

Street Harassment: The Inadequacy of European Laws

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Street harassment calls for more than one solution. Photo by Christian Koch

Summary

Catcalling reduces a person to a sexual object. Following the vivid testimonials of victims and subsequent outcry of feminist organisations, there have been legal developments for the protection of women against street catcalling in many European countries (Peeters, 2015). Belgium, Portugal and France are among these countries which have introduced on-spot fines and other punishments. However, the phenomenon of catcalling has yet ceased to exist. One of the many challenges is that only a few cases are effectively persecuted. In order to see where the shortcomings of laws stem from, an analysis of the implementation of the laws in the aforementioned three countries will be presented in this policy brief. Subsequently, a set of

recommendations for the governments to follow, such as the improving the response of police and security forces, will be laid out.

Background

As opposed to other types of harassment, “catcalling” is understood as the act of shouting, harassing, and often sexually suggestive, threatening, or derisive comments at someone publicly (Merriam-Webster, 2020). From “jokes” and repeated intrusive sexual comments to abusive behaviour, street harassment can take up many different forms. While men are also a victim of this, women are disproportionately affected and overwhelmingly the ones dealing with this issue. According to the recent studies, in France alone, up to 66% of women have been whistled at, which is only one of many forms of street harassment (Fondation Jean Jaures, 2018). Within the last decade, more and more European countries have decided to create a new legal concept of street harassment and have it embedded in the penal codes, including Belgium, France and Portugal.

New Legislation

Street harassment escapes more traditional definitions of what discrimination is considered to be. Intrusive comments, whistling, shouting, following the individual and many other forms of verbal and non-verbal intimidation take place in the midst of a public space. This is typically within the eye and ear reach of other witnesses. However, its instant, volatile and not always continuous character makes it incredibly difficult for a victim to claim a sort of damage and have her case pursued in the court (Mathew, 2017). For many women, the experience of being catcalled is a daily occurrence. In Belgium, it only took an entire production of a movie “Femmes de la rue” to spark a movement: one that eventually led to a supposedly strengthened legal protection against catcalling (Biliterijs, 2018).

In 2014, the Belgian government introduced a new criminal penalty against sexism and its most explicit forms (Loi Sexisme, 2014). If caught red-handed and pursued by the court, perpetrators are subjected to a fine of 1000 euros and up to one year of imprisonment. In order to be successful, the complaint would have to be filed and supported with evidence. Following the Belgian case and the growing awareness of this issue, other countries established their own versions of the street harassment laws. Portugal and France reiterated their interest in the protection of women on the streets and called for the strengthening of legal protection. Up to 100% of French women have experienced sexual harassment in public transportation (Ressot, 2015). One year after the introduction of the new law in 2018, France registered over 700 criminal procedures (Chadwick, 2019). However, the numbers still fall short of the reality that women live in. The website “paye ta shnek” alone recorded over 15000 testimonials within the span of a few years, while other feminist organisations, such as Osez Le Féminisme, uncover the shocking figures of unreported cases (Bienvault, 2019). The new criminal prosecutions have therefore failed to instill a feeling of security on the streets.

Challenges

Despite these seemingly some positive legal developments, old challenges persist and undermine the state's efforts as seen through the data above. Unlike other forms of sexual discrimination, catcalling is neither precisely defined nor adequately identified by both victims and law enforcers (Kissling, 1991). The society at large seems to have normalised these kinds of behaviours, which makes its victims unaware of the legal avenues available for them. Similarly, police officers lack training on what constitutes street harassment. There also lies the challenge of their own cultural subtleties and prejudice which set the foundation for victim-blaming. This eventually might lead to the rejection of proof, whose burden still falls on the victim. Given the intricate nature of the crime, this burden might be too big to endure (Fournier, 2017). Witnesses, videos or police's intervention are proven to be reliable evidence for the court, but this is hard to collect and therefore perpetrators manage to often get away with their crimes.

The legal challenges are further exacerbated and reinforced by the cultural dimension of catcalling. These relatively new laws being the emanation of society, still fall short in instilling a better understanding of what gender-based violence actually is. The precarious position that women often find themselves in is not well reflected in legal concepts such as the burden of proof. Women's rights advocates also cast light on the legal consequences of reducing the notion of street harassment to a simple infringement punished by a fine (Charruau, 2015). It sends a clear message to society that harassing a person is equivalent to jumping a red light without fully recognising the underlying intention and the impact it has on a victim. As long as perpetrators feel unpunished, they will continue claiming that the city, its streets and by extension its people belong to them.

Policy Recommendations

Given the complexity of the issue, street harassment calls for an integrated and multidimensional response. Solutions would need to encapsulate a socio-cultural change and a shift in the paradigm of security. This is why, it is recommended that governments and their respective municipal officials:

- ***Ensure the security of public spaces through measures like proper lightning at night, increased presence of the police, reliability of the public transport, adequate CCTV coverage, etc.***
- ***Collect data and evidence on which particular spots in the city might be more dangerous than the others.***
- ***Train law enforcement officers in gender-based violence and cultural gender bias.***
- ***Support local associations offering support to victims of harassment.***
- ***Introduce a gender-sensitive curriculum into schools which teaches people from a young age about gender-based violence.***
- ***Introduce easier and more accessible forms of reporting the street harassment cases.***

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