

PROTOCOL OF ACTION TO COMBAT GENDER-BASED AND SEXUAL VIOLENCE IN NIGHTLIFE ENVIRONMENTS

BXL

LA VILLE DE STAD

BRUSSELS BY NIGHT FEDERATION

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INTRODUCTION

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CONTEXT

With #MeToo in 2017, the problems of sexual violence and sexism were brought to the forefront publicly and massively. This movement has spread to many fields, such as sports, literature and healthcare. Yet the nightlife sector remained quite impervious to such a movement, while physical, verbal and sexual assault and harassment persist in bars, clubs and festivals.

Accounts of sexual assaults in October 2021 involving several horeca and clubbing establishments highlighted the extent of gender-based and sexual violence. **This violence is intimately linked to social relations, gender stereotypes and preconceptions about consent, racism, as well as the use of drugs (legal and illegal)**, both in nightlife environments and in public and private areas.

The pervasiveness and interdependence of such violence testify to the structural nature of sexism. **Such an approach must be inclusive, since cisgender women[1] are not the only victims of sexism**, and women with multiple discrimination criteria are more likely to experience gender-based and sexual violence, such as women who are racialized, disabled, lesbian or bi. That is why there is a need for an intersectional and integrated strategy at all levels to prevent and better respond to gender-based and sexual violence. **This approach must also encourage the transformation of a discourse most often centred on the victimization of FINTA[2] people into a discourse that holds abusers responsible for their actions**.

It is in this perspective that, since 2021, Brussels By Night Federation and the City of Brussels have decided to set up a coherent action plan which has three focuses: an awareness campaign (Nothing Without My Consent), the implementation of training with Plan Sacha[3] and other organizations specialized in gender-based and sexual violence and harm reduction, as well as support to the sector with the implementation of tools and actions to prevent and respond to gender-based and sexual violence.

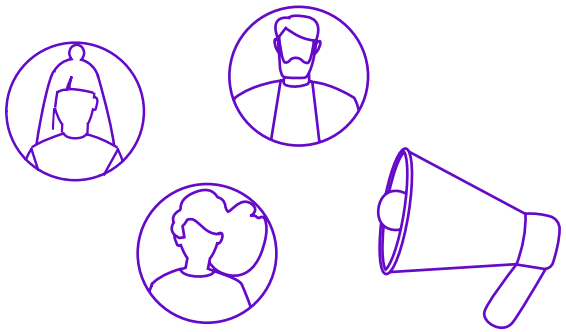


CONTEXT

This protocol is therefore part of these tools: on one hand, it includes a preventive protocol for organizers which must be part of a more comprehensive and non-judgmental harm reduction strategy,[4] which aims to prevent harm related to the use of licit and illicit drugs, including gender-based and sexual violence. On the other hand, it contains a reactive protocol to be made known to any staff member in contact with the public, in order to respond in the most appropriate manner to gender-based and sexual violence and, thus, contribute to enhancing public confidence in nightlife spaces

Among other things, this text defines violent behaviour, includes a part on receiving and/or caring for a victim of gender-based or sexual violence, as well as a part on dealing with the perpetrator. Given the need to hold staff at festive venues accountable, it also includes a section on dealing with a perpetrator who is a staff member.

It is important to keep in mind that **this tool provides solutions that must be adapted to the situation and take into account the particularities and problems of each venue**. It is not intended to replace more comprehensive training and does not prevent other more restrictive and/or in-depth actions from being put in place.

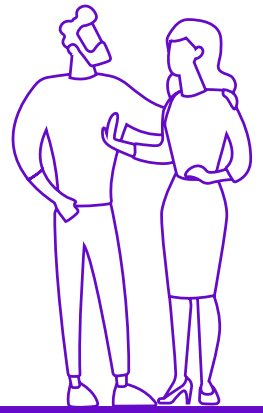


> “This approach must also encourage the transformation of a discourse most often centred on the victimization of FINTA people into a discourse that holds abusers responsible for their actions.”

DEFINITIONS

Gender-based and sexual violence (SGBV)

Any act committed against the will of a person and based on the different roles that society assigns to men and women and relationships of unequal power. It includes the threat of violence and coercion. It can be physical, emotional, psychosocial or sexual in nature and it can also be expressed by a deprivation of resources or access to services.[5] These are very common phenomena, but still largely trivialized, silenced, or perceived as rare and contextual, which contributes to ignorance about them and, therefore, their invisibility.[6]



THE DIFFERENT FORMS OF GENDER-BASED AND SEXUAL VIOLENCE.

With contact:

◊ **Physical:** Touching or groping a person's body, including deliberately brushing against it. Drugging is also a form of physical violence

Without contact:

◊ **Verbal**: Making jokes or remarks of a sexual nature, directly to or about a person.

◊ **Visual**: Sending messages, images or videos to a person or staring at them to the point of making them uncomfortable.

DEFINITIONS

In nightlife and party environments, this violence takes various forms and can be broken down into three groups.

◊ **Sexual harassment**: set of behaviours, in principle repeated, (gestures, attitudes, words) with a sexual connotation that are likely to harm or undermine the dignity of a person as well as their moral and/or physical integrity.[7]

- **without abuse of chemical vulnerability**: the victim seems in full possession of their faculties and able to give consent. This may include, but is not limited to:
  - Degrading and/or discriminating comments about the person's body (e.g. "I want you", "you're super hot", "you want to make it a threesome?" "which of you is the man and which is the woman?"; repeated misgendering[8]) Even if the perpetrator says that it's a joke or a compliment, and even if the comments are not directed at the person (e.g. "I'd like to fuck him rough")
  - Persistent looks or contact
  - Following another person
  - Mimicking a sexual act (e.g. mimicking fellatio or doggy-style behind a person's back)
  - Persistent contact (e.g. pulling an arm, taking the hand, putting hands on one's hip, person who is or claims to be clumsy/too intoxicated and who annoys one or more people...)

! Beware of weak rejection signals!: looks away, tries discreetly to free oneself from a grip, seems embarrassed, becomes withdrawn.

- **with abuse of chemical vulnerability**: the victim in this case is not in full possession of their faculties, does not appear as fit to give consent. This may include but is not limited to, in addition to the above acts and comments:
  - Insistent contact with a person who is clearly under the influence (e.g. eyes closed/rolled back, not standing, incoherent))
  - A person who approaches and touches another person who is visibly under the influence (e.g., a person who wraps their arms around another person who is dozing off in a corner and whispers things in their ear)



DEFINITIONS

◊ **Sexual Assault/ Rape /Chemical submission:** Sexual assault is any act that a reasonable person considers to be sexually inappropriate, without the condition of threat or violence. Rape is any act of sexual penetration, of any kind and by any means, committed against a person who does not consent to it.[9] In addition, drugging, even if not followed by physical violence, is an attack on a person's integrity and should be considered violence. This may include, but is not limited to:

- Sexist, racist, discriminatory and/or LGBTQIA+ phobic insults (e.g. “dirty whore”, “fucking trans”)
- Person attempting to enter another person's toilet by force or surprise
- Person exposing their genitals, in front of or via an electronic device (mobile phone)
- Hand(s) on genitals, breasts, buttocks
- Kissing by surprise or force
- Rubbing the genitals against the buttocks or any other part of another person's body
- Person who puts a product in another person's
- Spiking (by a syringe or any other object intended to drug and/or frighten a victim)
- Rape or attempted rape

Any non-consensual sexual contact, or for which the victim's consent is not valid due to vulnerability because of a chemical substance or drugging, should be included in this category. **The voluntary use of psychoactive products (including alcohol) never justifies violence.**

The seriousness of the act is objective, but the feeling is not. If a person comes to you explaining that they have been raped, but that in reality it is an assault, do not correct them and respect their experience. There are as many ways to experience an assault as there are victims: a person who is harassed without abuse of vulnerability may need more support than a person who is raped.

> “The seriousness of the act is objective, but the feeling is not.”

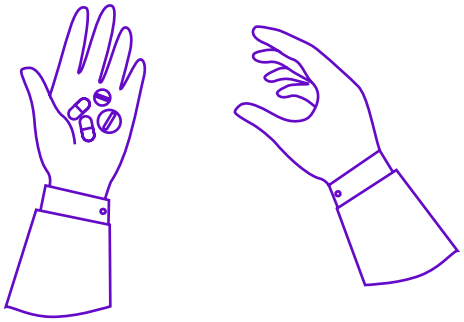


DEFINITIONS



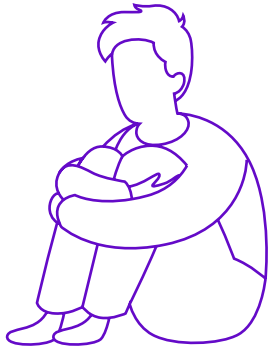
Psychoactive substance

Any psychoactive substance, licit or illicit, which may cause damage to mental, physical or social health, which may be abused and which may or may not be the cause of addiction.[10] For example, tobacco, alcohol, cannabis, amphetamines, ecstasy, cocaine, ketamine, heroin...



