



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of  
Discrimination against Women**

**Eighth periodic report submitted by Belgium under article 18  
of the Convention, due in 2020\*\***

[Date received: 18 November 2020]

\* The present report is being issued without formal editing.

\*\* The annex to the present document may be accessed from the web page of the Committee.



## Introduction

1. The present report is submitted in accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Belgium on 10 July 1985. It was prepared in accordance with the new optional procedure adopted by the Committee on the Elimination of Discrimination against Women in 2018.

2. The report describes new policies and changes in legislation, regulations, jurisprudence and administrative practices that relate to the substantive articles of the Convention and that have been adopted since the seventh periodic report of Belgium in 2012 ([CEDAW/C/BEL/7](#)), its replies in 2014 prior to reporting ([CEDAW/C/BEL/Q/7/Add.1](#)) and its interim follow-up to the Committee's concluding observations ([CEDAW/C/BEL/CO/7/Add.1](#)) up until 30 September 2020. The new measures adopted since that date will be discussed during the oral introduction of the report. For general information on Belgium, please refer to the common core document.

3. For the purposes of preparing this report, a meeting was held on 27 October 2020 between representatives of the Belgian authorities and civil society (the Belgian Disability Forum, CNCD-11.11.11, the Council of French-Speaking Women in Belgium (Conseil des Femmes Francophones de Belgique), the Walloon Council on Equality between Men and Women (Conseil wallon de l'égalité entre hommes et femmes), the Ella non-profit organization, the Human Rights League (Ligue Droits Humains), Soroptimist International Europe, Synergy Wallonia for Equality between Women and Men (Synergie Wallonie pour l'Égalité entre les femmes et les hommes asbl) and the Interfederal Centre for Equal Opportunity (Unia).

## Replies to the list of issues ([CEDAW/C/BEL/QPR/8](#))

### General

#### Question 1

4. The employment rate in Belgium in 2018 for the age group 20–64 was 65.5 per cent for women, as opposed to 73.9 per cent for men, and 43.5 per cent of employed women worked part-time, as opposed to 11 per cent of men. Women accounted for only 35 per cent of freelancers and 9.9 per cent of start-up founders. Overall, their pensions were lower than those of men, at €989 euros gross per month as opposed to €1,244 for men, and they accounted for 69 per cent of persons on parental leave. At the end of 2018, 53.4 per cent of social integration income recipients were women. Their poverty risk was slightly higher than that of men, at 20.9 per cent as opposed to 19 per cent. It was markedly higher, at 49.7 per cent, for single-parent households, more than 80 per cent of which were female-headed. The percentage of people self-reporting as suffering from a chronic disease or condition was significantly higher for women (31.3 per cent) than for men (27.2 per cent). Problematic alcohol use was more common among men (17.4 per cent) than women (8.1 per cent). Physical activity levels were higher for men (60.2 per cent) than women (51.8 per cent). Men, however, accounted for a disproportionate number of deaths related to suicide or vehicles (70 per cent, as opposed to 30 per cent).

5. School drop-out rates were higher for boys than for girls in all three regions of the country; in 2019, they were 3 per cent higher in the Flemish Region, 6.5 per cent higher in the Brussels-Capital Region and 6.3 per cent higher in the Walloon Region. Women were more highly qualified than men in the three regions. In 2019, 49 per cent of women in the Brussels-Capital Region held higher education degrees, as

opposed to 45 per cent of men. In the Flemish Region, those figures were 46 per cent and 37 per cent respectively; in the Walloon Region, 42 per cent and 33 per cent. There was still a significant gender disparity in fields of study. In the Flemish Community, 77 per cent of applied science students were boys, and 83 per cent of psychological and pedagogical science students were girls. In French Community higher education, more than 70 per cent of students in social fields of study were girls, and 90 per cent of students in technical fields of study are boys.

6. Gender disaggregation of statistics has improved in Belgium in recent years. The statistics given below are only a small sample of what has been produced. Gender-disaggregated statistics inform policy in the areas covered by the Convention and are used for gender mainstreaming.

7. At the federal level, the Institute for the Equality of Women and Men has published a statistical collection entitled “Women and men in Belgium”, which gives an overview of the main gender indicators in the areas of population, migration, income and poverty, paid work, business management, work-life balance, time management, responsibilities, health, crime, violence, mobility and training. The chapters on population, migration and time management were updated in 2018.<sup>1</sup>

8. In 2016, the Flemish Community launched a new database that makes it possible to monitor gender-specific indicators in several areas. The Flemish Gender Monitor<sup>2</sup> maps out the social position of men and women and tracks their development over several years. It provides an overview in the areas of education, paid and unpaid work, income and poverty, health, decision-making and social situation. The Flemish Statistics Authority will publish another report on the participation and social position of men and women in late 2020. This initiative amounts to an overhaul of the previous monitoring mechanism. In 2016, as part of its activities monitoring immigration and integration, the Flemish Community published an analysis of the situation of women of foreign origin.

9. The French Community has developed a database of key figures in the areas under its purview. Since 2019, a specific section<sup>3</sup> has produced gender-disaggregated indicators in the areas of education, culture, sport, youth support workers, scientific research, legal aid centres, employment, and childhood and its socioeconomic aspects.

10. The Walloon Institute for Evaluation, Future Studies and Statistics has compiled a significant collection of statistics on the situation of women and men in the Walloon Region in general, and regarding areas related to poverty in particular. Four special papers on equality between men and women have been published since 2015. The gender dimension was taken into consideration in the simplified activity report introduced in the Walloon Region to collect quantitative and qualitative data with a view to developing a barometer for social work.

11. The Brussels Statistics and Analysis Institute has integrated the gender dimension into its statistics. In May 2014, it published an issue entitled *Gender and statistics in the Brussels-Capital Region*. In 2016, it published on its regional portal (Opendatastore.brussels) 16 gender-disaggregated data sets covering population, insecurity and welfare, health, education, the labour market, mobility and transport, security and elections. A leaflet on gender statistics was recently produced in cooperation with the Catholic University of Louvain. That document is an essential tool for meeting the targets set out in the Gender Mainstreaming Order.

<sup>1</sup> [https://igvm-iefh.belgium.be/fr/publications/femmes\\_et\\_hommes\\_en\\_belgique\\_statistiques\\_et\\_indicateurs\\_de\\_genre\\_troisieme\\_edition](https://igvm-iefh.belgium.be/fr/publications/femmes_et_hommes_en_belgique_statistiques_et_indicateurs_de_genre_troisieme_edition).

<sup>2</sup> <https://www.vlaanderen.be/nl/publicaties/detail/vlaamse-gendermonitor-2016>.

<sup>3</sup> <https://statistiques.cfwb.be/transversal-et-intersectoriel/genre/>.

## Legal framework

### Question 2

12. Belgium has an ample set of constitutional provisions, laws, regulations and decrees aimed at combating gender-based discrimination and ensuring respect for the principle of equality between women and men in economic, social, cultural and political life.

13. The courts decide, with full independence, whether or not the provisions of international treaties are directly applicable, based on their assessment as to whether the necessary conditions for doing so have been met.

14. Belgian case law provides few instances of concrete application of the Convention, because litigants generally prefer to invoke national and/or regional or European provisions enshrining the same rights. The provisions of the Convention are therefore most often invoked on a secondary or ancillary basis, and they are considered by the courts on that same basis.

15. The range of international provisions, including the Convention, are referenced in presentations for trainee legal practitioners and lawyers, although there is no specific course on the topic. The Convention is promoted in study days on equality between women and men.

## National machinery for the advancement of women

### Question 3

16. The Institute for Equality between Women and Men is responsible for upholding and promoting equality between women and men and for combating any form of gender-based discrimination or inequality. In the Flemish Region and the Flemish Community, responsibility rests with the Flemish mediator against gender discrimination (the Gender Section), under the auspices of the Flemish mediator. The Institute fulfils those tasks by helping victims of discrimination on the grounds of sex, maternity, pregnancy, childbirth, sex change and gender identity and expression. The law on gender<sup>4</sup> was strengthened in early 2020 to include sexual characteristics, breastfeeding, adoption, medically assisted reproduction, paternity and co-maternity. The Institute provides legal aid and raises awareness of gender-based discrimination issues by means of studies, research, advice and recommendations. At the federal level, the Institute performs administrative functions by preparing and implementing the decisions of the Federal Government and following up on European and international policies on equality between women and men. Its tasks include coordinating the fight against gender-based violence, implementing gender mainstreaming at the federal level, and following up policies for equality in such areas as employment and decision-making. It also provides institutional support for women's and feminist associations. It fulfils those tasks under the authority of the Government member responsible for equal opportunities.

