



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the eighth periodic report of Belgium*

1. The Committee considered the eighth periodic report of Belgium (CEDAW/C/BEL/8) at its 1917th and 1918th meetings (CEDAW/C/SR.1917 and CEDAW/C/SR.1918), held on 14 October 2022.

A. Introduction

2. The Committee appreciates the submission by the State party of its eighth periodic report, which was prepared in response to the list of issues and questions prior to reporting (CEDAW/C/BEL/QPR/8). It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/BEL/CO/7/Add.1). It welcomes the oral presentation by the delegation and the further clarifications provided in writing in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its multisectoral delegation, which was headed by the Permanent Representative of Belgium to the United Nations Office and other international organizations in Geneva, Marc Pecsteen de Buytsverve, and included the General Delegate of the Flemish Government, the General Delegate of Wallonia-Brussels, representatives of the Federal Public Service for Employment, the Federal Public Service for Justice, the Federal Public Service for Social Security, the Federal Public Service for Home Affairs represented by the migration office, the Flemish Government, the Wallonia-Brussels Federation, the Institute for the Equality of Women and Men, and other representatives of the Permanent Mission of Belgium to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2014 of the State party's previous report in undertaking legislative reforms, in particular the adoption of the following:

(a) Act of 4 February 2020 amending the Act of 10 May 2007 on combating discrimination between women and men, adding the following characteristics with

* Adopted by the Committee at its eighty-third session (10–28 October 2022).



respect to the prohibition of discrimination: sexual characteristics, breastfeeding, adoption, medically assisted procreation, paternity and co-maternity;

(b) Act of 12 May 2019 establishing a Federal Institute for the Protection and Promotion of Human Rights;

(c) Act of 22 May 2019 on trafficking in human organs and the principle of non-punishment of victims of trafficking in persons, which provides that victims of trafficking cannot incur a sanction for the acts that they commit as a direct consequence of their exploitation;

(d) Act of 15 October 2018 on the voluntary termination of pregnancy, eliminating the test for distress and removing abortion from the Criminal Code;

(e) Act of 18 June 2018 on combating acts of violence committed in the name of culture, customs, religion, tradition or so-called “honour”, including genital mutilation;

(f) Act of 30 March 2017 amending article 61/2 of the Act of 15 December 1980, on access to the territory, residence, settlement and expulsion of foreign citizens, replacing the order to leave the territory with a temporary residence permit as part of the procedure to address trafficking in persons;

(g) Act of 31 May 2016, supplementing the implementation of European obligations regarding the sexual exploitation of children, child pornography, trafficking in persons and assistance with illegal entry, transit and residence, which extended the list of aggravating circumstances, introduced harsher penalties for perpetrators of trafficking, criminalized attempted trafficking and extended the statute of limitations to 18 years for trafficking-related offences, and strengthened the protection of victims of trafficking.

5. The Committee welcomes the State party’s efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) A national action plan to combat gender-based violence for the period 2015–2019, in 2015, and a new national action plan to combat all forms of gender-based violence for the period 2021–2025, in 2021;

(b) An action plan to combat trafficking in persons for the period 2015–2019, in 2015, and a new action plan to combat trafficking in persons for the period 2021–2025, in 2021;

(c) An interfederal action plan to counter discrimination and violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons for the period 2018–2019 and a federal action plan for an LGBTI-friendly Belgium for the period 2021–2024, in 2021;

(d) A federal gender mainstreaming plan for the period 2015–2019, in 2015, and a federal gender mainstreaming plan for the period 2020–2024, in 2020;

(e) A five-year plan for women in the fields of science, technology, engineering and mathematics and information and communications technology (ICT), entitled “Women in digital. National and intersectoral strategy 2021–2026”, in 2021;

(f) The Interministerial Conference on Women’s Rights to strengthen cooperation between the different levels of government and monitor action at the highest political level, in 2019;

(g) An assessment commission within the Federal Public Service for Justice to evaluate the federal legislation on combating discrimination, in 2016.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the following instruments:

(a) Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in 2016;

(b) Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO), in 2015.

C. Sustainable Development Goals

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of Belgium and to adopt relevant policies and strategies to that effect.**

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the Federal Parliament and regional parliaments of Belgium, in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

Women's rights and gender equality in relation to the pandemic and recovery efforts

9. The Committee welcomes the creation of a working group including 12 ministerial cabinet members of the Interministerial Conference on Women's Rights and the measures and practices adopted during the coronavirus disease (COVID-19) pandemic to mitigate its impact on women's enjoyment of their rights, including measures to combat gender-based violence against women, protect victims and prosecute perpetrators of such violence, as well as measures to strengthen sexual and reproductive health rights and women's economic independence. However, the Committee wishes to draw the attention of the State party to the importance of COVID-19 recovery strategies to women's enjoyment of their rights.