Chemical submission

Voluntary administration for criminal purposes (rape, paedophilia) or illegal purposes (intentional violence, theft) of psychoactive substances without the knowledge of the victim or under threat.[11]



Chemical vulnerability

State of fragility of a person induced by the voluntary consumption of psychoactive substances making them more vulnerable to a criminal or illegal act.[12]

Consent: REMINDER

The 5 points of consent. Consent is

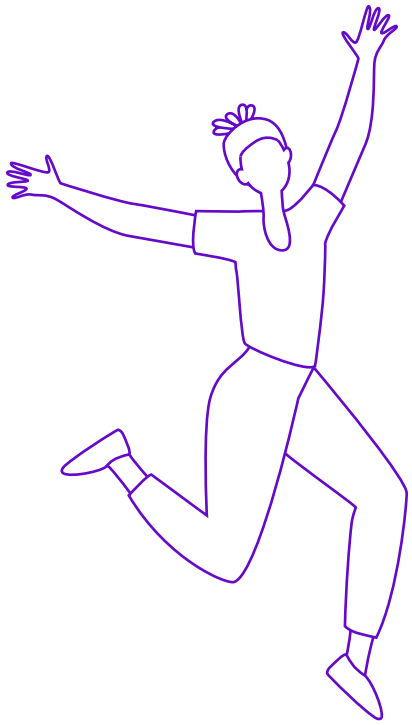
R **Reversible**
(a person may change their mind at any time)

I **Informed**
(a person can only fully consent if they are conscious and aware of certain information such as condom use, risks of pregnancy and STDs)

E **Enthusiastic**
(if it's not yes, it's no / watch out for non-verbal signs)

G **Given freely**
(free from any physical constraint or psychological pressure imposed by oneself or another - **giving in is not consent!**)

S **Specific**
(consenting to one practice does not mean consenting to another)



Source: Plan Sacha

POINTS OF CONTACT

POINTS OF CONTACT ARE PEOPLE AT THE EVENT WHO CAN RECEIVE AND SEND INFORMATION, FROM THE PUBLIC OR OTHER PERSONNEL OR SECURITY.



ORGANIZER/OPERATOR

Definition

Is responsible for the event and/or venue.
This can be the organizer or their representative
(manager or other)

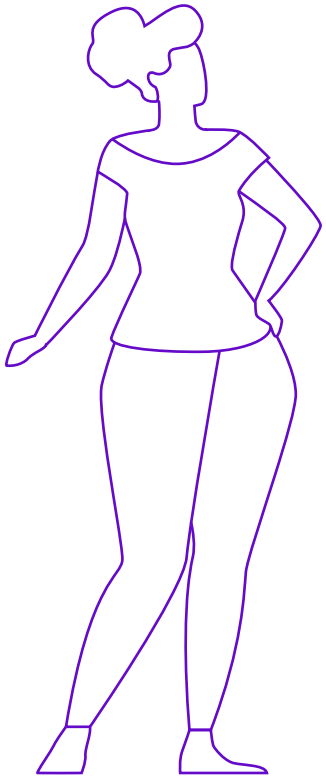
Role

Judges the urgency of the situation with the help of the Harm Reduction Officer (HRO)

Delegates to HRO

Must be trained in harm reduction (HRO) and combating gender-based and sexual violence (SGBV)

POINTS OF CONTACT



HARM REDUCTION OFFICER (HRO)

Definition

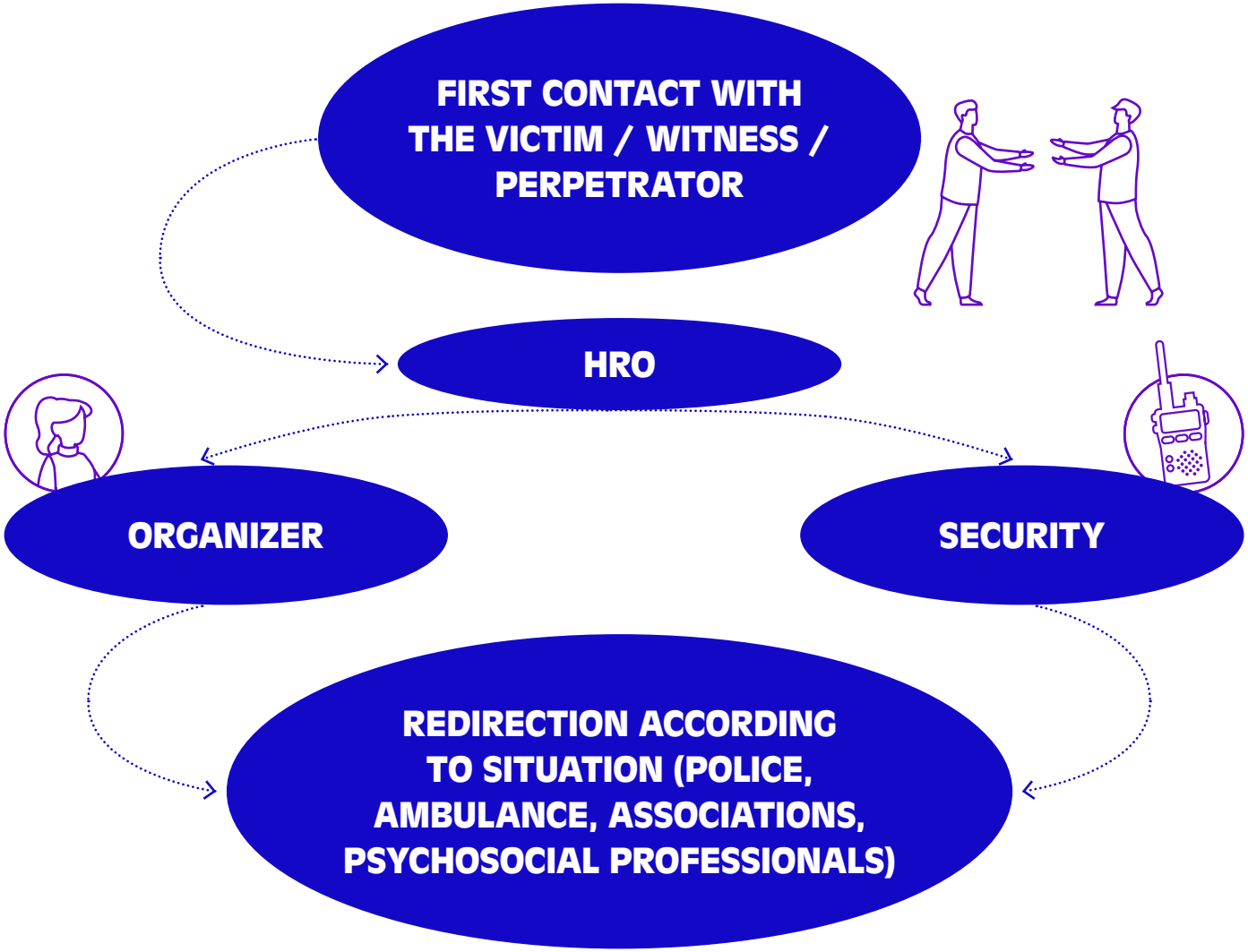
Manages the strategy of harm reduction and of the fight against gender-based and sexual violence at the event

Mission

- Bridging the gap between different departments (e.g. staff, witness, security, care station, etc
- Follow up in case of intervention
- Prevention / awareness / observation of the public
- Call emergency services or police if necessary
- **Must be trained in harm reduction (encouragement of consent and in combating gender-based and sexual violence (SGBV)**

POINTS OF CONTACT

Depending on the internal management, the size of the venue and/or the event, the organizer may be required to take on the role of HRO. In case of absence, it is up to this person to designate someone else internally to fulfil these assignments.