17. As a government agency with administrative autonomy, the Institute has a board of directors that defines broad policy further to proposals from management. In 2018, it employed 41 persons on average (the equivalent of 39 full-time posts). It receives an annual federal grant (€4,601,000 in 2018) and a grant from the National Lottery (€96,500 in 2018), as well as its own revenue of €22,000. It also receives specific amounts on an annual basis pursuant to memorandums concluded with federal agencies. In 2018, the Institute assumed responsibility for the administrative follow-up

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<sup>4</sup> Act of 10 May 2007 on combating discrimination between women and men.

of three pilot projects for centres to assist victims of sexual violence. To fund those projects, it has received €2,263,000 in additional funding and a €1,184 grant from the National Lottery. A decision has recently been taken to establish and fund seven other such centres.

18. A federal gender mainstreaming plan was adopted in July 2015. The plan includes a commitment on the part of members of the Government to implement the Gender Mainstreaming Act of 12 January 2007, and a commitment to integrate the gender dimension into various government policies during the parliamentary term.

19. Tangible progress has been made with mainstreaming gender in federal policies;<sup>5</sup> but doing so in a structural manner continues to be a challenge. A new federal plan will soon be formulated.

20. The Act of 12 January 2007 provided for an impact assessment report on draft regulations concerning the situation of women and men (the “gender test”). It should be recalled that, in 2013, that task was integrated into a prior impact assessment of draft regulations that was submitted to the Council of Ministers and addressed five areas: sustainable development, equality of women and men, small and medium enterprises, administrative costs and development cooperation. The section on the equality of women and men consisted of five open questions. The assessment was carried out by the authors of the draft regulations. In its reports, the Impact Analysis Committee noted that answers given under the item on the equality of women and men were of uneven quality. In its recommendations, the Committee called for various measures to improve the quality of the assessments, such as making better use of the available statistical resources; better planning and integrating the assessments into work processes; identifying aspects of the assessment on which regulation authors should focus their impact analysis; strengthening cooperation among stakeholders in the assessment; and strengthening the training of regulation authors.

21. Gender mainstreaming has been applied in all areas under the purview of the Brussels-Capital Region. The strategic targets of the political parliamentary term are subject to impact analysis through a plan of action (2015–2019) and budget items, and the gender dimension has been integrated into the budget since 2017.

22. On 17 September 2020, the French Community adopted a plan on women’s rights based on the Decree of 27 April 2020. The plan is based on four focus areas: combating violence against women; dismantling stereotypes and improving portrayals of gender roles; improving representation of women in all job types and at decision-making and leadership levels; and facilitating work-life balance.

## **National human rights institution**

### **Question 4**

23. Belgium has several sectoral bodies with specialized mandates for the protection and promotion of human rights, at both the federal level and the level of federated entities. These include Unia, an interfederal independent body for combating discrimination (except gender discrimination), which now enjoys category B status in accordance with the Paris Principles. The Flemish Community is expected to stop working with Unia in 2023 and establish its own equal opportunities centre, which will incorporate the functions of Unia and those of the Gender Section of the Flemish mediation service.

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<sup>5</sup> [https://igvm-iefh.belgium.be/sites/default/files/downloads/gm\\_-\\_rapport\\_de\\_fin\\_de\\_legislature\\_-\\_final.pdf](https://igvm-iefh.belgium.be/sites/default/files/downloads/gm_-_rapport_de_fin_de_legislature_-_final.pdf).

24. However, the Belgian State has undertaken to put in place a National Human Rights Institute that would cover all the fundamental rights throughout the country and comply with the Paris Principles, which could result in it being awarded category A status.

25. The process was expedited in 2019 with the adoption of the Act establishing the Federal Institute for the Protection and Promotion of Human Rights.<sup>6</sup> The Act covers all human rights at the federal level and paved the way for the establishment of a national human rights institute.

26. The Federal Institute for the Protection and Promotion of Human Rights covers all human rights at the federal level, since:

- It is responsible for matters dealt with by the federal authorities (it can, for example, address issues related to counter-terrorism, freedom of expression, economic and social rights, and businesses).
- It has residual jurisdiction, that is, jurisdiction over all matters not already dealt with by the existing independent human rights protection bodies, and it must exercise that jurisdiction in cooperation with those bodies, including the Institute for the Equality of Women and Men, which together form the Human Rights Platform. The Federal Institute for the Protection and Promotion of Human Rights can also cover more general themes that do not lend themselves to a purely sectoral approach.

27. The Act also allows for the eventual establishment of a national human rights institution by providing the necessary legal basis for it to become an interfederal body. The Act thus envisages the establishment of a coordinating council comprising one representative from each independent sectoral body for the protection and promotion of human rights. In order for this to happen, the federated entities must share the same vision. The federal authorities and the federated entities will need to negotiate a cooperation agreement when the political situation so allows. It would also be possible for federated entities, acting through their own human rights institutions, to work towards gaining category A status under the Paris Principles.

28. On 3 September 2020, Parliament appointed the 12 full members of the board of directors of the Federal Institute for the Protection and Promotion of Human Rights. Budget and staffing estimates have been made so that it can get to work.

29. While several stages remain to be completed before the fulfilment of the aspiration to have a national human rights institution that is compliant with the Paris Principles, the establishment of the Federal Institute has given impetus to that process.

## **Temporary special measures**

### **Question 5**

30. The Belgian Constitution has expressly guaranteed the principle of gender equality since February 2002. Several laws and decrees require gender parity on electoral lists for federal, regional and European elections, and stipulate that the first two names on each of those lists must be of opposite genders. In the most recent elections for the Walloon Parliament, a requirement was introduced that men and women should be placed in alternating positions throughout the electoral lists.

31. At the local level, the Walloon Region and the Brussels-Capital Region implemented regulations in 2018 to further strengthen women's representation by

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<sup>6</sup> Act of 12 May 2019 establishing a Federal Institute for the Protection and Promotion of Human Rights, which entered into force on 1 July 2019.

requiring parties to place men and women in alternating positions on their lists, and providing that at least one third of members of municipal councils should belong to the underrepresented gender.

32. As the results of the most recent elections show, the representation of women in politics has continued to improve. Women now account for more than 41 per cent of federal elected officials and almost 44 per cent of regional parliamentarians. They account for almost 40 per cent of local elected officials in the Flemish and Walloon Regions, and almost 50 per cent in the Brussels-Capital Region.

33. In the private sector, the Act of 28 July 2011 on ensuring the presence of women on the boards of directors of autonomous public enterprises, listed companies and the National Lottery introduced a quota system whereby at least one third of all seats on a given board of directors must be reserved for the underrepresented gender. Failure to comply with this provision may be sanctioned through the revocation of appointments or the suspension of financial benefits. The three evaluation reports produced between 2015 and 2018 by the Institute for the Equality of Women and Men show that the law has had a positive effect.<sup>7</sup> The proportion of women on boards of directors tripled between 2008 and 2017, from 8.3 per cent to 26.8 per cent.

34. Belgium has various pieces of legislation to ensure the balanced representation of men and women in the public administration, advisory bodies and certain public management and administrative bodies. The Institute for the Equality of Women and Men recently published a study on women's participation at the highest levels of the federal, regional and community-level administrations.<sup>8</sup> In 2017, the proportion of women in the highest-level administrative posts was only 11.1 per cent at the federal level, 18.2 per cent for Flanders, 44.4 per cent for Wallonia, 28.6 per cent for Brussels, 20 per cent in the French Community and 0 per cent in the German-speaking Community.

35. In the Flemish Community, a decree was issued in 2007 to promote gender balance in consultative and administrative bodies of the Flemish government. The decree provided that no more than two thirds of members of those bodies can belong to a given gender, thereby ensuring that at least one third of members are women. In 2018, that quota regulation was integrated into the Flemish administrative decree. The Flemish government reports to the Flemish Parliament on implementation of the decree every four years. In 2018, 67 per cent of consultative and administrative bodies were fulfilling their obligations. The next assessment will take place in 2022.

36. Since February 2014, the Brussels-Capital Region has had a rule that at least one third of members appointed to a managing body should belong to the opposite gender to the other appointed members. That rule has since been extended to all boards of directors of bodies that receive institutional endowments or subsidies from the Region.

37. Since 2010, the French Community has required gender balance when representatives are appointed to bodies of legal persons which it designates. In 2014, the decree aimed at promoting gender balance in consultative bodies, which provided that no more than two thirds of members should belong to the same gender, was strengthened and made binding through the introduction of non-compliance penalties.