10. **The Committee, in line with its guidance note on the obligations of States parties to the Convention in the context of COVID-19, issued on 22 April 2020, recommends that the State party:**

(a) **Implement institutional, legislative and policy measures to redress long-standing inequalities between women and men and to give renewed impetus to the achievement of gender equality by placing women at the centre of**

COVID-19 recovery strategies as a strategic priority for sustainable change, in line with the Sustainable Development Goals;

(b) **Ensure that, in the context of post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles;**

(c) **Ensure the equal participation of women and girls, including disadvantaged and marginalized groups of women, in the design and implementation of COVID-19 recovery programmes;**

(d) **Ensure that women and girls benefit equally from stimulus packages, including financial support for unpaid care work, aimed at mitigating the socioeconomic impact of the pandemic.**

Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

11. The Committee welcomes the information provided by the delegation during the dialogue that specific university master's programmes and, since 2020, mandatory capacity-building programmes for judges cover the Convention. However, it notes with concern that:

(a) The Convention, the Optional Protocol thereto and the Committee's general recommendations are not widely known, nor are they invoked in courts;

(b) References to the provisions of the Convention are absent from court decisions in the State party.

12. **The Committee recommends that the State party:**

(a) **Provide systematic capacity-building and training for government officials, judges, prosecutors, police officers and other law enforcement officials, as well as lawyers, on the Convention, the Optional Protocol thereto and the Committee's general recommendations;**

(b) **Take steps to introduce, in legislation and in practice, sufficient legal safeguards to ensure in its domestic legal system full protection of the rights enshrined in the Convention.**

Access to justice

13. The Committee notes the amendments introduced in the Judicial Code in respect of legal aid, in 2016 and 2020. However, the Committee notes with concern that the eligibility criteria for aid have been severely restricted and that the procedure to access aid has become more complex. The Committee also notes with concern:

(a) That complaints are not always registered by the police, who are not always able to inform victims of their rights or refer them to the correct services;

(b) The serious obstacles to access to justice faced by migrant women who are victims of gender-based violence, particularly those without a residence permit, for fear of being deported, and by women with disabilities.

14. **In line with its general recommendation No 33 (2015) on women's access to justice, the Committee recommends that the State Party ensure that the eligibility criteria for legal aid and public defence services are based on the real income or disposable assets of the woman and that the procedure to access aid is accessible, sustainable and responsive to the needs of women. The Committee also recommends that the State party:**

(a) **Ensure that all complaints are always registered by the police and that they receive adequate training on gender-based violence against women and specialized services for victims;**

(b) **Take all measures necessary to eliminate the serious obstacles to access to justice faced by all women, including undocumented women and women with disabilities, by ensuring the provision of procedural and age-appropriate accommodation, as well as interpretation services, and by granting a residence permit during the entire judicial proceedings for undocumented victims.**

National machinery for the advancement of women

15. The Committee notes that the Institute for the Equality of Women and Men is responsible for coordinating efforts to combat gender-based violence, gender mainstreaming at the federal level and the monitoring of gender equality policies in areas such as employment. It welcomes the creation of the Interministerial Conference on Women's Rights in December 2019, to strengthen cooperation among the levels of government and to monitor actions at the highest political level; the adoption of the federal gender mainstreaming plan for the period 2015–2019, which has been extended to cover the period 2020–2024 and includes the commitment to integrating a gender dimension into various government policies. The Committee notes with concern, however, that the integration of a gender perspective into federal policies remains a challenge and that evaluation reports on the impact of draft legislation on the situation of women (“gender test”), which are included in a preliminary impact analysis submitted to the Council of Ministers, are prepared by the respective government departments authoring the draft legislation and therefore vary in the strength of their analysis.

16. **The Committee recommends that the State party:**

(a) **Establish a clear, robust and efficient monitoring mechanism in order to improve the coordination at all levels, in particular between the Federal entities; conduct, with the participation of civil society organizations, a systematic assessment of the federal gender mainstreaming plan for the period 2020–2024 to evaluate its effectiveness and its concrete impact on women's rights and leadership in line with Vision 2030; and allocate adequate human, technical and financial resources for its implementation;**

(b) **Strengthen capacity-building for the legislators to harmonize the methodology and standard of gender impact assessments of draft legislation.**

National human rights institution

17. The Committee welcomes the adoption of the Act of 12 May 2019 on the establishment of a Federal Institute for the Protection and Promotion of Human Rights, which ensures full coverage of human rights at the federal level. It notes, however, that the national human rights institution has still not been accredited in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

18. **The Committee recommends that the State party ensure as a matter of priority that the Federal Institute for the Protection and Promotion of Human Rights has a mandate to receive and examine individual complaints and petitions; and that it complies with the Paris Principles. It also recommends that the State party facilitate the application of the Federal Institute for the Protection and Promotion of Human Rights for accreditation by the Global Alliance of National Human Rights Institutions; provide it with adequate**

human, technical and financial resources; and encourage its cooperation with women's civil society organizations.