Care zone: *Zone with, to the extent possible, all or part of the following elements:*

- ◊ *Quiet place and/or sheltered from the hustle and bustle of the event (e.g. specifically dedicated room, backstage, office...)*
- ◊ *Close contact with the infirmary services, if present on the site*

Care team: *Field team whose role is to prevent and deal with potential victims through public observation, contact and speaking within the public.*

Treatment station: *Area of care for small to large emergencies (e.g. injury, excessive fatigue to discomfort, serious injuries, sexual violence...). This area can be an infirmary if this service exists within the event. To the extent possible, this position requires the presence of person(s) trained in first aid.*

Info stand: *Whenever possible, a stand run by harm reduction associations can be set up to raise awareness of the risks associated with partying (e.g. Modus Vivendi, Exaequo, Safe 'n Sound, etc.).*

Helpdesk: *Where possible, a helpdesk can be set up for potential victims of gender-based and sexual violence or other types of violence to report it. It must be in direct contact with the HRO. This space can also serve as a place to increase awareness of the public at the entrance to the event.*

PREVENTIVE PROTOCOL

15-17
GENERAL MEASURES

18
PRE-PRODUCTION AND ON-SITE

19
AFTER THE EVENT /POST-PRODUCTION

GENERAL MEASURES



1. **AT LEAST ONE PERSON MUST BE TRAINED** in harm reduction and prevention of gender-based and sexual violence, who will be the Harm Reduction Officer (HRO). Victim care often carries a heavy mental burden, due to close contact with trauma, and it is recommended that at least two people be trained on these issues;

2. **AS A FIRST STEP, STAFF MUST BE MADE AWARE, AT MINIMUM, OF HARM REDUCTION**, in terms of products consumption and SGBV. For this purpose, tools[13] are available from expert associations such as Modus Vivendi, Safe Ta Night, Safe 'n Sound, Pimento, Plan Sacha, etc.;

3. **WHENEVER POSSIBLE, STAFF SHOULD ALSO BE TRAINED**, especially staff at the bar, either by the organizer and/or the HRO, or by an external organisation (i.e. Plan Sacha, Modus Vivendi, Safe 'n Sound, Pimento, etc.) At least one person must have first aid training. When recruiting, pay particular attention to the awareness of future staff on these issues;

4. **INTERNAL POLICY:** To ensure the attention of staff to these issues, co-creation and drafting of an internal policy stating the operator's values. This charter can then be turned into an external policy intended for the public[14];

5. **SETTING UP A HELPDESK, A CARE ZONE (STAFFED BY TRAINED PEOPLE) AND/OR A CARE TEAM** when possible and if these people are trained in advance, as well as provision of harm reduction equipment (condoms, earplugs, free water, snacks, if possible, or any other relevant tool). These items can be made available via an info stand run by associations;

6. **IF THERE IS AN EXTERNAL POLICY OR ANY OTHER REMINDER OF VALUES,** display it at the entrance, on the website, social networks, at the time of ticket purchase and on all communication media;

7. **INFORM STAFF, PARTNERS AND SECURITY** (inform them that a complaint about sexual violence must always be believed, and warn them about mis-gendering, for example in the restrooms) before the beginning of the event, clear division of roles. Recall the internal policy, if one exists;

8. **HAVING DISTINCTIVE COMMON SIGNS FOR THE ENTIRE TEAM TO BE RECOGNIZABLE** by people (e.g. tee shirt, armband, neon vest, mask...) allows a victim to easily identify someone "of trust" and can have a deterrent effect on potential harassers;

9. **INFORM PARTY-GOERS AT THE**

GENERAL MEASURES



ENTRANCE: rappeler que cet endroit prone l'inclusivité et la tolérance, ne laissant place à aucune tolérance envers tout type de discrimination et comportement violent. **Surveiller les comportements violents dans la queue et empêcher l'entrée** de personnes identifiées comme potentiellement dangereuses (par exemple, qui importunent les personnes autour, qui tiennent des propos sexistes, LGBTQIA+phobes, qui sont déjà trop intoxiqué·e·s etc.);

10. **VISIBILITY OF PUBLIC AWARENESS POSTERS**, or any other posters/ communication indicating that no violent behaviour will be tolerated, as well as posters or messages raising awareness about the misuse of products, including alcohol (see annex);

11. **SETTING UP AN EMAIL ADDRESS TO COLLECT POTENTIAL WITNESS ACCOUNTS**. The HRO or a designated person will manage this mailbox, providing support to victims (including remaining available in the event of a complaint) and redirecting them to the appropriate structures (a sexual violence care centre (CPVS) if sexual assault or rape, SOS Viol for psychological support...);

12. **ESTABLISHMENT OF PARTNERSHIPS** with trusted taxi agencies (e.g. taxis bleus);

13. **KEEP IN MIND THAT ANY DISCRIMINATORY COMMUNICATION** ("lady's nights", "free shots for girls", dress code different according to gender) maintains inequality and makes the setting conducive to aggression. The use of inclusive language (hello everyone, hello to the community, etc.) and more inclusiveness in programming (more people who are targeted by sexual or racial discrimination, disabled people, etc.) are strongly encouraged since it promotes equality and inclusiveness, since inclusive programming reflects on the public.

Example of an external policy

Mutual respect and kindness

Here, we are all responsible for making spaces more inclusive and caring, so that everyone can have a good time. Here, we respect our boundaries and those of others, and if we see a person whose personal space is being invaded, we react! We use the 5D method: distract, delegate, direct, document, delay.

No tolerance for violent behaviour

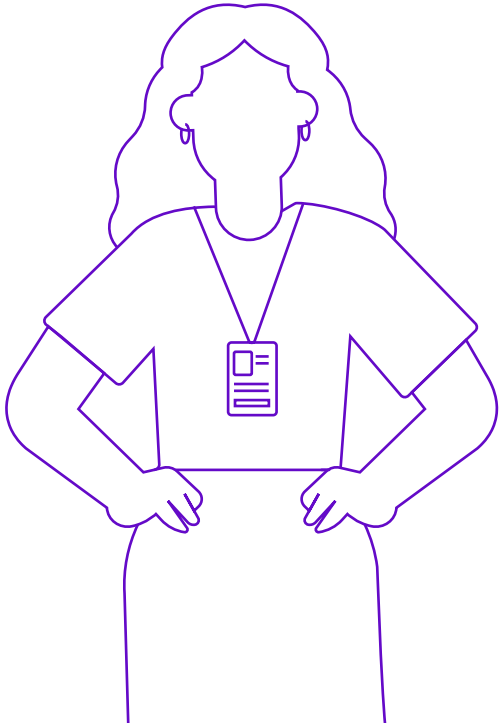
Here, we leave people alone. All types of discrimination are prohibited. This includes, but is not limited to, any disrespectful, insulting, degrading acts or comments related to sex, origin, gender identity, sexual orientation, disability, physical appearance or clothing, whether towards our artists, our audience or a team member. We do not commit any verbal or physical violence, we do not commit any gender-based or sexual violence, we do not harass, we do not drug others, we do not vandalize, we respect the place but, above all, we respect others

Culture of consent

Here (and elsewhere), the consent of each person is respected. No means no and if it is not clearly yes, it is clearly no. In the club and outside the club, we ask and, above all, we respect the answer. Whether it's sexual advances or sharing a photo on social media. Beware of alcohol or drug use: one cannot presume the consent of a person who is under the influence one or more substances.



PRE-PRODUCTION AND ON-SITE



1 PUT CLEAR SIGNAGE IN PLACE FOR IMPORTANT PLACES:

for important places: exit, cloakroom, toilets, water point, info/reporting point, care zone, emergency zone;

- ◊ For itinerant events, consider the possibility of changing/covering the signage of the place before the event in order to make it clearer or more inclusive;
- ◊ For itinerant or sedentary organisers, think about the possibility of setting up non-gendered toilets (sitting/standing, presence of a non-gendered toilet). This is a factor of inclusion for women and LGBTQIA+ communities;

2 IDENTIFICATION AND ENHANCED MONITORING OF DARK AREAS IN AND OUTSIDE THE VENUE

3 WALKIE/TALKIES (OR EVEN ALARM BUTTON FOR SOME STATIONS)

for managers and key stations (entrance, toilet, bar, DJ booth, emergency/care zone);

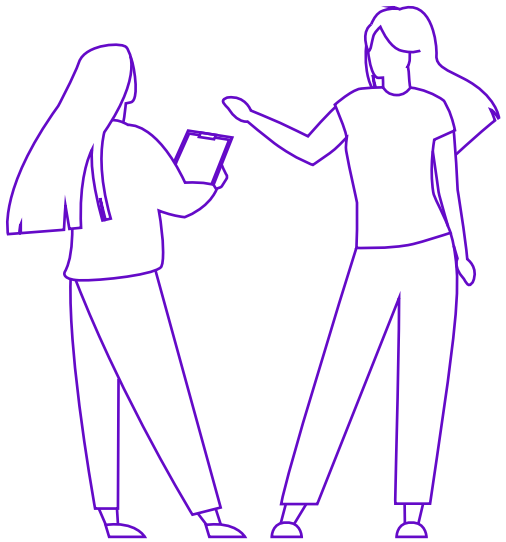
4 DRUG MANAGEMENT:

- ◊ Avoid **guilt trip communications about drug use**: risk that people who have used too much may not come to seek help for fear of being escorted out;
- ◊ Define a **clear strategy for the seizure of substances and the exclusion of consumers and/or dealers**, first of all ensuring the safety of the person if intoxicated;

5 SET UP AN ACTION PLAN TO ANTICIPATE THE ARRIVAL OF THE POLICE, IF NECESSARY:

ensure that party-goers do not drink or use substances outside or in front of the party venue; designate people who will communicate with the police, indicate to the police that the situation is under control upon their arrival to avoid aggressive intervention; if possible, prevent them from entering the party venue, reassure party-goers. These measures are important, in particular because the police can provoke unrest and constitute a factor of insecurity for populations that are faced with sexual or racial discrimination, and/or undocumented persons.