38. The same rule applies to decision-making bodies in the Walloon Region, pursuant to the decrees of 9 January 2014 concerning gender balance in managing bodies of private entities and homes for older persons accredited by the Walloon

<sup>7</sup> [https://igvm-iefh.belgium.be/fr/publications/troisieme\\_bilan\\_de\\_la\\_loi\\_du\\_28\\_juillet\\_2011\\_relative\\_aux\\_quotas\\_de\\_genre\\_dans\\_les](https://igvm-iefh.belgium.be/fr/publications/troisieme_bilan_de_la_loi_du_28_juillet_2011_relative_aux_quotas_de_genre_dans_les).

<sup>8</sup> [https://igvm-iefh.belgium.be/fr/publications/femmes\\_et\\_hommes\\_au\\_sein\\_de\\_ladministration\\_federale](https://igvm-iefh.belgium.be/fr/publications/femmes_et_hommes_au_sein_de_ladministration_federale).

Region. The follow-up surveys of 2016 and 2019 showed a positive trend: 85 per cent of relevant establishments now comply with the requirements set out in the decrees.

39. The good governance code introduced by the Olympic sports federations and their Flemish, French-speaking and German-speaking leagues in Belgium includes 29 concrete indicators and 14 variable indicators. Gender equality in boards of directors has been included in the variable indicators, which consist of numerical targets or percentages of members belonging to the underrepresented gender.

#### **Question 6**

40. In the Flemish Region, the enhanced incentive for hiring jobseekers aged 55 or older was converted in 2019 to a waiver of employer contributions. Such people receive the same support as other unemployed people. The numbers of individuals leaving unemployment have increased, as have satisfaction levels. In 2018, reforms were enacted to strengthen workplace inclusion of persons with disabilities. The Flemish Support Allowance, which is granted to employers of persons with disabilities to compensate for additional costs or lower productivity, has been extended in tandem to freelancers. A temporary Flemish support allowance has been introduced to support persons in treatment or rehabilitation. Work and care plans were put in place in 2018 for jobseekers with medical, mental, psychological, psychiatric or social problems.

41. In the Walloon Region, the specific financial incentive Impulsion 55+ has been introduced to promote the recruitment of jobseekers and workers aged 55 and over. Employer contributions are reduced for business-sector employers. The Professional Experience Fund improves working conditions for workers aged 45 and over and facilitates their continued employment. The Quality of Life Agency grants financial assistance to workers with disabilities and/or the companies that employ them.

42. In the Brussels-Capital Region, a measure to double the number of persons with disabilities in professional training was introduced in 2016 as part of the Training Plan 2020.<sup>9</sup> In 2019, Brussels Training (Bruxelles Formation) made a call for proposals from trainers of persons with disabilities to put forward new initiatives or strengthen existing ones. Actiris offers diversity plans and a diversity hallmark for employers who invest in recruiting and retaining diversity target groups, i.e. younger persons, older persons, persons of foreign origin, the undereducated, and persons with disabilities. With regard to jobseekers aged 50 and over, Actiris has made a call for proposals for tailored support including awareness-raising and working with employers.

43. As regards integration policy, measures are being taken in all areas under Flemish purview to integrate persons of foreign origin. The Flemish Horizontal Integration Policy Plan 2015–2019 includes measures for education and employment. New arrivals take a social orientation course which addresses such areas as the equality of women and men. The Flemish Community has developed a specific tailored integration pathway for low-literacy mothers of young children. The project is currently under way (2016–2020) with funding from the Asylum, Migration and Integration Fund of the European Commission. Its purpose is to better integrate low-literacy women from third countries who have young children. It is centred on the needs of the target group. Its purpose is to integrate the participants, and to integrate and improve the development opportunities of their children. Care for young children is used as a gateway, and childcare is provided during classes. Integrated services are provided, including literacy classes, individual follow-up and guidance, and social orientation courses. The content and methodology of the programme's components

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<sup>9</sup> <https://www.bruxellesformation.brussels/publications/plan-formation-2020/>.



are coordinated by the stakeholders, including basic education centres, municipalities and early childhood service providers. Since its introduction, the project has helped 220 mothers each year. After the pilot phase, the project is expected to be merged into the regular work of the integration agencies. The Flemish Community has also taken into consideration girls of foreign origin in its political plan for young persons and children's rights (2015–2019) and in the youth support included in its diversity master plan. Measures have been taken to promote the participation of women of foreign origin in sports.

44. In 2014, the Walloon Region introduced an integration pathway for new arrivals. Its purpose is to welcome and support new foreign residents, help them to acquire basic knowledge of the workings of society and social relations, facilitate their integration and, hence, promote their entry into the workforce. Since its introduction, the process has been adapted to better match the needs of migrants and the funds that have been mobilized. Some socio-professional integration service providers have organized training modules for women. The regional integration centres organize activities for women, focusing on such areas as culture, employment, training and education. Pursuant to the decree of 28 April 2016, equal opportunities and gender equality were added to the topics that must be covered in the citizenship training<sup>10</sup> organized as part of the integration process.<sup>11</sup> The Walloon public employment and training service FOREM has formulated an equality and diversity plan for the period 2019–2022 with a view to compiling good practices that have already been implemented for those topics and identifying improvements or new measures to be developed. FOREM staff members have been trained accordingly.

45. In the Brussels-Capital Region, the number of available places for the training course in French as a foreign language was increased by 11.7 per cent between 2015 and 2018 to respond to growing demand from persons who have linguistic difficulties and cannot access vocational training without the prerequisite background knowledge. Job-focused language classes have been introduced in order to broaden the range of available options. Since 2016, the Skills Accreditation Consortium has been trialling a training programme for candidates who are underprepared for the skills accreditation test for reasons including low French proficiency. In June 2019, the Brussels-Capital Region published a report on diversity with a focus on jobseekers.

46. Since 2016, the French Community Commission has been developing a reception programme for new arrivals, which is provided by three accredited reception offices. The citizenship training provided in the reception and support programme addresses the equality of women and men, the prohibition on all forms of violence, respect for physical integrity and the freedom to choose one's partner.

47. In March 2018, the French Community adopted a decree on the promotion of citizenship and interculturality with a view to providing €2 million in annual funding for non-profit sector projects on citizenship and interculturality. In the item on the defence of the rights of migrant persons, particular emphasis is placed on migrant women. The decree of 7 February 2019 includes specific provisions for the reception and schooling of pupils who arrived recently or are not proficient in the language of instruction.

48. In the Flemish Region, the project "Integration through work" helps refugees to find work as quickly as possible through a short integrated pathway. The programme

<sup>10</sup> Walloon Social Welfare and Family Code, article 152, paragraph 5, subparagraph 2.

<sup>11</sup> <http://actionsociale.wallonie.be/sites/default/files/documents/Circulaire%20du%20280119-parcours%20integration.pdf>.

has been cited as a good practice by the European Union owing to its success rate: 45 per cent of recent non-Flemish-speaking arrivals find work within two years.

49. In the Walloon Region, FOREM and the Federal Agency for the Reception of Asylum Seekers reached a cooperation agreement in 2017 with a view to promoting the socio-professional integration of asylum seekers and organizing information meetings in accommodation centres concerning the job market and the services provided by FOREM.

50. In the Brussels-Capital Region, Actiris signed three agreements on the topic in 2018 and 2019.

## Stereotypes and harmful practices

### Question 7

51. Victims can file a police report or, by virtue of the 2014 Act, they can file a complaint with the Institute for the Equality of Women and Men.<sup>12</sup> They can also become plaintiffs in criminal proceedings in order to obtain compensation.

52. According to the national police database, 19 complaints connected with sexism were filed with the police in 2014; 45 in 2015; 46 in 2017; 55 in 2018; and 33 in the first half of 2019. That figure consists of violations of the 2014 Act recorded by the police; it does not reflect the true extent of sexism.

53. Reports of cases of sexism have increased markedly since 2017. The Institute for the Equality of Women and Men has recorded 133 reports of sexism incidents in 2017 and 1,625 in 2019, a 1,222 per cent increase. It should, however, be noted that a single incident can be reported numerous times, particularly when it receives significant media attention. Of the 1,625 reports of sexism received by the Institute in 2019, 1,489 have to do with a single incident. The Institute has analysed those cases in each of its annual reports. In order to reach a wider audience, it has raised awareness of certain cases. For example, it has highlighted the spreading of sexist abuse through an online media outlet<sup>13</sup> and condemned a sexist advertising campaign calling for the sexual intimidation of women.<sup>14</sup> It has continued its work with the Belgian Advertising Standards Panel, which began in 2009. In April 2020, it undertook a major survey on sexism. Its research on portrayals of gender roles and police practices regarding the reportability of “street harassment” incidents will conclude at the end of 2020.

