



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Belgium
<b>Title:</b>	Court decision on sexual harassment in the public space
<b>Date:</b>	01 May 2018
<b>Expert:</b>	Jacqmain Jean
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Sexism in public space
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	Criminal Court in Brussels, Judgment of 8 November 2017, <i>Nieuw Juridisch Weekblad</i> , 27 December 2017, p.900 with P. Borgh's case note
<b>Field:</b>	Other
<b>Applicable law:</b>	Federal Act of 22 May 2014

### **Content**

**Case:** In June 2016, a car driver was stopped by two police officers after jumping a red light. During the ensuing conversation, he insulted and threatened the officers, especially the female officer whom he first advised to seek a job better suited to a woman, and finally called "a dirty slut".

**Decision of the Court:** In its judgment of 8 November 2017, the Criminal Court in Brussels sentenced the offender to a fine of EUR 3,000, i.e. half the maximum amount provided by the Act of 22 May 2014.

**Key points of analysis:** Under the Act of 22 May 2014, "sexism" in a public space is a penal offence, thus defined: in public or in the presence of several persons or in a public writing, "any gesture or behaviour which is obviously aimed at expressing contempt of a person in consideration of her or his sex, or regarding that person, for the same motive, as inferior or reduced to her or his sexual dimension, and which grievously affects that person's dignity". The reported case represents the first known case of application of this provision.

Just before Women's Rights Day of 8 March 2018, the judgment belatedly aroused much interest in the media. However, the facts of the case appear outrageous as the offender could not have chosen his victim more injudiciously. Even in the present context of "#Me Too" revelations, criticisms against the effectiveness of the Act of 22 May 2014 remain unabated, concerning both the difficulty of proof and the willingness of public prosecutors to undertake proceedings, two obstacles which were conspicuously absent from the reported case.

**Internet link source:**

[http://igvm-iefh.belgium.be/fr/actualite/premiere\\_condamnation\\_pour\\_sexisme\\_dans\\_lespace\\_public](http://igvm-iefh.belgium.be/fr/actualite/premiere_condamnation_pour_sexisme_dans_lespace_public).