because you called us whores. The only thing I did today is apologized extensively to those dancers.”*

The other comedian added: *“They can become it, they have it in themselves.”*

To which the first comedian added: *“I mean, if you feel insulted, you are a little bit of a whore.”*

Later he added about his next DJ-set: *“They (the dancers) are really going to be humiliated, they are never going to dance again.”*



- What would you do if you received a complaint from various women about this interview?
- What if you received a complaint from the dancers?



What did we do?

- Legal analysis:
 - Lack of case law:
 - When is there enough 'intent' to prosecute?
 - When is the affront to a person's dignity enough to fall under the criminal law?
 - Humour -> freedom of speech/artistic freedom
- Contacted the dancers ourselves through their employer -> no mandate to act on their behalf, diminishes possibilities + he apologized

What did we do?

- Information and sensitization
 - Informed the comedians of the complaints we received and the legislative framework
 - We asked for a reaction and we received one -> this led to a dialogue



DISCUSSION

- What are some returning points of discussion?
- What makes (sexist) hate speech cases difficult/easy to respond to or treat?
- What are strengths as an EB? What are weaknesses as an EB?
- What could help you as an EB to respond better to (sexist) hate speech incidents?



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Thank you for your attention

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