54. The Institute has raised awareness of the Act by distributing a leaflet explaining the law and how victims can take action.<sup>15</sup> For the years 2017, 2018 and 2019, it received 1,925 reports of sexism. It upheld numerous complaints, including some involving cases that were before the courts, and it highlighted the first conviction on such grounds in March 2018.<sup>16</sup> The case involved a man who insulted two police inspectors during a check. The man shouted at the female officer that she should look for work appropriate for women, such as being a bank clerk. The Brussels court of

<sup>12</sup> Act of 22 May 2014 on combating sexism in public spaces and amending the Act of 10 May 2007 on combating discrimination between women and men in order to criminalize discrimination.

<sup>13</sup> [https://igvm-iefh.belgium.be/fr/actualite/diffuser\\_des\\_injures\\_sexistes\\_sans\\_droit\\_de\\_reponse\\_est\\_contraire\\_a\\_la\\_deontologie](https://igvm-iefh.belgium.be/fr/actualite/diffuser_des_injures_sexistes_sans_droit_de_reponse_est_contraire_a_la_deontologie).

<sup>14</sup> <https://news.belgium.be/nl/instituut-voor-de-gelijkheid-van-vrouwen-en-mannen-veroordeelt-seksistische-campagne-die-aanzet-tot>.

<sup>15</sup> [https://igvm-iefh.belgium.be/fr/publications/lutter\\_contre\\_le\\_sexisme\\_un\\_enjeu\\_pour\\_legalite\\_des\\_femmes\\_et\\_des\\_hommes](https://igvm-iefh.belgium.be/fr/publications/lutter_contre_le_sexisme_un_enjeu_pour_legalite_des_femmes_et_des_hommes).

<sup>16</sup> [https://igvm-iefh.belgium.be/fr/actualite/premiere\\_condamnation\\_pour\\_sexisme\\_dans\\_lespace\\_public](https://igvm-iefh.belgium.be/fr/actualite/premiere_condamnation_pour_sexisme_dans_lespace_public).

first instance agreed with the prosecution and sentenced the man in absentia to a €500 fine with additional surcharges, for a total of €3,000, for sexist language in public space, insulting an officer and making threats.

55. In the context of circular No. COL 13/2013,<sup>17</sup> the Institute received a report of a judgment in October 2019 concerning another conviction for a sexist incident. The case involved a woman who had been beaten and subjected to sexist abuse by four men in a car that had pulled up next to her. The driver was convicted of deliberate assault and sexism. He was sentenced to six months' imprisonment and a fine of €75 with additional surcharges, for a total of €600. The Institute also addressed two cases of sexist incidents that came before the courts in 2018 and 2019. Because there were no witnesses to confirm the incidents, neither case led to a conviction under the 2014 Act.

56. The Flemish Community's updated database [www.genderklik.be](http://www.genderklik.be) and the Girls Day, Boys Day project of the French Community and the Walloon Region (see question 14) is aimed at combating stereotypes through education and awareness-raising among the general public. Action is also being taken to address language and the use of more neutral or inclusive terms.<sup>18</sup>

57. General and persistent stereotypes regarding masculinity and femininity hold everyone back, including men. The Flemish Community has funded various projects on feminism, with a focus on gender equality from the standpoint of men,<sup>19</sup> active fathering,<sup>20</sup> and stereotypes of masculinity.<sup>21</sup>

58. In the Flemish Community, the Gender Section established a new hotline in early 2019 called *#metoo meldpunt* (#MeToo Hotline), which is used to report inappropriate behaviour in sports and culture. Research has shown that half of women in culture and the media have experienced inappropriate behaviour over the last year. An action plan against such behaviour has been adopted.

59. In the French Community, new provisions have been added to the decree on audiovisual media. Commercial programming and communications are now prohibited from undermining "respect for equality between women and men". In October 2017, the Supreme Council for Audiovisual Communication adopted its first decision on that basis. Case law has been building up since that time. In June 2019, the Professional Journalists' Association published its third study<sup>22</sup> of equality and diversity in daily life in the French Community. In 2018, it conducted a study of the situation of women journalists in French-speaking Belgium<sup>23</sup> and a study on media

<sup>17</sup> Joint circular of the Minister of Justice, the Minister of the Interior and the College of Public Prosecutors before the Courts of Appeal (Circular on the identification and prosecution of discrimination and hate crimes, including gender-based discrimination).

<sup>18</sup> At the federal level, training on gender-sensitive communication is provided: [https://igvm-iefh.belgium.be/fr/publications/de\\_genderdimensie\\_in\\_de\\_federale\\_communicatie\\_integreren](https://igvm-iefh.belgium.be/fr/publications/de_genderdimensie_in_de_federale_communicatie_integreren). For the Flemish Community, guidelines have been introduced on gender-neutral language in the public authorities' campaigns: <https://overheid.vlaanderen.be/genderneutraliteit>. For the French Community, action is being taken to promote inclusive language: [http://www.languefrancaise.cfwb.be/index.php?eID=tx\\_nawsecured1&u=0&g=0&hash=4c0065aa347cd6117ec31aaf314730199fdb80b5&file=fileadmin/sites/lff/upload/lff\\_super\\_editor/lff\\_editor/documents/2018/2018\\_Fedemag\\_Ecriture\\_inclusive.pdf](http://www.languefrancaise.cfwb.be/index.php?eID=tx_nawsecured1&u=0&g=0&hash=4c0065aa347cd6117ec31aaf314730199fdb80b5&file=fileadmin/sites/lff/upload/lff_super_editor/lff_editor/documents/2018/2018_Fedemag_Ecriture_inclusive.pdf).

<sup>19</sup> <http://www.zij-kant.be/wp-content/uploads/2015/11/Gezocht-femanisten-Mannendag-2016-definitief-interactief.pdf>.

<sup>20</sup> <https://www.vaderklap.be/>.

<sup>21</sup> The Man Squad BE, a theatre project for young people aged 15 and over, teachers and youth workers.

<sup>22</sup> <http://www.ajp.be/telechargements/diversite/diversite2019/etude.pdf>.

<sup>23</sup> <http://www.ajp.be/journalistesfemmes/>.

representations of violence against women in the French-language Belgian daily press, along with a set of recommendations.<sup>24</sup>

60. In the Flemish Community, the database of experts intended for media professionals ([www.expertendatabank.be/nl](http://www.expertendatabank.be/nl)) was fully updated and relaunched in mid-2018. The launch coincided with a campaign on stereotypes and media representation aimed at media professionals and other potential users. User engagement with the database has continued since the campaign as a result of a monthly newsletter featuring content by the experts.

61. Flemish Community higher education institutions have organized a competition entitled The Cliché Killers,<sup>25</sup> which is aimed at journalism students. Its purpose is to encourage tomorrow's journalists to think about the potential impact of the media as image creators. In the French Community, the Supreme Council for Audiovisual Communication offers training on stereotypes in advertising and programming intended for master's degree students in advertising who attend higher education schools of communication in the Brussels-Capital Region or a university in the Walloon Region.

62. The [www.expertalia.be](http://www.expertalia.be) database was established by the French Community and the Professional Journalists' Association in 2016 to help journalists to find female experts. Since 2017, Expertalia has benefited from a partnership with the French-language broadcasting service Radio Télévision Belge Francophone (RTBF), which has agreed to provide annual media coaching session for three years to 30 or so experts. The French Community has given RTBF funding to create a media platform called Les Grenades, which explores the place of women in current affairs.<sup>26</sup>

63. In 2018, an awareness-raising and empowerment campaign was launched in the Brussels-Capital Region to tackle issues of sexism and sexual harassment. The campaign is focused on raising awareness and engagement among the population of Brussels and strengthening cooperation with relevant civil society organizations.<sup>27</sup>

### Question 8

64. There has been an increasing focus on combating female genital mutilation, forced marriage and honour-related violence. A criminal justice policy circular (COL 6/2017)<sup>28</sup> entered into force on 1 June 2017 to improve judicial and police officers' awareness of the facts and give them the tools to understand such forms of violence, investigate appropriately, define prosecution policy, and improve the processing and collection of statistics. A holistic approach with a particular focus on prevention and comprehensive treatment of victims remains paramount. The approach taken in the circular is therefore not limited to suppression.