AFTER THE EVENT / POST-PRODUCTION



KEEP RECORDS OF THE VARIOUS INCIDENTS OBSERVED AND/OR REPORTED;

6

7

HOLD REGULAR DEBRIEFINGS

(every weekend/week) to promote internal communication and facilitate the identification of different incidents, their management and archiving;

PLAN AT LEAST ONE EVALUATION INTERNALLY AND/OR IN COLLABORATION WITH SPECIALIZED ASSOCIATIONS

8

(e.g. BBNF, Modus, Safe 'n Sound) to discuss results, identify shortcomings and find areas for improvement;

9

ENCOURAGE VICTIMS AND WITNESSES TO SPEAK THROUGH THE VARIOUS CHANNELS OF COMMUNICATION;

SIF VIOLENCE BY A STAFF MEMBER HAS BEEN OBSERVED OR REPORTED

10

it is essential that it is addressed and the staff member sanctioned.

REACTIVE PROTOCOL

21	22-35	36-39	40-42
REMINDER	PROTOCOL WHEN THE AGGRESSOR IS PART OF THE PUBLIC	PROTOCOL WHEN THE PERPETRATOR IS A STAFF MEMBER OR PARTNER	CONCLUSION, FOLLOW-UP AND EVALUATION

REMINDER

1. **THE VICTIM MUST ALWAYS BE TAKEN CARE OF BEFORE THE PERPETRATOR;**
2. **ONE PERSON IS IN PRINCIPLE ENOUGH TO LISTEN TO THE VICTIM,** thereby avoiding an additional source of stress for the person. The other staff members present will be able to go look for the aggressor, calm potential agitation and/or keep curious people away;
3. **KEEP RECORDS (COMMON VICTIM AND PERPETRATOR)** description of the assault, the perpetrator and any note on how the situation was handled in case such a situation occurs again.

“At any time, if the HRO and/or the victim considers that this is a situation requiring further intervention: follow the associated procedure.”

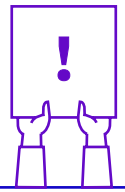
PRINCIPLES OF SUPPORT

- ◊ Believe
- ◊ No victim-blaming
- ◊ Let them come
- ◊ Not making decisions for them
- ◊ No additional violence
- ◊ Avoid open-ended questions
- ◊ It's not about you
- ◊ Redirect to the competent associations and services



PROTOCOL OF INTERVENTION

- ◊ Not being alone (invisible back-up[14], communication to HRO)
- ◊ No confrontation between the aggressor and the victim
- ◊ Keep calm
- ◊ Avoid the use of force as much as possible
- ◊ Establish a dialogue, peaceful listening
- ◊ Keep records of everything
- ◊ Sanction
- ◊ Communicate internally





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PROTOCOL WHEN THE AGGRESSOR IS PART OF THE PUBLIC

ACTION TOWARDS THE VICTIM

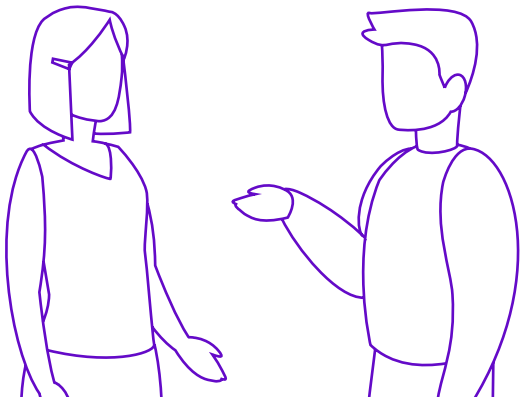
1. COMMUNICATE
2. SUPPORT
3. GUIDE
4. KEEP RECORDS

ACTION TOWARDS THE PERPETRATOR

1. WARN
2. SANCTION
3. ENSURE EXTERNAL SECURITY
4. KEEP RECORDS

SEXUAL HARASSMENT WITHOUT ABUSE OF CHEMICAL

ACTION TOWARDS THE VICTIM



1 COMMUNICATE

If you observe or receive a report of harassment without abuse of chemical vulnerability → if the situation allows it, **inform the HRO before taking action.**

Communicate with the victim:

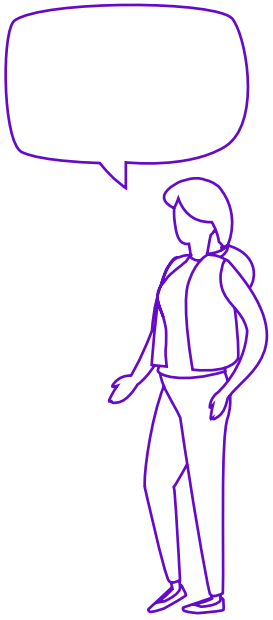
- ◊ **Listen to the person/ask how they are feeling. Briefly explain why and what you perceived as a boundary violation**

If they are not comfortable with a person's insistent behaviour, **offer support**:

↓ Offer to take direct action with the perpetrator of the harassment

↓ Ask the person if they are alone

If a person does not want support, respect that and offer a specific place (for example, reporting to the helpdesk, or to any other care team member) where they can get support whenever they want it. Nevertheless, try to keep an eye on the person to be able to offer support again in case of doubt.



SEXUAL HARASSMENT WITHOUT ABUSE OF CHEMICAL

ACTION TOWARDS THE VICTIM

2 SUPPORT

If the person is not alone but can no longer find their **friends** and wants help, accompany the person to find them.

If they wish to take action against the perpetrator, see section below "action towards the perpetrator"



Offer to go to the care zone and accompany the person if they so desire. They can have a trusted person come along.

- Offer the person a **free non-alcoholic drink**
- Set a framework: who you are, how long you will stay with them, remind the person of their rights (to be angry, to file a complaint...). Let the person choose to come with you, be empathetic, listen and reassure them ("you don't need to tell me everything unless you want to") before asking questions.

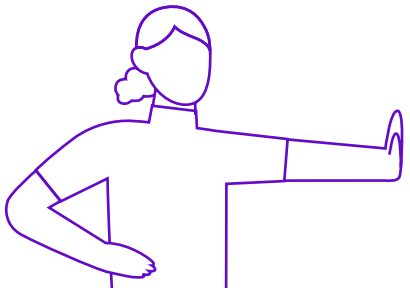
If the person wishes to return to the party and/or if their friends have been located, give them a moment to leave the care zone by ensuring their involvement and good intentions. Remain vigilant when in doubt.

3 GUIDE

If there are no friends, if they have not been found or they assume no responsibility, ensure that **the person remains in the area until they feel better or, if necessary and if they wish**, call a **taxi** (Taxi partner, indicating the specific issue), accompany them until they are in the taxi or offer to call a **trusted person to pick them up**.

SEXUAL HARASSMENT WITHOUT ABUSE OF CHEMICAL

ACTION TOWARDS THE PERPETRATOR WHEN IDENTIFIED



1 WARN

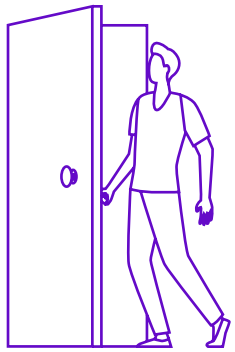
Give the person a **first warning**, explaining that their actions constitute harassment and that they will be removed from the premises if a second warning is given.

As an organizer, you can directly remove the perpetrator if you believe that their presence may jeopardize the safety and/or well-being of the public.

Inform the organizer and give the description of the aggressor.

2 SANCTION

If this is not their first warning and they are in full command of their faculties, have the person removed from the event. Offer to **find their friends if they wish,** to inform them and/or have them leave with the perpetrator.



If the **perpetrator is not in full command of his faculties** (under the influence of drugs or alcohol)

- ◊ **Take them to a quieter place** (e.g. Room to sober up, if possible - but not in the same place as the victim!)
- ◊ Call a **taxi** or **ambulance** if this is not possible.

Note: The idea is to prevent the perpetrator from becoming a victim of violence outside, from them putting themself in danger or from committing other offences in front of the venue/event)

They must be removed from the premises by the persons in charge of **security or by the organizer**. If they refuse, give the person the choice between leaving or calling the police

SEXUAL HARASSMENT WITHOUT ABUSE OF CHEMICAL

ACTION TOWARDS THE PERPETRATOR WHEN IDENTIFIED

> “Call the police if the person becomes a danger to themself or to others.”

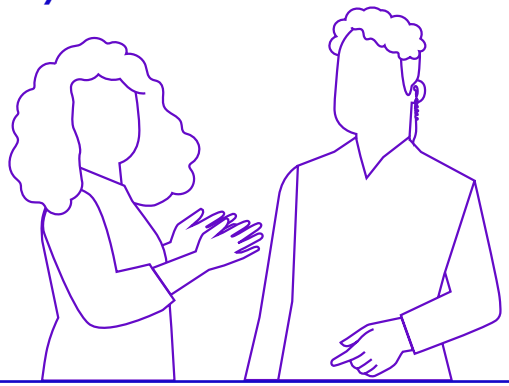


3 ENSURE EXTERNAL SECURITY

Once the aggressor has left the premises, make sure that they do not use any violence or threats in the immediate vicinity of the site against anyone, especially against those who reported them. If the perpetrator shows signs of violence, **contact a taxi and make sure that the person does, in fact, get in**. Call the **police** if the person becomes a danger to themself or to others. In this case, do not mention the victim if they did not wish to involve the police in the first place and reassure them in this regard.