Temporary special measures

19. The Committee notes that the State party legislation provides quota systems and promotes affirmative actions for equality between women and men and for disadvantaged groups of people. However, the Committee notes with concern that the State party has not adopted in the reporting period any temporary special measures to accelerate the achievement of substantive equality of women and men in areas where women are underrepresented or disadvantaged, in particular in decision-making and leadership positions in political and economic life, or for disadvantaged groups of women, such as migrant women, including undocumented women, women with disabilities and Roma women, in all areas covered by the Convention.

20. In line with article 4 (1) of the Convention and its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:

(a) **Adopt temporary special measures to achieve substantive equality of women and men in areas where women are underrepresented or disadvantaged, in particular in decision-making and leadership positions in political and economic life, or in any other sphere where women remain underrepresented, with time-bound targets and benchmarks, and sanctions in the event of non-compliance;**

(b) **Define and introduce “affirmative actions” for women in current and future sectoral public policies aimed at disadvantaged populations (such as migrants, Roma and persons with disabilities), aimed at accelerating the achievement of substantive equality of women and men.**

Stereotypes

21. The Committee welcomes the measures taken by the State party to combat sexism in the public space and eliminate discriminatory gender stereotypes, including awareness-raising aimed at eliminating discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society. It further notes two recent convictions under the Act of 22 May 2014 on combating sexism in the public space and the significant increase in the number of reports relating to acts of sexism, which rose from 133 in 2017 to 1,625 in 2019. The Committee is concerned, however, that the State party has not yet adopted a comprehensive strategy aimed at eliminating discriminatory stereotypes against women.

22. The Committee recommends that the State party adopt a comprehensive strategy, with a dedicated budget and time-bound targets and objectives, aimed at eliminating discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society.

Harmful practices

23. The Committee notes with concern that despite the existing legislation and measures taken, there are still harmful practices against women and girls in the State party. In this regard, the Committee express its concern that:

(a) A mechanism to monitor progress in protecting women and girls from harmful practices, including child and/or forced marriage, is absent;

(b) Forced sterilization of women and girls with disabilities, and in particular those with intellectual and psychosocial disabilities, continues to be a widespread practice and a requirement in some institutions;

(c) Children with intersex variations at birth are at times subjected to invasive and irreversible medical interventions to assign a sex;

(d) Data and measures to combat incest, which is still treated as taboo in society, are lacking.

24. The Committee recommends that the State party:

(a) **Provide capacity-building to judges, prosecutors, the police, civil registrars and law enforcement officers on the strict application of criminal law provisions and other legislation prohibiting forced marriage to ensure that cases of forced marriage are effectively investigated and prosecuted, and that perpetrators are adequately punished; raise awareness among religious leaders, migrant communities and the general public about the criminal nature of child and/or forced marriages; require prior civil registration of a union before a religious wedding ceremony may take place; and assess the impact of measures taken to protect women and girls from harmful practices and to combat these harmful practices;**

(b) **Ensure that, in practice, women with disabilities, particularly with intellectual or psychosocial disabilities, are not subjected to sterilization without their free, prior and informed consent, and offer them training programmes on health and sexual and reproductive rights, including the prevention of sexual abuse, in accessible formats and adapted to their particular needs;**

(c) **Put an end to irreversible medical interventions, in particular surgery, on intersex children;**

(d) **Take all necessary measures to raise awareness about, prevent and combat intrafamily sexual abuse against women and girls, including incest, ensuring that victims receive appropriate care and effective reparation for the harm caused, as well as monitor the full implementation of the recent legal reform as far as incest is concerned.**

Gender-based violence against women

25. The Committee welcomes the ratification in 2016 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the adoption of a new national action plan to combat all forms of gender-based violence for the period 2021–2025. It further notes the adoption of a new circular COL 15/2020 on the assessment of the risks of domestic violence; the revision of criminal policy circular COL 04/2006 in 2015 on rules to be applied for the treatment of situations of domestic violence; the amendment of legislation relating to the temporary ban on residence for perpetrators of domestic violence, in order to facilitate its use (Act of 5 May 2019 on various provisions in criminal matters); and measures to strengthen victim support services. However, the Committee notes with concern the limited number of places in shelters for victims of gender-based violence in the State party; the decreasing funding of policies to combat violence against women; and the lack of comprehensive and updated statistical data on the extent of gender-based violence in the State party.

26. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against women and girls in the public and private spheres, the Committee recommends that the State party:

(a) **Ensure the availability and adequate funding of accessible shelters for women and girls who are victims of gender-based violence, providing legal, medical and psychological assistance, as well as skills training and education;**

(b) **Allocate adequate funding for the implementation of the action plan to combat all forms of gender-based violence and its regular monitoring and evaluation;**

(c) **Ensure the systematic collection of data on gender-based violence against women and girls, disaggregated by age, nationality, disability and the relationship between the victim and the perpetrator.**

27. The Committee notes the adoption of amendments to the Criminal Code on 21 March 2022, defining sexual violence under “offences against sexual integrity, the right to sexual self-determination and good morals”. The Committee welcomes the progress achieved by the State party towards combating sexual violence, in particular the extension of sexual assault centres in June 2020, which are established in hospitals, allowing victims of sexual violence to file complaints and obtain victim support services in a one-stop centre that is open 24 hours a day, seven days a week. However, the Committee notes with concern that outside these structures, women and girls who are victims of sexual violence face multiple barriers to filing complaints and that sexual violence against children, including incest, is still prevalent in the State party. It further notes that crimes of femicide and induced suicide had not been introduced in the ongoing reform of the Criminal Code and that the Femicide Watch Platform had recorded at least 22 murders of women in 2021.

28. **The Committee recommends that the State party:**

(a) **Ensure sustainable funding for the sexual assault centres;**

(b) **Review and assess legislation on sexual violence with a view to ensuring full protection of women and children in accordance with international standards, conduct research on the different forms of sexual violence and produce reliable statistics thereon, and conduct comprehensive and age-appropriate education and awareness-raising in schools;**

(c) **Ensure, through mandatory and continuous professional training for judges, prosecutors, the police and other law enforcement officers, that all acts of sexual violence against women are effectively investigated and prosecuted, and that perpetrators are adequately punished;**

(d) **Introduce in the Criminal Code clear provisions against femicide and induced suicide.**

29. The Committee welcomes the adoption of the Act of 18 June 2018 on combating acts of violence committed in the name of culture, customs, religion, tradition or so-called “honour”, including genital mutilation. It notes the adoption of a criminal policy circular (COL 6/2017) to sensitize magistrates and police officers and give them tools to undertake gender-sensitive investigations, and to define the prosecution policy for prosecutors. It further notes that awareness-raising activities have been carried out, including the creation of a website and a poster campaign disseminating the toll-free help line 0800/90.901, as well as the development of a guide on gender-based violence committed in the name of so-called “honour” for legal and health professionals, to enable them to recognize the signs and manage such situations. However, the Committee notes with concern the scarcity of disaggregated statistical data on cases prosecuted under Act on combating acts of violence committed in the name of culture, customs, religion, tradition or so-called “honour”.

30. **The Committee recommends that the State party:**

(a) **Ensure that perpetrators of gender-based violence against women committed in the name of culture, custom, religion, tradition or so-called “honour” are prosecuted and adequately punished and that the sentences and penalties provided for in the Criminal Code and in the Act on combating acts of violence committed in the name of culture, customs, religion, tradition or so-called “honour”, including genital mutilation, are strictly enforced;**

(b) **Ensure the collection and analysis of comprehensive updated statistical data on violence perpetrated in the name of culture, customs, religion, tradition or so-called “honour”, disaggregated by age, nationality, disability and the relationship between the victim and the perpetrator;**

(c) **Raise awareness among religious leaders, target communities, legal and health professionals and the general public about the criminal nature of acts of gender-based violence against women committed in the name of so-called “honour” and that religious and customary rules, as well as notions of so-called “honour”, cannot be invoked to justify such acts.**

31. The Committee notes the appointment in each district of a police officer and a reference judge for cases of female genital mutilation and of physical and psychological violence in the name of so-called “honour”, prescribed by circular COL 06/2017 on criminal policy. The Committee takes note of the many initiatives taken to combat female genital mutilation, including the possibility of waiving professional secrecy in relation to acts of violence perpetrated in the name of culture, customs, religion, tradition or so-called “honour” provided for in the Criminal Code (article 458 *bis*); the operation of multidisciplinary treatment centres in two hospitals; studies and estimates on the prevalence of female genital mutilation in the State party; and the development in 2018, in consultation with the Order of Physicians, of a code for reporting cases of female genital mutilation, authorizing medical doctors to intervene in cases where there is a reasonable suspicion. However, the Committee notes with concern the low number of cases of female genital mutilation prosecuted under the Act on combating acts of violence committed in the name of culture, customs, religion, tradition or so-called “honour”, including genital mutilation.