65. The option of lifting professional confidentiality, which is provided for in article 458 *bis* of the Criminal Code, has been extended to victims of violent acts committed in the name of culture, customs, religion, tradition or so-called honour.<sup>29</sup> Medical records must now include detailed references to any female genital mutilation.

<sup>24</sup> <https://www.ajp.be/violencesfemmes-l-etude>; recommendations can be found at <https://www.ajp.be/violencesfemmes-recommandations>.

<sup>25</sup> <http://declিকেkillers.be/>.

<sup>26</sup> <https://www.rtbef.be/info/dossier/les-grenades>.

<sup>27</sup> <http://harassment.zerosexism.brussels/fr/d%C3%A9finition-du-sexisme/>.

<sup>28</sup> Criminal justice policy circular on the investigation and prosecution of honour-related violence, female genital mutilation and forced marriage and legal cohabitation.

<sup>29</sup> 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.

66. In March 2019, the operations of the two multidisciplinary reception centres for victims of female genital mutilation<sup>30</sup> were extended until March 2022. The centres are located in a hospital setting and overseen by a team of sexologists, psychologists and gynaecologists. A new study to assess the prevalence of female genital mutilation in Belgium was carried out in 2018.<sup>31</sup> It found that 17,575 women and girls living in Belgium had undergone excision, and that 8,342 others risked excision if no preventive action was taken.

67. Specialized associations have taken action. The Group for the Abolition of Female Genital Mutilation (Groupe pour l'abolition des mutilations sexuelles féminines, GAMS) has put in place a project entitled "Preventing female genital mutilation in hard-to-reach communities" to reach less visible groups, such as Kurdish, Indonesian and Egyptian women. A photo exhibit entitled "32 ways to say no to excision" and consisting of 32 portraits of courageous men and women in Europe and Africa was shown in numerous public spaces. The European awareness-raising campaign Men Speak Out was launched in 2016 in the Brussels-Capital Region to involve men in the fight against female genital mutilation. The French Community has supported community dialogue in the prenatal and paediatric consultations conducted by the Office of Birth and Childhood. GAMS community facilitators are in attendance to raise awareness among parents and future parents belonging to the communities in question. A guide to good practices had been published with a view to strengthening prevention and the protection of girls and women who have been or are at risk of becoming victims of excision.<sup>32</sup> It targets a range of sectors by means of a cross-cutting page; sector-specific pages on health, youth assistants, police and justice, and welcoming asylum-seekers; and annexes. In the Walloon Region, GAMS Namur was accredited in 2020 and GAMS Liège is currently being accredited.

68. In June 2015, Institute for the Equality of Women and Men published a handbook on forced marriage in cooperation with the organization Marriage and Migration Network and distributed it in the concerned sectors. An awareness-raising campaign entitled "Envie d'aimer" ("Want to love") has been launched on the initiative of the Network with the support of the French Community, and has featured in radio and television infomercials. The Network has provided training for professionals in the Walloon Region and the Brussels-Capital Region.

69. The French Community has funded the Network to create a website and a campaign entitled "My marriage belongs to me",<sup>33</sup> which promotes the free hotline 0800 90 901, and a handbook for professionals on honour-related violence. The handbook takes an intercultural and gender-responsive approach aimed at enabling readers to understand such violence and the circumstances in which it can emerge, recognize warning signs, and assess and tackle the situation. The Liège Platform on Forced Marriage and Honour-related Violence has received funding in order to produce a guide to good practice for supporting at-risk minors. The Walloon Region has been subsidizing the Liège and Mons platforms since 2016.

70. In cooperation with the organization Child and Family (*Kind en Gezin*), the Flemish Community has adopted a ministerial decision to recognize and subsidize the development of a new structural form of family support with regard to female genital mutilation and forced marriage, with a view to prevention, awareness-raising, and

<sup>30</sup> <https://www.inami.fgov.be/fr/themes/cout-remboursement/par-mutualite/centres-reeducation/Pages/mutilations-genitales-feminines.aspx>.

<sup>31</sup> [https://igvm-iefh.belgium.be/fr/actualite/mise\\_a\\_jour\\_de\\_lestimation\\_de\\_la\\_prevalence\\_des\\_mgf\\_en\\_belgique](https://igvm-iefh.belgium.be/fr/actualite/mise_a_jour_de_lestimation_de_la_prevalence_des_mgf_en_belgique).

<sup>32</sup> <http://www.strategiesconcertees-mgf.be/tool/guide-de-bonnes-pratiques/>.

<sup>33</sup> [www.monmariagemappartient.be](http://www.monmariagemappartient.be).

supporting victims, potential victims and professionals. Since January 2019, GAMS has received structural subsidies from the Flemish Region with a view to providing family support to prevent female genital mutilation and forced marriage. From 2015 to 2017, the Flemish Community provided funding to the association INTACT to develop and disseminate guidelines and a guide to good practices on female genital mutilation.

71. A reporting code on female genital mutilation was developed in 2018 in cooperation with the Order of Physicians. It consists of a form which enables doctors to intervene actively and with care in the event of any suspicions and to refer the case to specialized associations.<sup>34</sup> The Institute for the Equality of Women and Men has published and disseminated a reporting code on forced marriage explaining how registrars can contact the local authorities.<sup>35</sup>

72. In 2019, GAMS launched the ACCESS project<sup>36</sup> in partnership with FORWARD UK and Médicos del Mundo Spain to improve prevention, protection and support for migrant women in Europe who face various forms of gender violence. It includes the development of community networks, professionals and communication tools, including a website.

## Violence against women

### Question 9

73. The 2015–2019 national action plan has enabled progress in various areas. Criminal policy has been strengthened through the revision (in the case of COL 04/2006<sup>37</sup> and COL 04/2017<sup>38</sup>) and adoption (in the case of COL 06/2017) of a number of circulars. The legislation on the issuance of temporary barring orders in cases of domestic violence has been amended to facilitate recourse to such orders.<sup>39</sup> A pilot is being undertaken of a harassment alarm that allows victims to rapidly alert the emergency services, and work on assessing the risk of spousal violence has led to the adoption of a new circular (COL 15/2020).<sup>40</sup>

74. A multidisciplinary and holistic approach has been developed in the Flemish Region through the establishment of family justice centres and the creation of projects that take a “chain” approach in complex, high-risk domestic violence cases.<sup>41</sup>

<sup>34</sup> <https://www.ordomedic.be/fr/actualites/communiquede-presse-codes-de-signalement-relatifs-aux-mutilations-genitales-feminines-violences-con>.

<sup>35</sup> [https://igvm-iefh.belgium.be/fr/publications/code\\_de\\_signalement\\_des\\_mariages\\_forces\\_a\\_lusage\\_des\\_officiers\\_de\\_letat\\_civil](https://igvm-iefh.belgium.be/fr/publications/code_de_signalement_des_mariages_forces_a_lusage_des_officiers_de_letat_civil).

<sup>36</sup> <https://www.we-access.eu/>.

<sup>37</sup> Joint circular of the Minister of Justice and the College of Public Prosecutors concerning criminal justice policy on partner violence.

<sup>38</sup> Circular of the College of Prosecutors before the Courts of Appeal, ministerial directive on sexual assault kits, formerly COL 10/2005.

<sup>39</sup> Act of 5 May 2019 setting forth various provisions on criminal justice and worship, amending the Act of 28 May 2002 on euthanasia and the Social Criminal Code.

<sup>40</sup> Risk assessment tool – directives of the College of Public Prosecutors aimed at mainstreaming the use by police services and prosecutors of a front-line risk assessment tool for partner violence.

<sup>41</sup> Article 458 *ter* of the Criminal Code now provides a legal justification for organizing the coordination of cases by providing that lifting professional confidentiality does not amount to a criminal offence. That measure facilitates a chain approach based on intersectoral cooperation among the police, justice and support workers.

75. During lockdown, capacity for reception of family violence victims was increased throughout the country. Since 1 January 2020, legal aid centres have had a mandate to assist and follow up with persons who are temporarily barred from home.

76. In the Flemish Community, court officials will undergo training on the “child reflex” (*kindreflex*) technique and sexual violence.

77. The number of specialized shelters for victims of spousal violence increased from 15 to 20 in the Walloon Region between 2017 and 2019, and a new shelter was established in the Brussels-Capital Region in 2017. The Flemish Region has continued the transition from specialized centres to an approach focused on providing outpatient services at the earliest possible stage, in a manner tailored to the victims’ needs and circumstances. Victims can still be taken into a shelter or a protected centre if necessary.