SEXUAL HARASSMENT WITH ABUSE OF VULNERABILITY DUE TO CHEMICAL SUBSTANCE

It should be kept in mind that the person is not in a position to give valid consent in such cases. In addition, depending on the product used and/or the context, the person can have an aggressive attitude, elusive behaviour, make incoherent remarks, minimize violence...
These behaviours can be a sign of intoxication or trauma and must not in any way call the testimony of a victim into question.



ACTIONS TOWARDS THE VICTIM

1 COMMUNICATE

If you observe or receive a report of harassment with abuse of chemical vulnerability
→ If the situation allows it, **inform the HRO before taking action**.

Communicate with the person being harassed

- ◊ If the person is **unconscious**, **call the emergency services** (e.g. 112)
- ◊ If they are in a state of **extreme vulnerability due to use of substances**, inform the infirmary service when it is present. If not, take the person to the care zone or treatment station and stay with them, to determine whether additional help is needed.
- ◊ If the person is aware, ask how they are feeling. Briefly explain why and what you perceived as a boundary violation and offer support

Ask if the person is alone.

SEXUAL HARASSMENT WITH ABUSE OF VULNERABILITY DUE TO CHEMICAL SUBSTANCE

ACTIONS TOWARDS THE VICTIM

2 SUPPORT

If the person is not alone but can no longer find their **friends** and wants help, accompany the person to find them.

Offer to go to the care zone and accompany the person if they so desire. They can have a trusted person come along.

- ◊ Ask the person if they think they have been **drugged**. If this is the case, explain that it is **preferable that they do not drink water in order to keep the blood as undiluted as possible** so that samples may be taken.
- ◊ If they do not think they have been drugged, offer them a free non-alcoholic drink.
- ◊ **Set a framework:** who you are, how long you will stay with them, remind the person of their rights (to be angry, to file a complaint...). Let the person choose to come with you, be empathetic, reassure them ("you don't need to tell me everything unless you want to") before asking questions.



If their friends have been located, give them a moment to leave the area by ensuring their involvement and good intentions. Remain vigilant when in doubt.

3 GUIDE

If there are no friends, if they have not been found or they assume no responsibility, ensure that the **person harassed remains in the reserved area until they feel better** or, if necessary and if the person wishes, call a **taxi** (Taxi partner, indicating the specific issue), accompany them until they are in the taxi or offer to call a **trusted person to pick them up**.

SEXUAL HARASSMENT WITH ABUSE OF VULNERABILITY DUE TO CHEMICAL SUBSTANCE

> “Un·e agresseur·euse peut être arrêté·e par tout citoyen ou membre de l’équipe du site à condition qu’il·elle soit pris en train de commettre ou sur le point de commettre une infraction.”

ACTION TOWARDS THE PERPETRATOR WHEN IDENTIFIED



1 WARN

Inform the organizer and give the description of the aggressor.

A perpetrator **may be arrested by any citizen or member of the security staff if they are caught committing or about to commit a criminal offence of assault, sexual abuse or rape**. (article 1. 3° of the law of 20 July 1990, see attachment) Security officers have the obligation to arrest perpetrators or suspects.

If the victim wishes or if you deem the intervention necessary, call the police.

SEXUAL HARASSMENT WITH ABUSE OF VULNERABILITY DUE TO CHEMICAL SUBSTANCE

ACTION TOWARDS THE PERPETRATOR WHEN IDENTIFIED

2 SANCTION

If the victim has not expressed a willingness to call the police and **the perpetrator is in full possession of their faculties**:

- ◊ Have them removed from the event.
- ◊ Offer to find their friends if they wish, to inform them and/or have them leave with the aggressor.

OR

If the victim has not expressed a willingness to call the police and **the perpetrator is not in full command of their faculties** (under the influence of drugs or alcohol)

- ◊ **Removal** to a quieter place (e.g. room to sober up, if possible - but not in the same place as the victim!).
- ◊ Call a **taxi** or **ambulance** if this is not possible.

Note: The idea is to prevent the perpetrator from becoming a victim of violence outside, from them putting themself in danger or from committing other offences in front of the venue)

The perpetrator can be removed from the premises by the persons in charge of **security or by the organizer**. If they refuse, give the person the choice between leaving or having the police called.

If the victim has expressed a willingness to call the police, call the police.

3 ENSURE EXTERNAL SECURITY

Once the perpetrator has left the premises, make sure that they do not use other violence or threats in the immediate vicinity of the site against anyone, especially against those who reported them. If the perpetrator shows signs of violence, **contact a taxi and make sure that the person does, in fact, get in**. Call the **police** if the person becomes a danger to others. In this case, do not mention the victim if they did not wish to involve the police in the first place and reassure them in this regard.

SEXUAL ASSAULT / RAPE / CHEMICAL SUBMISSION

ACTIONS TOWARDS THE VICTIM

1 COMMUNICATE

If you observe or receive a report of a sexual assault or rape → If the situation allows, **inform the HRO**.

Communicate with the person



- If the person is **unconscious**, **call the emergency services** (e.g. 112)
- If they are in a state of **extreme chemical vulnerability**, inform the infirmary service when one is present. If not, take the person to the care zone or treatment station and stay with them, to determine whether additional help is needed.
- If the person is conscious, **listen / offer support**

Ask them if they have friends at the event who can support them. If so, help the person look for them (to be adapted according to the priority level).

2 SUPPORT

Keep the victim away from the place of the assault/rape, stay with them, talk to them, reassure them as much as possible and take care of their immediate needs (if they are injured, having an anxiety attack...).

Offer to **take the person to the care zone**.

- Offer them a glass of water (unless there is a suspicion of chemical submission), listen to them, allow them to make simple choices (do you want to sit down? Do you want a sweater? Can I touch your arm?)
- **Set a framework:** who you are, how long you will stay with them, remind the person of their rights (to be angry, to file a complaint...). Let the person choose to come with you, be empathetic, reassure them ("you don't need to tell me everything unless you want to") before asking questions.

SEXUAL ASSAULT / RAPE / CHEMICAL SUBMISSION

ACTIONS TOWARDS THE VICTIM



3 GUIDE

If the person in charge finds that the person assaulted is **ABLE to provide information** → Ask if they wish to seek help from the **emergency medical services (ambulance and/or sexual assault centre) or the police?**

YES

Call 112 and ask for the **medical emergency at Saint-Pierre hospital (24/7)** if immediate care is needed, otherwise contact the sexual violence care centre (CPVS: Centre de Gestion des violences sexuelles reachable 24/7), located at Rue Haute 320. **Number to call + 32 2 535 45 42**.

NO

inform them (see resources in annex)

- ◊ that you can arrange a **taxi** (Taxi partner, indicating that it involves this specific issue)
- ◊ that they have **the right to receive emotional and medical support later**, that they can go to a sexual violence care centre (CPVS) when they are ready

Tell them that if they go to a sexual violence care centre (CPVS), they are not obliged to file a complaint but can do so if they wish.

Remind them that the priority is to respect their time and needs. Give them the resources (see Annex) with all available assistance and recovery services which they can call if they need emotional or psychological support and/or guidance.

SIf the organizer/the HRO considers that the person attacked is **NOT ABLE to provide information**: Take them to the treatment station and/or care zone OR Call **112** and request emergency medical services..

Make sure that the person does not leave the premises alone. Offer to arrange a taxi (Taxi partners, indicating the specific problem) or **to have the person taken home by a friend**.

SEXUAL ASSAULT / RAPE / CHEMICAL SUBMISSION

ACTIONS TOWARDS THE PERPETRATOR WHEN IDENTIFIED IF YOU ARE A WITNESS OR IF THE VICTIM COULD GIVE A CLEAR DESCRIPTION

> **If the victim wishes or if you deem the intervention necessary, call the police.**



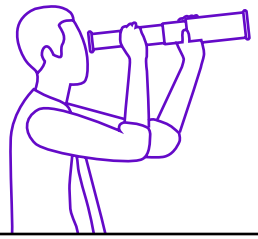
1 WARN

Inform the organizer and give the description of the perpetrator.

A perpetrator **may be arrested by any citizen or member of the security team provided that they are caught committing or about to commit a criminal offence of assault, sexual abuse or rape, and if the police are immediately contacted**. (article 1. 3° of the law of 20 July 1990, see attachment).

If the victim wishes or if you deem the intervention necessary, call the police.