32. **The Committee recommends that the State party ensure that perpetrators of female genital mutilation are prosecuted and adequately punished and that the sentences and penalties provided for in the Criminal Code and in the Act on combating acts of violence committed in the name of culture, custom, religion, tradition or so-called “honour”, including genital mutilation, are strictly enforced.**

Trafficking and exploitation of prostitution

33. The Committee welcomes the efforts by the State party to prevent and combat trafficking in persons, in particular women and girls, including the adoption of the Act of 31 May 2016, supplementing the implementation of European obligations regarding the sexual exploitation of children, child pornography, trafficking in persons and assistance with illegal entry, transit and residence; the Act of 22 May 2019 on trafficking in human organs and the principle of non-punishment of victims of trafficking in persons; the adoption of a new action plan to combat trafficking in persons for the period 2021–2025; awareness-raising initiatives; training for professionals; and the funding of three reception centres for victims of trafficking. The Committee notes with concern, however, that:

(a) Resources to combat trafficking in persons for both judicial officers and victim support are diminishing;

(b) A high percentage of sentences handed down to convicted traffickers in 2020 were either suspended or partially suspended (55 out of 97 sentences), which could be attributed to several factors, including the overly broad definition of trafficking in persons in the law;

(c) Concrete measures are lacking to address the so-called “loverboy” phenomenon, which targets girls;

(d) The reflection period of 45 days for women and girls who are victims of trafficking to decide whether or not to cooperate with competent authorities, and thus to be able to benefit from the protection measures provided, is relatively short.

34. In line with its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:

(a) **Fully implement the action plan to combat trafficking in persons and the anti-trafficking law, and ensure adequate resources are allocated, particularly for judicial officers and victim support;**

(b) **Amend the definition of trafficking in legislation to align it with recommendations from the Council of Europe Group of Experts on Action against Trafficking in Human Beings;**

(c) **Adopt concrete measures to address the so-called “loverboy” phenomenon, with underage girls who are victims;**

(d) **Consider increasing the reflection period for women and girls who are victims of trafficking, as particularly victims of sexual exploitation may need more time to recover before making a decision.**

35. The Committee takes note of the adoption of the Act of 21 March 2022 modifying the Criminal Code in relation to criminal law and sex offences, which repeals the crime of prostitution. It further notes the provision of public funding for exit programmes operated by non-governmental organizations for women who wish to leave prostitution. The Committee is, however, concerned about the vagueness of the new law and its impact on the identification of victims of trafficking, particularly women from outside the European Union; the absence of specific legal measures to criminalize the purchase of sexual services from girls or women who are victims of trafficking; the increasing demand for prostitution; and the lack of information on the measures taken by the State party to reduce it.

36. The Committee recommends that the State party address the root causes of prostitution, such as structural gender inequalities, as well as the demand for prostitution, and adopt targeted measures to protect women, in particular disadvantaged women, from being exploited in prostitution, including by expanding exit programmes and alternative income opportunities for women who wish to leave prostitution. It further recommends that the legislation be reviewed in order to:

(a) **Clearly define the conditions under which it will be possible to recruit a person for the purposes of prostitution;**

(b) **Criminalize the purchase of sexual services from girls or women who are victims of trafficking.**

Equal participation of women in political and public life

37. The Committee notes that women represent 41 per cent of elected Members of the Federal Parliament, 44 per cent of regional parliamentarians, 40 per cent of elected local representatives in the Flemish Region and the Walloon Region, and 50 per cent

in the Brussels-Capital Region. It notes that, although in October 2020, the federal government had parity of composition, there were three women in the Flemish government (33.3 per cent), three in the Walloon government (37.5 per cent), and three in the Brussels government (37.5 per cent). The Committee notes with concern, however, that apart from the Walloon regional level (44.4 per cent), the proportion of women occupying the highest administrative positions was only 11.1 per cent at the federal level, 18.2 per cent at the Flemish regional level, and 28.6 per cent at the Brussels Capital level in 2017; that the percentage of women in ambassadorial positions in the foreign service was 12.4 per cent in 2022; and that the number of women on boards of directors of autonomous public companies and listed companies was 26.8 per cent in 2017.