78. Awareness-raising campaigns have been carried out, including the “#ARRÊTE c’est de la violence” (“Stop, this is violence!”) campaign, which was launched in November 2018 and is intended to improve young persons’ awareness of sexual violence; the “There’s no excuse for spousal abuse” campaign, which was launched in April 2020 at the Francophone level; and campaigns to raise awareness of relationship problems at the Flemish-language level. Websites have been set up or expanded, including [www.ecouteviolencesconjugales.be](http://www.ecouteviolencesconjugales.be), [www.tijdvoorjerelatie.be](http://www.tijdvoorjerelatie.be), [www.1712.be](http://www.1712.be), [www.slachtofferzorg.be](http://www.slachtofferzorg.be) and [www.violencessexuelles.be](http://www.violencessexuelles.be). The availability of the telephone lines 0800 30 030 (spousal violence hotline) and 1712 (violence, abuse and child abuse) has been extended. Since early 2019, the 1712 hotline has been accessible via chat. The French Community funds a free professional hotline for sexual violence and promotes it through media campaigns on television, in the press and on social media. The website [www.victim.es.be](http://www.victim.es.be) gives victims information regarding the help that they may need at every stage, including in cases of gender-based violence. Training and tools have been made available to professionals, including the three reporting codes that were formulated in cooperation with the Order of Physicians. The youth support sector has set up a chat function entitled “Now I’ll talk about it”,<sup>42</sup> which enables minors to report any sexual violence.

79. Since 2017, the French Community has been developing a programme to certify bodies that provide activities, training and educational tools to educate young people on relationships and emotional and sexual life. It makes an annual call for proposals for that purpose. In 2019, the non-profit organization Z! put in place a plan entitled Plan SACHA to combat harassment and assault at festivals.<sup>43</sup> A pilot agreement was concluded with Z! to assist several festival organizers, including those active in universities, in implementing such plans.

80. In July 2020, the Brussels-Capital Region launched the first Brussels-level plan to combat violence against women. It consists of 56 concrete and costed measures based on wide-ranging consultations with Brussels civil society and organizations.<sup>44</sup>

81. In cooperation with the non-profit organization Ciré, a leaflet entitled “I’m a migrant and a spousal abuse victim – what are my rights?”<sup>45</sup> has been distributed to give victims information about their rights, the steps they can take to protect themselves, and contact details of professionals who can advise them and help with the process. The Walloon Region has distributed a leaflet on the topic in 13 languages.<sup>46</sup> In cooperation with Ella and the Federation of Moroccan and Global

<sup>42</sup> <http://maintenantjenparle.be/>.

<sup>43</sup> <https://www.plansacha.be/le-plan-sacha/>.

<sup>44</sup> <https://equal.brussels/fr/plan-bruxellois-de-lutte-contre-les-violences-faites-aux-femmes/>.

<sup>45</sup> <https://www.cire.be/migrant-e-et-victime-de-violences-conjugales-quels-sont-mes-droits/>.

<sup>46</sup> <http://actionsociale.wallonie.be/egalite-chances/violences-conjugales>.

Democratic Organizations, the Institute for the Equality of Women and Men has launched an awareness-raising tool in 22 languages, along with a team of volunteers who are trained in listening to the victims of spousal abuse.

82. In December 2018, the Flemish Community published for the first time the findings of a study on violence against women and girls with disabilities. Owing to the sensitive nature of the topic and the difficulty of reaching the respondents, no estimate of prevalence rates was given. The study set out policy recommendations to combat and prevent sexual violence against women with disabilities. The taboo surrounding relationships and sexuality needs to be lifted in the relevant facilities. For that purpose, the expertise of responders and health-care professionals needs to be developed. Other challenges include reluctance to report incidents or press charges.

83. The French Community has funded three projects on violence against women with disabilities: a qualitative study done by the Council of Francophone Women of Belgium entitled “Disability, violence and sexuality from a gender perspective”;<sup>47</sup> a research and activity project conducted by the non-profit Maison plurielle (Pluralistic Home) entitled “Assessment and development of competences related to spousal and family violence in the area of mental disability”; and a peer-to-peer training and capacity-building project entitled “Women with mental disabilities as actors in their own security”, which was carried out by the non-profit Garance.<sup>48</sup> The French Community has also funded a study of dating violence among younger persons aged 12–21 and on sexual violence and exposure to pornography.

84. The Flemish Community has subsidized several projects on combating violence against women, including innovative initiatives in the areas of restorative justice, family justice centres, the improvement of the 1712 hotline, peer-to-peer contact among victims of sexual violence, e-learning modules on family violence, and projects on approaches to relationships and breakups.

85. Data on gender-based violence are given in the annex to the present report.

86. In view of the considerable success of the sexual violence victim support centres established in 2017, the Federal Government approved the expansion of the centres in June 2020 with a view to increasing their number from 3 to 10. Sexual violence victim support centres are integrated into the hospital structure and enable victims of sexual violence to access all available forms of assistance in one place, 24 hours a day, including the option to press charges. From November 2017 to February 2019, the three centres helped 1,277 sexual violence victims. Some 68 per cent of the victims who come to the centres have filed a police report, a figure significantly higher than is usually the case for sexual violence. The fact that the centres focus all the relief on a single location helps victims to take the step of pressing charges. The great majority of victims appreciate the expertise and quality of care provided by the forensic nursing staff and contact with psychologists, care workers and inspectors with specialized training in issues of public morals.

87. The Criminal Code Reform Committee has prepared a draft report on criminal code reform. Sexual violence is now included in a chapter entitled “Violations of sexual integrity, public morals and the right to sexual self-determination”. A draft law including those provisions has been submitted to Parliament,<sup>49</sup> and hearings have

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<sup>47</sup> <https://www.cffb.be/handicap-violences-et-sexualite-au-prisme-du-genre-une-etude-exploratoire-realisee-par-le-cffb-avec-le-soutien-de-la-federation-wallonie-bruxelles-dans-le-cadre-de-lappel-a-projet-dalter-ega/>.

<sup>48</sup> <http://www.garance.be/docs/18rapportfemmeshandicap.pdf>.

<sup>49</sup> <https://www.lachambre.be/flwb/pdf/55/0417/55K0417001.pdf>.



been held to start the parliamentary discussions. A draft law will then be discussed in substantive terms.

88. In view of the circumstances related to the coronavirus disease (COVID-19) pandemic, there has been a shared resolve to provide an immediate tangible response for women victims of violence, whose plight worsened in many cases during lockdown. For that purpose, a working group comprising the 12 ministerial cabinets belonging to the interministerial conference on women's rights established on 18 December 2019 met and began work on several initiatives.<sup>50,51</sup>

### Question 10

89. The Immigration Office has compiled a draft circular on the retention of right of residence obtained in the context of family reunification for victims of spousal violence in order to provide them with information on existing protection arrangements. It will ensure that the various services (e.g. the police and shelters) are informed about the rights of such women and about the procedures and formalities to be followed. The circular is not yet in effect, but the Office has already informed its partners of its practices in that area, including with regard to specialized shelters.

90. In cases when cohabitation came to an end as a result of family violence, there was previously a different outcome depending on whether the couple consisted of a foreigner married to a European Union citizen (including a Belgian) or a foreigner married to a third country national.<sup>52</sup> The Constitutional Court has now ruled on the matter.<sup>53</sup> When determining whether the right of residence is retained, the Office can no longer require that victims of family violence who are family members of a European Union national provide evidence that they have sufficient income or a job and health insurance. The Office has already updated its practice following the judgment, without waiting for any ensuing legislative amendment.

91. Under circular No. 04/2006, the police has an obligation to inform the Office of the facts of which they become aware. The Office has produced a form for reporting especially difficult situations involving an individual benefiting from family unification. The form should enable the police to notify the Office of cases of family violence, for instance once a police report has been filed. It includes sections regarding the identity of the individual concerned, the nature of the violence (e.g. psychological, sexual or physical), any evidence (e.g. photographs, witnesses or medical certificates), any assistance provided by an association or shelter, any children, and whether the person is known to have been involved in public order incidents.

92. Belgium takes a holistic approach to corporal punishment that encompasses prevention, penalization and family support and assistance. The civil and criminal regulations already include legal benchmarks for education which protect children against violence for educational purposes. Discussions are now under way to bring Belgian civil legislation into line with article 17 of the European Social Charter. In fact, the prohibition of all forms of violence against children for educational purposes is consistent with developments in Belgian society and reflective of public opinion.