SEXUAL ASSAULT / RAPE / CHEMICAL SUBMISSION



ACTIONS TOWARDS THE PERPETRATOR WHEN IDENTIFIED IF YOU ARE A WITNESS OR IF THE VICTIM COULD GIVE A CLEAR DESCRIPTION

2 SANCTION

If the victim has not expressed the desire to call the police and **the perpetrator is in full command of their faculties**:

- ◊ Have them removed from the event.
- ◊ Offer to find their friends if they wish, to inform them and/or have them leave with the perpetrator.

OR

If the victim has not expressed a willingness to call the police and **the perpetrator is not in full command of their faculties** (under the influence of drugs or alcohol)

- ◊ **Removal** to a quieter place (e.g. room to sober up, if possible - but not in the same place as the victim!)
- ◊ Call a taxi or ambulance if this is not possible.

Note: The idea is to prevent the perpetrator from becoming a victim of violence outside, from them putting themself in danger or from committing other offences in front of the venue.

They must be removed from the premises by the persons in charge of **security or by the organizer**. If they refuse, give the person the choice between leaving or having the police called.

3 ENSURE EXTERNAL SECURITY

Once the perpetrator has left the premises, make sure that they do not use any violence or threats in the immediate vicinity of the site against anyone, especially against those who reported them. If the perpetrator shows signs of violence, **contact a taxi and make sure that the person does, in fact, get in**. Call the **police** if the person becomes a danger to others. In this case, do not mention the victim if they did not wish to involve the police in the first place and reassure them in this regard.



PROTOCOL WHEN THE PERPETRATOR IS A STAFF MEMBER OR PARTNER

(ARTIST, SUBCONTRACTTOR,...)



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IF YOU WITNESS OR RECEIVE A **REPORT OF AN ATTACK BY A MEMBER OF THE STAFF**

CONTACT THE HRO AND/OR THE ORGANIZER

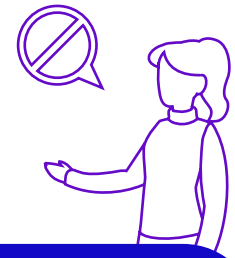
VICTIM SUPPORT IN ACCORDANCE WITH SECTION A).

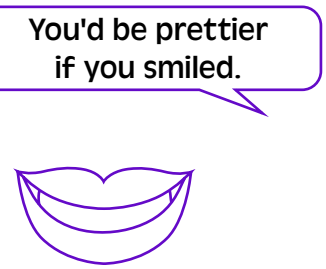
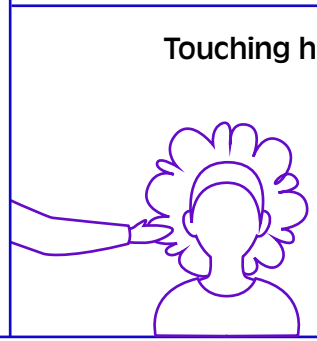
AS HRO/ORGANIZER

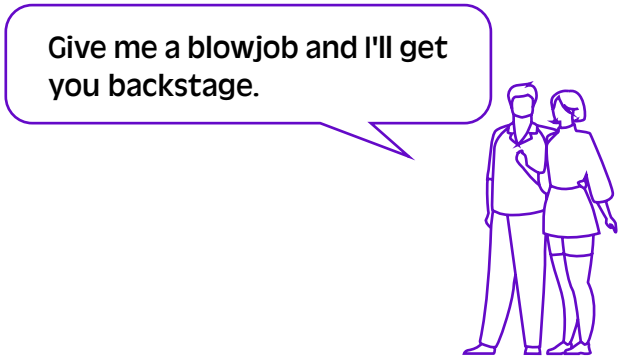
If the staff member has committed **harassment with or without abuse of chemical vulnerability, sexual assault, rape, or any other violent and/or discriminatory act**

THEY MUST BE PUNISHED IMMEDIATELY

EXAMPLE OF SANCTIONS THAT CAN BE APPLIED DEPENDING ON THE TYPE OF VIOLENCE



ACT	EXAMPLE	EXAMPLES OF SANCTIONS
Sexist comments or behaviour, LGBTQIA+phobia, racism, discrimination, fat-shaming, etc.	     	Warning, refer to documentation, impose prevention training, mediation (taking responsibility, apologizing)

ACT	EXAMPLE	EXAMPLES OF SANCTIONS
Sexual harassment, LGBTQIA+phobia, discrimination, fat-shaming, etc.	 Sexist comments/behaviours repeated several times by the same person or once by several people, E.g., several men who make sexist remarks to a female staff member and laugh at each other (group violence)	Warning, group mediation, information to the hierarchy, reporting (associations, police), dismissal, suggestion to file a complaint
Violation of sexual integrity (sexual assault)	 Hand on buttocks, Rubbing against the buttocks, Kissing forcibly, Touching the breasts Drugging a person for the real or apparent purpose of abusing them	Warning, group mediation, information to the hierarchy, side-lining, reporting (associations, police), dismissal, contract termination, suggestion to file a complaint, cancellation of gig
Rape	Forced penetration with penis or object, imposed cunnilingus 	Cancellation of gig, tour, programming, dismissal, contract termination, suggestion to file a complaint



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CONCLUSION, FOLLOW-UP AND EVALUATION

CONCLUSION

This protocol is, thus, intended to reveal and combat the various behaviours that prevent people from fully enjoying the nightlife and that maintain a violence already omnipresent in daily life.



This tool offers a framework and a number of measures that can be put in place, but must not be regarded as a spontaneous response to a one-off problem. **It must be part of a broader reflection on the fight against discrimination and on revision of the system that allows it to occur**.

It should also be kept in mind that it is impossible to guarantee a completely safe space and that you may encounter situations that have not been anticipated by this tool. The key is a coherent approach to prevention, integrated at all levels and taking into account, among other things, the specificities of the venue and the public, and a kind, empathetic approach.

To conclude, it is necessary to work to promote festive behaviours based on peace, love, unity and respect.

> **“it is impossible to guarantee a safe space”**

FOLLOW-UP AND EVALUTATION

In order to ensure the most effective methodology possible, we draw your attention to the importance of **maintaining qualitative monitoring and evaluation of implementation** of this protocol.

For the first year of introduction, we invite operators who adhere to the protocol to organize follow-up and evaluation meetings, both internally and in collaboration with BBNF and the associations concerned. After these meetings the protocol can be adapted to be more personalized. From the second year onward, an annual follow-up meeting will be organized to evaluate the various prevention measures and the various situations that have arisen and how they were handled.

> **We invite operators who adhere to the protocol to organize follow-up and evaluation meetings.**



ANNEX

44 PREVENTION CONTACTS

45-46 ESSENTIAL CONTACTS

47-49 LEGAL SOURCES

50 FOOTNOTE

51 WITH THE SUPPORT OF

PREVENTION CONTACTS

TAXI PARTNERS

Taxis Bleus
Tél: 02/268.00.00

PARTNER ASSOCIATIONS

MODUS VIVENDI ((FRENCH-SPEAKING - HARM REDUCTION)

modus@modusvivendi-be.org

Coordinate Safe at night, the Brussels health network in festive settings

Offers training kits for training of HORECA workers on issues of gender-based and sexual violence in a festive environment, in particular when they concern people in a situation of vulnerability or drugging (alcohol or other psychoactive substances)

Modus fiesta : distribution of harm reduction material, information, drug testing every friday from 18h to 21h30

COLLECTIF OSMOSE (CARE AND AWARENESS IN FESTIVE EVENTS)

osmose@riseup.net

Provide with Care teams trained by the Collective to ensure the well-being of the public at events.

Provides workshops/training for professionals and individuals, focusing on practical tools for dealing with victims of violence, bullying and harassment, as well as support for problematic reactions to voluntary or involuntary alcohol/drug use.

Consulting work and setting up a prevention policy and system.

PIMENTO (DUTCH-SPEAKING - SGBV)

info@pimento.be

Training of professionals on gender-based and sexual violence

Raising of awareness and training for young people

SAFE 'N SOUND (DUTCH-SPEAKING - HARM REDUCTION)

info@safensound.be

Information on drugs and different risks in a festive environment

Info booth at events and festivals

Training on the RDR

PLAN SACHA (FRENCH-SPEAKING - SGBV)

infoplansacha@gmail.com

Offers training to professionals concerning, in particular, the identification of violence, caring for victims, awareness of teams and audiences, implementation of a protocol and drafting of a charter

Offers prevention campaigns and tools, awareness (posters, Bingo, discussion cards)

Presence at stand for major events

CAMPAIGNS TO PREVENT GENDER-BASED AND SEXUAL VIOLENCE

Rien Sans mon Consentement
#JoinTheFam
Consentis
Act Right
Sexism-Free Night
HandsAway
Error
ForTheMusic

HARM REDUCTION CAMPAIGNS

Fêtez Clair
Act Right
Techno +

ESSENTIAL CONTACTS

IN CASE OF EMERGENCY, CALL 101 FOR THE POLICE AND 112 FOR EMERGENCIES (EUROPEAN NUMBER ACCESSIBLE 24 HOURS A DAY), OR 100 (IN BRUSSELS), FOR FIRE DEPARTMENT AND AMBULANCES.