38. Recalling its general recommendation No. 23 (1997) on women in political and public life and target 5.5 of the Sustainable Development Goals, to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life, the Committee recommends that the State party:

(a) **Pursue measures, including temporary special measures such as increased quotas, zipper systems for electoral lists of political parties and targeted campaign financing for women candidates, to achieve parity in the representation of women and men in elected positions in the federal, regional and community parliaments;**

(b) **Adopt targeted measures, including temporary special measures such as preferential recruitment and promotion of women applicants, to achieve gender parity in appointed public positions, including positions in the public administration, foreign service and the judiciary, especially at the decision-making level;**

(c) **Strictly enforce legislation that requires the boards of directors of companies listed on the stock exchange and autonomous public companies to have no more than two thirds of directors of the same sex;**

(d) **Consider adopting temporary special measures to accelerate the participation of women at the decision-making level in companies that are not covered by the legislation on autonomous public enterprises and listed companies;**

(e) **Provide capacity-building training to women politicians and candidates regarding political campaigning, leadership and negotiation skills, and raise awareness, in collaboration with the media, among politicians, the media and the general public, of the importance of gender parity in political and public life as a requirement for fully implementing the human rights of women and for achieving political stability in the State party.**

Nationality

39. The Committee notes with concern that:

(a) Some women have been deprived of their nationality, residence permit or passport owing to the fact that their names or those of their sons are included in databases for preventing and combating terrorism;

(b) Some undocumented women are stateless, and that legislation in the State party does not provide for the recognition of statelessness;

(c) Children born to Belgian citizens in areas of conflict are living in poor conditions, and that a clear procedure for their repatriation is lacking.

40. **The Committee urges the State party to:**

(a) **Establish legal safeguards and effective remedies for individuals whose nationality, residence permit or passport have been revoked since their names or those of close relatives are included in databases for preventing and combating terrorism;**

(b) **Regulate the granting of nationality or residence permits to persons recognized as stateless;**

(c) **Define and implement a clear procedure for the repatriation of children born to Belgian citizens from areas of conflict, respecting at all times the best interest of the children.**

Education

41. The Committee welcomes the efforts of the State party to eliminate discriminatory gender stereotypes in textbooks and educational materials; the adoption of a five-year plan for women in the fields of science, technology, engineering and mathematics and ICT, providing a national and intersectoral strategy for the period 2020–2025; raising awareness among young girls and boys; and the inclusion of gender and gender-based violence against women in initial teacher training. It notes with concern, however:

(a) Persistent gender segregation at all levels of education and the continued underrepresentation of women and girls in non-traditional fields of study and career paths, such as in science, technology, engineering and mathematics and ICT;

(b) The low number of women in high-level academic posts;

(c) The lack of systematic training on sexual and reproductive health and rights for teachers at the upper secondary level;

(d) The lack of data on access to education for disadvantaged groups of girls and women, including Roma, migrant, refugee and asylum-seeking girls and women, and girls and women with disabilities.

42. **In line with its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:**

(a) **Continue to promote the participation of girls and women in non-traditional fields of study and career paths, in particular in science, technology, engineering and mathematics and in ICT;**

(b) **Consider introducing temporary special measures, such as statutory quotas, to ensure the equal representation of women and men in high-level academic positions;**

(c) **Ensure that gender-sensitive, age-appropriate and accessible education on sexual and reproductive health and rights and responsible sexual behaviour is included in school curricula at all levels of education, with a view to preventing early pregnancies and sexually transmitted infections, including by providing teachers at all levels of the education system and throughout the territory of the State party with systematic training on sexual and reproductive health and rights;**

(d) **Strengthen access for girls and women from disadvantaged groups, including Roma, migrant, refugee and asylum-seeking girls and girls with disabilities, to mainstream education at all levels and include in its next periodic report disaggregated statistical data on school enrolment and completion, dropout rates and access to vocational and university education.**

Employment

43. The Committee welcomes the ratification of the ILO Domestic Workers Convention, 2011 (No. 189) in 2015. It notes the measures taken by the State party to address gender segregation in the labour market and improve women's access to careers in science and technology. It also notes the adoption of the Act of 15 March 2017 on practical and manageable work, which introduces a system of flexible working hours for employees; as well as the adoption in 2018 of a new and additional parental leave scheme, under which parents' working time may be reduced by 10 per cent. The Committee notes with concern, however:

(a) The persistent gender pay gap in the State party, vertical and horizontal segregation in the labour market, and women's concentration in part-time jobs in both the public and private sectors;

(b) The high number of complaints about employment discrimination based on pregnancy and maternity;

(c) The low number of cases of sexual harassment in the workplace investigated and where penalties were imposed;

(d) Reports on exploitation and abuse of women domestic workers by employers, and the persistence of inequality in the working conditions of domestic workers compared to other workers, in terms of remuneration, rest and leisure time, limits on working hours and protection in the face of unfair dismissal;

(e) The high unemployment rates and the additional obstacles faced by women from disadvantaged groups (such as migrant women, undocumented women, women with disabilities, Roma women and older women) in accessing, remaining in and securing promotions in the labour market.