<sup>50</sup> <https://www.coe.int/fr/web/genderequality/promoting-and-protecting-women-s-rights>.

<sup>51</sup> See also the information submitted by Belgium in May 2020 concerning the adoption of General Assembly resolution 73/148.

<sup>52</sup> In order to retain the right of residence, foreigners married to a European Union citizen (including a Belgian) previously needed to show that they had sufficient income or a job (article 42 *quater*, paragraph 4, section 4 of the Act of 15 December 1980 concerning the entry, residence and deportation of foreigners). That condition did not exist for foreigners married to a third country national.

<sup>53</sup> <https://www.const-court.be/public/f/2019/2019-017f.pdf>.

Belgium shares the view of the Committee on the Rights of the Child<sup>54</sup> that the use of violence as a child disciplinary measure is unacceptable in any circumstances. This prohibition is directed towards persons who hold parental authority, as well as legal guardians and other persons responsible for the care and upbringing of a child.

93. A policy on abuse prevention and parenting support exists at the community level.

## Trafficking and exploitation of prostitution

### Question 11

94. Various measures have been taken to step up the fight against trafficking in human beings. The Act of 31 May 2016<sup>55</sup> introduced a series of technical changes regarding the offence of trafficking in human beings: expansion of the list of aggravating circumstances to include all the means referred to in the European Union directive on trafficking in human beings; harsher penalties for perpetrators of human trafficking;<sup>56</sup> inclusion of attempted human trafficking; extension of the statute of limitations to 18 years; and protection of victims of trafficking for the purposes of sexual exploitation from public disclosure of their identity. The circular on the investigation and prosecution of offences related to trafficking in human beings was updated by circular No. COL 01/2015, which recommends, inter alia, an increase in the use of financial inquiries (for the seizure and confiscation of the proceeds from crime) and special methods of investigation. It also places emphasis on the interests of victims, including in terms of identifying the income of which they have been deprived as a result of the exploitation.

95. The Act of 22 May 2019 concerning trafficking in human organs and the principle of non-punishment of victims of human trafficking provides that such victims cannot be punished for violations committed as a direct result of their being exploited. It thus enshrines into law the principle of non-punishment of victims of human trafficking. That principle already existed in Belgium but was applied by virtue of a circular. It has now been consolidated through codification.

96. The third national action plan to combat human trafficking 2015–2019 advances initiatives relating to criminal policy, victim protection and awareness-raising in the field.<sup>57</sup>

97. A circular of 23 December 2016<sup>58</sup> updated directives on implementing multidisciplinary cooperation for victims of trafficking in human beings and/or certain aggravated forms of human trafficking in the light of legislative and administrative initiatives taken in recent years. It sets out the role of the various relevant multidisciplinary partners that have received guidance on how to identify (potential) victims of trafficking and certain aggravated forms of trafficking and how to assist and support such victims. The circular also sets out the procedures to be followed for victims to obtain protection status. To that end, victims must sever all ties with the perpetrators (or potential perpetrators), accept support from a registered specialized reception centre and cooperate with the judicial authorities by making

<sup>54</sup> <https://ncrk-cnde.be/fr/avis/article/chatiments-corporels>.

<sup>55</sup> Act of 31 May 2016, supplementing the implementation of European obligations in respect of the sexual exploitation of children, child pornography, human trafficking and support provided in the event of unauthorized entry, transit and residence.

<sup>56</sup> Deprivation of rights and additional penalties pertaining to the prohibition on exploitation and activities.

<sup>57</sup> <http://www.dsb-spc.be/doc/pdf/TEH%20Plan%20action%202015-18%20FR.pdf>.

<sup>58</sup> Circular of 23 December 2016 on the application of multilateral cooperation related to the victims of human trafficking and/or certain aggravated forms of human trafficking.

statements or lodging a complaint (except during the period of reflection, as described below). During the identification phase, during which the victim is formally recognized as such and granted temporary status by a judge, the emphasis is on the provision of information to victims and their referral to specialized reception centres for support, including residential support if necessary, medical, psychological and social assistance, administrative and legal assistance, and the services of an interpreter.

98. Many initiatives have been carried out with regard to prevention, public information and training, including in hospitals and in observation and referral centres for applicants for international protection.<sup>59</sup>

99. The federated entities have begun to pay greater attention to the issue of sexual exploitation. In the French Community higher education system, a leaflet entitled “What to do about human trafficking – guidance for hospital staff” was sent, at the end of the 2015/16 school year, to the ten higher education schools that offer nursing training. In 2017, the French Community organized a training programme for social workers and youth assistants focused on the cases of sexually exploited minors, the exploitation of begging and the fact that some children are used to commit offences. The training was repeated in 2019. Moreover, since 2017, the French Community has included a fact sheet on trafficking in human beings in its guide to preventing and responding to school violence.<sup>60</sup> In early 2017, the Flemish Region funded a Child Focus website for the “Stop Procurers of Teenagers” campaign, which is directed at persons, whether among the general public or professionals, who come into contact with teenagers, and encourages them to take preventive action and report potential cases of exploitation. In 2019, Child Focus was given a €15,000 grant to conduct a qualitative study on procurers of teenagers in the Brussels-Capital Region. A report on the study is being finalized and will result in recommendations at various levels of power.

100. An addendum to a national action plan against human trafficking has been adopted to address the exploitation of minors. Its focus is on measures that should be taken to improve the identification and referral of minors. In the Flemish Community, an action plan has been formulated, along with guidelines for youth support workers concerning minors who are victims of sexual exploitation. In the French Community, the applicable procedures have been clarified and two training courses have been held for youth support staff. The campaign in hospital environments, including gynaecological services, was repeated in 2018. The new leaflet includes a section on organ trafficking. The guardianship service now has a roster of specialized guardians who have received specific training on human trafficking.

101. In 2019, Belgium took part in the Know Your Rights campaign of the European Crime Prevention Network and the Blue Heart campaign of the United Nations.

102. The 2019 annual report on human smuggling and trafficking, entitled “Strong action for victims”<sup>61</sup>, provides a range of data on human trafficking, including gender-disaggregated data. Between 2015 and 2018, there were, on average, 510 new instances of victim assistance each year. In 2018, there were 122 new cases of victim assistance at the three reception centres, including 38 victims of sexual exploitation,

<sup>59</sup> A pamphlet has been distributed to all the country’s hospitals, including the emergency and gynaecological services, containing information on the characteristics of victims and the traumas suffered by them. A pamphlet has been distributed to observation and referral centres for applicants for international protection in order to provide applicants with information on working conditions in Belgium and who to contact in case of exploitation.

<sup>60</sup> [http://www.enseignement.be/index.php?page=23827&do\\_id=10154&do\\_check](http://www.enseignement.be/index.php?page=23827&do_id=10154&do_check).

<sup>61</sup> <https://www.myria.be/files/19-RATEH-Donn%C3%A9es.pdf>.

all of them women. A total of 115 human trafficking victims, including 44 women, became a part of the procedure and thus acquired a specific residence status.

103. In addition to federal funding, the three specialized reception centres for human trafficking victims have received funding from the Department of Justice since 2018.

104. Cooperation with the judicial authorities is necessary to protect trafficking victims and take effective action against perpetrators. Nevertheless, a new document is now given to victims during the period of reflection. Previously, victims 18 years of age and older were issued with an order to leave the country valid for 45 days. However, practice has shown that granting a period of reflection in the form of an order to leave the country was not always perceived as a satisfactory arrangement by front-line actors and victims. The order to leave the country has now been replaced with a temporary residence document. During the 45-day period, the victim can recover, escape from the influence of the alleged traffickers and decide whether to cooperate with the competent authorities. In the Belgian system, human trafficking victims are not required to testify in order to benefit from the protection measures provided. A simple statement is sufficient.

### **Question 12**

105. Belgium has ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949). Its legal framework is therefore abolitionist. Prostitution is not criminalized in itself, but the exploitation of the prostitution of others is. Belgium has ratified the Council of Europe Convention on Action against Trafficking in Human Beings of 3 May 2005 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 15 December 2000, supplementing the United Nations Convention against Transnational Organized Crime. Human trafficking and exploiting the prostitution of others are therefore stringently criminalized under Belgian law.

106. According to non-governmental organizations, some 15,000 persons work as prostitutes in Belgium. It should be recalled that judicial databases do not record information on the victims, but rather on the authors of an offence, e.g. on trafficking, procuring, or exploiting the debauchery or prostitution of others.