SOS VIOL

For any type of sexual or gender-based violence, with or without contact

Support provided: psychological support, social support, legal information. Each person can benefit from one or more forms of assistance. Individuals can contact the service regardless of how long ago the assault occurred. The duration of assistance does not have a time limit.

Address : Rue Coenraets, 23 – 1060 Saint-Gilles
Mail : info@sosviol.be
Numéro : 0800 98 100
Online chat

Site : https://www.sosviol.be

CPVS - SEXUAL VIOLENCE CARE CENTRE (CENTRES DE PRISE EN CHARGE DES VIOLENCES SEXUELLES)

For sexual violence contact (rape and sexual assault)

Support provided: medical care, psychological support, forensic investigation, filing a complaint with specially trained police officer if desired, follow-up (medical and/or psychological)
Centres accessible free of charge 24/7
Address in Brussels: rue Haute 320 – 1000 Bruxelles
Number to make an appointment: +32 2 535 36 66
For other centres in Belgium and for more info (notably concerning actions to be taken to preserve evidence)

Website: https://www.violencessexuelles.be/centres-prise-charge-violences-sexuelles

Online chat: Tchattez avec un·e professionnel·le - Violences sexuelles

RAINBOW HOUSE (LGBTQIA+)

Association network with a focus on the issues faced by LGBTQIA+ people. Support provided: information, listening, referral, reporting.

Number (WhatsApp) to make an appointment after an LGBTQIA+phobe assault:
+32,492 40 84 84

Address: Rue du Marché au Charbon – 1000 Bruxelles

POLICE ASSISTANCE SERVICE FOR VICTIMS (SAPV)

Provides a first contact before the police, where they listen and support, offer practical help and support when filing a complaint.
A first contact with an SAPV before filing a complaint makes it possible to obtain advice and limit the risk of double victimization.

Site: For the local police, visit www.police.be and enter your postal code. You will be directed to the website of your local police.
In all police zones there is an SAPV.

INFOR-DROGUES

Hotline for anyone who wants information, help and advice on psychoactive products and their uses. Can offer a listening ear in case of chemical submission even if no violence has been committed afterwards.

Number: +32 2 227 52 52 - Monday to Wednesday from 9am to 9pm, Thursday from 1pm to 9pm, Friday from 9am to 5pm and Saturday from 10am to 2pm.

ESSENTIAL CONTACTS



TELE-ONTHAAL / TÉLÉ-ACCUEIL

Hotline (non-specialized) for Dutch-speakers and French-speakers (phone and online chat).

NL Number: 106 / Number FR: 107

Website: https://www.tele-onthaal.be / https://tele-accueil.be

STI/STD SCREENING CENTRE

Various screening centres in Brussels and elsewhere: Où puis-je me faire dépister des IST à Bruxelles ? | depistage.be

Family planning centres, clinics/ hospitals, ex-aequo

HIV, STI testing

NATIONAL INSTITUTE FOR HUMAN RIGHTS, EQUALITY AND ANTI-DISCRIMINATION (UNIA) (INDEPENDENT PUBLIC SERVICE)

Deals with individual reports of discrimination and harassment based on sexual orientation, hate crimes and acts of violence (free and confidential)

Analyses the situation and the case, gives an opinion on the situation and proposes mediation, legal action and other steps depending on the situation

Place Victor Horta 40, bte 40, 1060 Saint-Gilles

Report Form: https://www.signalement.unia.be/fr/signale-le

Tel: 0800 12 800 (Monday through Friday from 9:30 AM to 1:00 PM)

https://www.unia.be/fr

LEGAL SOURCES

CODE PÉNAL

Art. 417/5. La définition du consentement en matière de droit à l'autodétermination sexuelle

Le consentement suppose que celui-ci a été donné librement. Ceci est apprécié au regard des circonstances de l'affaire. Le consentement ne peut pas être déduit de la simple absence de résistance de la victime. Le consentement peut être retiré à tout moment avant ou pendant l'acte à caractère sexuel.

- ◊ Il n'y a pas de consentement lorsque l'acte à caractère sexuel a été commis en profitant de la situation de vulnérabilité de la victime due notamment à un état de peur, à l'influence de l'alcool, de stupéfiants, de substances psychotropes ou de toute autre substance ayant un effet similaire, à une maladie ou à une situation de handicap, altérant le libre arbitre.
- ◊ En tout état de cause, il n'y a pas de consentement si l';acte à caractère sexuel résulte d'une menace, de violences physiques ou psychologiques, d'une contrainte, d'une surprise, d'une ruse ou de tout autre comportement punissable.
- ◊ En tout état de cause, il n'y a pas de consentement lorsque l'acte à caractère sexuel a été commis au préjudice d'une victime inconsciente ou endormie.

Art. 417/7. L'atteinte à l'intégrité sexuelle

- ◊ L'atteinte à l'intégrité sexuelle consiste à accomplir un acte à caractère sexuel sur une personne qui n'y consent pas, avec ou sans l'aide d'un tiers qui n'y consent pas, ou à faire exécuter un acte à caractère sexuel par une personne qui n'y consent pas. Cette infraction est punie d'un emprisonnement de six mois à cinq ans.
- ◊ Est assimilé à l'atteinte à l'intégrité sexuelle le fait de faire assister une personne qui n'y consent pas à des actes à caractère sexuel ou à des abus sexuels, même sans qu'elle doive y participer.
- ◊ L'atteinte existe dès qu'il y a commencement d'exécution.

Art. 417/11. Le viol

- ◊ On entend par viol tout acte qui consiste en ou se compose d'une pénétration sexuelle de quelque nature et par quelque moyen que ce soit, commis sur une personne ou avec l'ide d'une personne qui n'y consent pas.
- ◊ Cette infraction est punie de la réclusion de dix ans à quinze ans.

Art. 417/14. Les actes à caractère sexuel non consentis commis sous la menace d'une arme ou d'un objet qui y ressemble ou après administration de substances inhibitives ou désinhibitives

Les actes à caractère sexuel non consentis commis sous la menace d'une arme ou d'un objet qui y ressemble ou après administration de substances inhibitives ou désinhibitives sont punis comme suit:

- ◊ l'atteinte à l'intégrité sexuelle est punie de la réclusion de quinze ans à vingt ans;
- ◊ le viol est puni de la réclusion de quinze ans à vingt ans.

Art. 417/15. Les actes à caractère sexuel non consentis commis au préjudice d'une personne dans une situation de vulnérabilité

Les actes à caractère sexuel non consentis commis au préjudice d'une personne dont la vulnérabilité en raison de son âge, d'un état de grossesse, d'une maladie ou d'une infirmité physique ou mentale était manifeste ou connue de l'auteur sont punis comme suit:

- ◊ l'atteinte à l'intégrité sexuelle est punie de la réclusion de quinze ans à vingt ans;
- ◊ le voyeurisme est puni de la réclusion de dix ans à quinze ans;
- ◊ la diffusion non consentie de contenus à caractère sexuel est punie de la réclusion de quinze ans à vingt ans;
- ◊ la diffusion non consentie avec une intention méchante ou dans un but lucratif de contenus à caractère sexuel est punie de la réclusion de quinze ans à vingt ans et d'une amende de deux cents euros à dix mille euros;
- ◊ le viol est puni de la réclusion de vingt ans à trente ans.

Art. 417/20. Les actes à caractère sexuel non consentis commis avec un mobile discriminatoire

Les actes à caractère sexuel non consentis dont l'un des mobiles est la haine, le mépris ou l'hostilité à l'égard d'une personne en raison de sa prétendue race, de sa couleur de peau, de son

TEXTES LÉGAUX

ascendance, de son origine nationale ou ethnique, de sa nationalité, de son sexe, de sa grossesse, de son accouchement, de sa parentalité, de son changement de sexe, de son identité de genre, de son expression de genre, de son orientation sexuelle, de son état civil, de sa naissance, de son âge, de son patrimoine, de sa conviction religieuse ou philosophique, de son état de santé, d'un handicap, de sa langue, de sa conviction politique, de sa conviction syndicale, d'une caractéristique physique ou génétique ou de son origine et de sa condition sociales, que cette caractéristique soit présente de manière effective ou seulement supposée par l'auteur, sont punis comme suit:

- ◊ l'atteinte à l'intégrité sexuelle est punie de la réclusion de dix ans à quinze ans;
- ◊ le voyeurisme est puni de la réclusion de cinq ans à dix ans;
- ◊ la diffusion non consentie de contenus à caractère sexuel est punie de la réclusion de dix ans à quinze ans;
- ◊ la diffusion non consentie avec une intention méchante ou dans un but lucratif de contenus à caractère sexuel est punie de la réclusion de dix ans à quinze ans et d'une amende de deux cents euros à dix mille euros;
- ◊ le viol est puni de la réclusion de quinze ans à vingt ans.