44. The Committee draws attention to its general recommendation No. 13 (1989) on equal remuneration for work of equal value and to target 8.5 of the Sustainable Development Goals, to achieve, by 2030, full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value, and recommends that the State party:

(a) Review wages in all sectors, apply gender-sensitive analytical job classification and evaluation methods, conduct regular pay surveys, and encourage employers to publish a narrative with their gender pay gap data, with a view to better understanding the reasons behind the gender wage gap, and strictly enforce the principle of equal pay for work of equal value in order to narrow and ultimately close the gender pay gap;

(b) Prioritize the transition of women from part-time to full-time work, including by providing a sufficient number of adequate and accessible childcare facilities;

(c) Reinforce measures, including regular labour inspections and strengthening women's access to confidential and independent complaint mechanisms, to address employment discrimination against women based on pregnancy and maternity;

(d) Raise awareness among employers and employees of sexual harassment and the relevant provisions relating to protection against violence and moral or sexual harassment, ensure that all reports of sexual harassment are effectively investigated and that those responsible are adequately punished, and ratify the International Labour Organization Violence and Harassment Convention, 2019 (No. 190);

(e) **Strengthen labour inspections to monitor the working conditions of women domestic workers and investigate and punish exploitative and abusive practices of employers; and ensure in legislation and in practice that women domestic workers have explicit, written terms of employment outlining their specific duties, hours, remuneration, days of rest and other conditions of work, in contracts that are free, fair and fully consented to, together with information on access to complaint mechanisms;**

(f) **Take all necessary measures, including temporary special measures, to combat the structural barriers faced by women from disadvantaged groups (such as migrant women, undocumented women, women with disabilities, Roma women and older women) to secure full and productive employment, decent work and equal pay for work of equal value.**

Health

45. The Committee welcomes the amendments made to the right to voluntary termination of pregnancy by eliminating the test for distress and by removing abortion from the Criminal Code, in 2018. The Committee also welcomes the statement by the delegation of the State party that only the woman concerned but not a legal guardian can give consent to sterilization. It further notes the information given by the delegation during the dialogue that, since 2022, health-care coverage for psychological services has improved in the State party, including for women and girls, and that there is no need to go through a general practitioner; and that mental health prevention programmes have been established. The Committee nevertheless notes with concern:

(a) That women with disabilities, migrant women, including undocumented women, and Roma women often encounter difficulties in accessing health services, particularly sexual and reproductive health services and information, including access to safe abortion;

(b) The high prevalence of suicide and suicide attempts, including among women and girls, in the State party;

(c) The lack of free, prior and informed consent given by women, particularly women with intellectual or psychosocial disabilities and migrant women, and intersex children for any medical treatment or intervention.

46. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Ensure that all women and girls without sufficient means, in particular those belonging to disadvantaged groups, have free access to health care, which must be accessible, including sexual and reproductive health services and the right to abortion;**

(b) **Collect comprehensive data on the causes of the high prevalence of suicide, including among women and girls, and report on the measures taken to address it in its next periodic report;**

(c) **Ensure that all patients give free, prior and informed consent for any treatment or medical intervention and provide them with the support that they need to make an informed decision, when necessary.**

Economic empowerment

47. The Committee welcomes the creation of a gender mainstreaming task force in 2018 within the federal public finance service to identify and address gender bias in the tax system. However, it notes with concern:

(a) The lack of information on the results of the gender impact analysis of gender biases in the tax system;

(b) That women are at higher risk of poverty and social exclusion in the State party.

48. The Committee recommends that the State party adopt targeted measures for the economic empowerment of women and:

(a) **Address the risk of feminization of poverty and mainstream gender in the poverty reduction strategies, ensuring that women, in particular disadvantaged groups of women, such as single mothers, are included;**

(b) **Continue to conduct gender impact assessments of fiscal policies to ensure that they are gender-sensitive and non-discriminatory.**

Climate change and disaster risk reduction

49. The Committee welcomes the role of the State party in including, together with other States, a link between human rights, climate change and climate policy in the Paris Agreement on climate change, notably through a reference to gender equality and the empowerment of women. However, the Committee notes with concern the absence of a gender-responsive national strategy to address environmental risks and challenges, climate change and disaster risk management, including risk reduction, preparedness, response and rehabilitation.

50. In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party ensure that women are represented and participate in the development of legislation, policies and programmes on climate change, disaster response and disaster risk reduction. It also recommends that the State party integrate a gender perspective into such plans and policies and ensure that women, in particular rural women, are consulted in their development. It further recommends that the State party take measures to address the impact of climate change specifically on women's access to resources and livelihoods, in order to ensure that women are not disproportionately affected.