Les mêmes peines sont infligées lorsque l'un des mobiles de l'auteur réside en un lien ou un lien supposé entre la victime et une personne à l'égard de laquelle il nourrit de la haine, du mépris ou de l'hostilité pour une ou plusieurs des caractéristiques réelles ou supposées énoncées à l'alinéa 1er.

Art. 417/21. Les actes à caractère sexuel non consentis commis par une personne qui se trouve en position d'autorité ou de confiance à l'égard de la victime

Les actes à caractère sexuel non consentis commis par une personne qui se trouve dans une position reconnue de confiance, d'autorité ou d'influence sur la victime sont punis comme suit:

- ◊ l'atteinte à l'intégrité sexuelle est punie de la réclusion de dix ans à quinze ans;
- ◊ le voyeurisme est puni de la réclusion de cinq ans à dix ans;
- ◊ la diffusion non consentie de contenus à caractère sexuel est punie de la réclusion de dix ans à quinze ans;
- ◊ la diffusion non consentie avec une intention méchante ou dans un but lucratif de contenus à caractère sexuel est punie de la réclusion de dix ans à quinze ans et d'une amende de deux cents euros à dix mille euros;
- ◊ le viol est puni de la réclusion de quinze ans à vingt ans.

Art. 442bis. Le harcèlement

Quiconque aura harcelé une personne alors qu'il savait ou aurait dû savoir qu'il affecterait gravement par ce comportement la tranquillité de la personne visée, sera puni d'une peine d'emprisonnement de quinze jours à deux ans et d'une amende de cinquante [euros] à trois cents [euros], ou de l'une de ces peines seulement.
[Si les faits visés à l'alinéa 1er sont commis au préjudice d'une personne dont la situation de vulnérabilité en raison de l'âge, d'un état de grossesse, d'une maladie, d'une infirmité ou d'une déficience physique ou mentale était apparente ou connue de l'auteur des faits, la peine minimale prévue à l'linéa 1er sera doublée.]

LOI DU 22 MAI 2014 TENDANT À LUTTER CONTRE LE SEXISME DANS L'ESPACE PUBLIC ET MODIFIANT LA LOI DU 10 MAI 2007 TENDANT À LUTTER CONTRE LA DISCRIMINATION ENTRE LES FEMMES ET LES HOMMES AFIN DE PÉNALISER L'ACTE DE DISCRIMINATION

Article 2. Pour l'application de la présente loi, le sexisme s'entend de tout geste ou comportement qui, dans les circonstances visées à l'article 444 du Code pénal, a manifestement pour objet d'xprimer un mépris à l'égard d'une personne, en raison de son appartenance sexuelle, ou de la considérer, pour la même raison, comme inférieure ou comme réduite essentiellement à sa dimension sexuelle et qui entraîne une atteinte grave à sa dignité.

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LOI DU 4 AOÛT 1996 RELATIVE AU BIEN-ÊTRE DES TRAVAILLEURS LORS DE L'EXÉCUTION DE LEUR TRAVAIL

Article 31ter. Pour l'application de la présente loi, on entend par :

1° (violence au travail : chaque situation de fait où un travailleur ou une autre personne à laquelle [1 la présente section] est d'application, est menacé ou agressé psychiquement ou physiquement lors de l'exécution du travail;)

2° (harcèlement moral au travail : [ensemble abusif de plusieurs conduites] similaires ou différentes, externes ou internes à l'entreprise ou l'institution, qui se produisent pendant un certain temps, qui ont pour objet ou pour effet de porter atteinte à la personnalité, la dignité ou l'intégrité physique ou psychique d'un travailleur ou d'une autre personne à laquelle [la présente section] est d'application, lors de l'exécution de son travail, de mettre en péril son emploi ou de créer un environnement intimidant, hostile, dégradant, humiliant ou offensant et qui se manifestent notamment par des paroles, des intimidations, des actes, des gestes ou des écrits unilatéraux [...];)

3° [harcèlement sexuel au travail: tout comportement non désiré à connotation sexuelle, s'exprimant physiquement, verbalement ou non verbalement, et qui a pour objet ou pour effet de porter atteinte à la dignité d'une personne, et en particulier, de créer un environnement intimidant, hostile, dégradant, humiliant ou offensant.]

[La violence au travail et le harcèlement moral au travail peuvent être liés notamment à l'âge, à l'état civil, à la naissance, à la fortune, à la conviction religieuse ou philosophique, à la conviction politique, à la conviction syndicale, à la langue, à l'état de santé actuel ou futur, à un handicap, à une caractéristique physique ou génétique, à l'origine sociale, à la nationalité, à une prétendue race, à la couleur de peau, à l'ascendance, à l'origine nationale ou ethnique, au sexe, à l'orientation sexuelle, à l'identité de genre, à l'expression de genre, aux caractéristiques sexuelles, à la grossesse, à l'accouchement, à l'allaitement, à la maternité, à l'adoption, à la procréation médicalement assistée, au changement de sexe, à la paternité et à la comaternité.]

Toutes les dénominations de fonctions qui sont utilisées dans le présent chapitre, telles que celle de conseiller en prévention ou de personne de confiance, concernent tant les femmes que les hommes. (Dans la mesure où le [harcèlement ou la violence au travail sont liés] à la religion ou aux convictions, au handicap, à l'âge, à l'orientation sexuelle, au sexe, à la race ou à l'origine ethnique, les dispositions du présent chapitre constituent la transposition en droit belge de :

1° la directive 2000/78/CE du 27 novembre 2000 portant création d'un cadre général en faveur de l'égalité de traitement en matière d'emploi et de travail;

2° la directive 2000/43/CE du 29 juin 2000 relative à la mise en oeuvre du principe de l'égalité de traitement entre les personnes sans distinction de race ou d'origine ethnique;

3° [la Directive 2006/54/CE du Parlement européen et du Conseil du 5 juillet 2006 relative à la mise en oeuvre du principe d'égalité de traitement entre hommes et femmes en matière d'emploi et de travail.]

LOI DU 20/07/1990 RELATIVE À LA DÉTENTION PRÉVENTIVE, CHAPITRE 1.

Article 1. L'arrestation en cas de flagrant crime ou de flagrant délit est soumise aux règles suivantes :

1° la privation de liberté ne peut en aucun cas dépasser 48 heures;

2° les agents de la force publique mettent immédiatement à la disposition de l'officier de police judiciaire toute personne soupçonnée dont ils ont empêché la fuite. Le délai de 48 heures prévu au 1° prend cours à partir du moment où cette personne ne dispose plus, à la suite de l'intervention de l'agent de la force publique, de la liberté d'aller et de venir;

3° tout particulier qui retient une personne prise en flagrant crime ou en flagrant délit dénonce immédiatement les faits à un agent de la force publique. Le délai de 48 heures prévu au 1° prend cours à partir du moment de cette dénonciation.

NOTES DE BAS DE PAGE

1. A cisgender person is a person whose gender assigned to him/her at birth is consistent with that with which he/she identifies. This term is opposed to the term transgender which is, therefore, a person whose gender assigned to him/her at birth is not in line with that with which he/she identifies. Transgender people are also victims of sexism.
2. Female, Intersex people, Non-binary people, Transgender people, Agender people
3. Plan SACHA is an initiative of the asbl Z! which has a mission dealing with issues related to gender-related and sexual violence in festive environments as a separate phenomenon, with particularities in terms of awareness and prevention, psycho-social assistance and training of teams. https://www.plansacha.be/
4. The reduction of risks is a public health strategy aimed at preventing harm related to the use of drugs, licit or illicit, whether they are used on an experimental, recreational or occasional basis, or in the case of addiction. Source: https://www.modusvivendi-be.org
5. Source: Site of the Agence des Nations Unies pour les Réfugiés
6. Source: Plan SACHA
7. Source: Femmesdedroit.be
8. Mis-gendering is the act of addressing a person by pronouns by which they do not define themself. For example, a person who considers himself a woman who is referred to as sir is mis-gendered (source: La Langue Française). Mis-gendering constitutes a source of insecurity for the persons concerned when it involves being patted down at an entrance or when going to the restroom, where they may experience discrimination or violence.
9. Source: Justice.belgium.be
10. Source: Charte de la Réduction des Risques of Modus Vivendi
11. Source: Dispositif d'observation prospectif et permanent from the Centre d'Addictovigilance de Paris
12. Source: Dispositif d'observation prospectif et permanent from the Centre d'Addictovigilance de Paris
13. Example: vidéo de sensibilisation (awareness video) on gender-based and sexual violence from Safe Ta Night (in French with Dutch subtitles)
14. Example: fiches pratiques (practical guide) from Ici C'est Cool (in French)
15. An invisible back-up is a person who remains in the background at the time of an intervention with a perpetrator so that this person does not feel surrounded, which could lead to an escalation of violence. In this case, the invisible back-up may intervene alongside the main responder.

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