Disadvantaged and marginalized groups of women

Older women

51. The Committee notes that the at-risk-of-poverty rate for single older women has decreased from 25.2 per cent in 2009 to 20.3 per cent in 2018. It also notes that since 2016, the time credit system, career reduction and reduction of half-time work can be applied for the calculation of pension benefits. However, the Committee notes with concern that part of the population of older women faces economic precariousness and financial insecurity in the State party.

52. In line with its general recommendation No. 27 (2010) on older women and the protection of their human rights, and reiterating its previous recommendations (CEDAW/C/BEL/CO/7, para. 39), the Committee recommends that the State party address the precarious situation of many older women, including their economic situation, to prevent poverty and isolation.

Migrant, refugee, asylum-seeking and stateless women

53. The Committee welcomes the adoption of the federal contribution to the future inter-federal action plan against racism in 2022, including in employment, health, justice and public service, and in the digital area. However, it is concerned about further delays in the adoption at the inter-federal level of a national action plan against

racism and intersecting forms of discrimination against migrant, refugee and asylum-seeking women in the State party.

54. The Committee recommends that the State party adopt without delay an intergovernmental action plan against racism in areas such as access to justice, education, employment, health, housing, the media, cultural life and sports, as well as specific measures for women. It further recommends that the State party take measures to eliminate intersecting forms of discrimination against migrant, refugee and asylum-seeking women, both in society at large and within their communities.

Women with disabilities

55. The Committee notes with concern that women with disabilities in the State party often face exclusion from the labour market, high levels of institutionalization and high rates of gender-based violence.

56. In line with its general recommendation No. 18 (1991) on women with disabilities, the Committee recommends that the State party:

(a) **Ensure that all women and girls with disabilities are able to access the labour market, give their free and informed consent to decide where and with whom they choose to live, and access all support services available to victims of gender-based violence;**

(b) **Address intersecting forms of discrimination against women and girls with disabilities and ensure their inclusion and access to all rights under the Convention, including by eliminating restrictions on their legal capacity and ensuring their access to justice; protection from gender-based violence; and access to inclusive education, employment and health services, including sexual and reproductive health services.**

Lesbian, bisexual, transgender and intersex women

57. The Committee welcomes the adoption of a federal action plan for an LGBTI-friendly Belgium for the period 2021–2024 and notes the adoption of the Act of 25 June 2017 reforming the regulations applicable to transgender persons concerning references to a change in registered sex in civil status records and their effects. However, it notes with concern that the Constitutional Court declared the Act “partially unconstitutional” in 2019.

58. The Committee recommends that the State party amend the law relating to the registration of the sex of transgender persons in civil status documents in conformity with the Constitution to ensure that transgender women can obtain recognition of their sexual identity.

Marriage and family relations

59. The Committee notes with concern that:

(a) The legislation of the State party provides for exceptions to the legal minimum age of marriage of 18 years for both women and men as well as the persistence of the harmful practices of child and/or forced marriage within migrant and Roma communities;

(b) In case of application for divorce, shared custody of children is automatically applicable without exception, which may have a negative impact on women who are victims of gender-based violence and their children;

(c) The amendments introduced in 2017 in the legislation on inheritance could have a negative impact on women and girls.

60. The Committee recommends that the State party:

(a) **Amend its Civil Code to eliminate all exceptions to the legal minimum age for marriage of 18 years for both women and men;**

(b) **Ensure that family courts take incidents of domestic or other forms of gender-based violence into consideration when deciding on child custody upon dissolution of a marriage or union;**

(c) **Monitor and take all necessary measures to ensure that the new law amending the Civil Code with regard to inheritance and gifts, and amending various other provisions in this matter, does not negatively affect women and girls.**

Data collection

61. The Committee is concerned about the general lack of updated statistical data, disaggregated by sex, age, ethnicity, disability, geographical location and socioeconomic background, which are necessary for an accurate assessment of the situation of women, to determine whether they suffer from discrimination, for informed and targeted policymaking and for the systematic monitoring and evaluation of progress achieved towards the realization of women's substantive equality in all areas covered by the Convention.

62. The Committee calls upon the State party to develop a gender indicator system to improve the collection of data, disaggregated by sex and other relevant factors, which are necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. In this regard, the Committee draws the State party's attention to its general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from relevant United Nations agencies and to enhance its collaboration with women's associations that could assist in the collection of accurate data.

Beijing Declaration and Platform for Action

63. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.

Dissemination

64. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the de facto official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the Parliament and the judiciary, to enable their full implementation.

Ratification of other treaties

65. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to the concluding observations

66. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14 (b), 24 (b), 26 (a) and 44 (e) above.

Preparation of the next report

67. The Committee will establish and communicate the due date of the ninth periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

68. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.