107. An exploratory survey of prostitution,<sup>62</sup> commissioned by the French Community, has confirmed that mapping prostitution and assessing the number of people working as prostitutes is especially difficult, and that doing so accurately is virtually impossible. The survey found that some 15,000–20,000 people, largely women, worked as prostitutes. The study concluded that the issue has been documented poorly, and often in a reductive or stigmatizing way, something that makes it impossible to map out properly. At the qualitative level, the study highlighted that entry into prostitution was driven by forms of oppression undergirded by patriarchy. It underscored a cultural context in which the body and gender relations were commodified, a trend exacerbated by hypersexualization and uberization. It emerged that, owing to oppressive modes of thought, prostitution was more easily entered into than left behind. Those forms of oppression are reflected in public services and in access to rights or private services. They make it clear that people who work as prostitutes experience social injustice every day.

108. From 2017 to 2019, the French Community funded the abolitionist association Isala to encourage awareness-raising projects, raise awareness, support members of the association, and take tangible action to support women in prostitution in order to

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<sup>62</sup> Exploratory survey on prostitution in the French Community: Prostitution, oppressive relations and agency; see the report on the study at [www.egalite.cfwb.be](http://www.egalite.cfwb.be).

help them leave and gain agency. The association has put in place a holistic support model with a particular focus on economic integration and housing. In 2019, it opened a halfway house to shelter and support women endeavouring to leave prostitution.

109. The decision of 12 January 2017 of the Walloon government introducing certain provisions into the Walloon regulatory code on social services and health, pertaining to the accreditation and subsidizing of help and care services for persons working as prostitutes, has made it possible to accredit the three associations active in that area. There are currently five accredited services and eight branches.

## Participation in political and public life

### Question 13

110. All governments in the country must include both men and women. Since 2019, at least one third of the members of the Walloon government must be men or women. In 2020, there were four women in the Federal Government (30.8 per cent), three in the Flemish government (33.3 per cent), three in the Walloon government (37.5 per cent), three in the Brussels Government (37.5 per cent), three in the government of the French Community (60 per cent) and one in the government of the German-speaking Community (25 per cent).

111. Following the adoption of laws aimed at strengthening women's participation in political life, the issue has become ingrained in people's minds and receives extensive media coverage. Against this background, it no longer seems useful for the public authorities to conduct awareness-raising campaigns.

112. In 2019, the Institute for the Equality of Women and Men published a study entitled "Women and men in the Federal Government", in which it examined the changes in women's representation at the highest levels of the Federal Government between 2012 and 2017. In 2017, women accounted for 18.6 per cent of the two highest categories of posts in the Federal Government, a much lower proportion than in other European countries, where the average was 41.7 per cent. The proportion of women occupying the highest category of post in the Federal Government was just 11.1 per cent in 2017. At the level of the federated entities, that proportion was 44.4 per cent for the Walloon Region, 28.6 per cent for the Brussels-Capital Region, 20 per cent for the French Community, 18.2 per cent for the Flemish Region and 0 per cent for the German-speaking Community.

113. In 2019, the proportion of women in the highest positions of the diplomatic service was 11 per cent. In the years prior to that, various initiatives were undertaken to increase the number of women entering the diplomatic service, including mainstreaming gender into the updated diplomatic service examination and into the publicity campaign for the examination. Examples include a video campaign called "Women in the Federal Public Service" and a recent Facebook post entitled "Belgium wants to recruit more female diplomats".

114. Quotas have been introduced to address the under-representation of women on boards of directors.<sup>63</sup> Under the law, no more than two thirds of seats on the boards of directors of Belgian listed companies, autonomous public enterprises and the National Lottery can be held by members of the same sex. The law has had a significant impact on the representation of women. The proportion of women on

<sup>63</sup> Act of 28 July 2011, amending the Act of 21 March 1991 reforming certain public enterprises, the Companies Code and the Act of 19 April 2002 streamlining the operation and management of the National Lottery so as to ensure the presence of women on the boards of directors of autonomous public enterprises, listed companies and the National Lottery.

boards of directors went from 8.2 per cent in 2008 to 26.8 per cent in 2017. While genuine progress has been made, parity is far from being achieved. In the most recent assessment, one third of the companies surveyed did not meet the legal requirement. In addition, executive boards are not subject to the law. For companies to which the law on gender quotas for boards of directors does apply, the assessment revealed that the proportion of women on executive boards is changing but remains low (18 per cent in 2017).

## Education

### Question 14

115. Belgium has developed a five-year plan for women in STEM and ICT<sup>64</sup> called “Women in digital. National and intersectoral strategy 2020–2025” (see question 15). In addition, the Digital Belgium Skills Fund, established in May 2017 for three years, with a budget of €18 million, includes projects on gender and ICT, such as “Post it!”, a digital storytelling project for women from migrant backgrounds run by the organization Ella.

116. The project “Girls day, boys day, choose your career free of bias”<sup>65</sup> is intended to raise awareness of gender stereotypes among girls and boys aged 12–18 during educational guidance and careers advice, with the support of the French Community, the Walloon Region and the provinces. The project allows them to discover the world of work by introducing them to atypical professions and encouraging them to make educational and career choices freely based on their personal interests and skills. In 2017/18, 37 schools, 148 classes and 2,674 students participated in activities and meetings with career role models. In 2018/19, 47 schools, 153 classes and 2,340 students participated in activities and meetings with career role models.

117. In 2018, the Walloon Region ran a digital literacy awareness-raising campaign aimed at girls and women making educational and career choices called “Wallonia Wonder Women”.<sup>66</sup> The campaign was accompanied by stories from female role models and girls-only workshops aimed at increasing the confidence of girls studying STEM subjects. In 2017, Interface3.Namur published 90 fact sheets on digital professions using language that was more inclusive of girls, and a booklet aimed at improving gender diversity in ICT professions. There were also girls-only introduction to coding courses.<sup>67</sup>

118. The Flemish Community’s STEM action plan for the period 2012–2020<sup>68</sup> is specifically focused on underrepresented groups, including girls who excel in STEM<sup>69</sup> subjects and schoolchildren learning in difficult circumstances because of their socioeconomic status and/or foreign origin. The plan establishes STEM learning networks specifically for primary and secondary teachers, good practices in the use of STEM and specific activities within technical and vocational education, with a view to providing young people with additional opportunities for discovering and developing a talent for STEM subjects. The percentage of girls enrolled in STEM-related higher education increased from 37 per cent in 2011 to 40 per cent in 2016. A new plan for the period 2020–2030 is being prepared. Support has also been provided

<sup>64</sup> Science, technology, engineering and mathematics (STEM) and information and communications technology (ICT).

<sup>65</sup> [www.gdbd.be](http://www.gdbd.be).

<sup>66</sup> [www.digitalwallonia.be/fr/publications/wallonia-wonder-women](http://www.digitalwallonia.be/fr/publications/wallonia-wonder-women).

<sup>67</sup> [www.coderdojo4divas.be/fr/](http://www.coderdojo4divas.be/fr/).

<sup>68</sup> <https://onderwijs.vlaanderen.be/nl/stem>.

<sup>69</sup> Science, technology, engineering and mathematics (STEM).

for smaller projects, such as the STEAM Fablab project<sup>70</sup> of Thomas More University, projects aimed at vulnerable girls of foreign origin,<sup>71</sup> and research on the study choices of boys and girls in technical and vocational education.<sup>72</sup>

119. In the Flemish Community, since 2012, the Department of Education, educational networks, parent associations and student associations have signed a charter aimed at creating a school environment that is more sensitive to gender and to lesbian, gay, bisexual and transgender persons. To implement the charter, an organization called Çavaria receives annual funding of €73,000 and the secondment of a full-time teacher. Free, customizable courses are available to educational teams, teachers, guidance counsellors and so forth. Educational materials for teachers, including brochures and short films, are available on an educational website ([www.schooluitdekast.be](http://www.schooluitdekast.be)).

120. Since 2017, the French Community has been carrying out a systemic reform of its education system through the Compact for Excellence in Education, which is intended to improve, among other things, guidance on fields of study and careers, focusing on the specific needs of girls and boys. A STEM strategy and plan of action are being developed.

121. Since 2020, textbook publishers are accredited in principle, but they are also bound by a charter pledging to respect gender equality.

122. In May 2018, the French Community launched “One school for girls and boys”, an online induction and continuing education training tool for teachers that is intended to inform and raise awareness in the educational community about inequalities between girls and boys in schools ([www.egalitefillesgarcons.be](http://www.egalitefillesgarcons.be)). The tool was developed in partnership with the non-profit sector (Université des femmes), with a view to helping teachers to make their teaching fairer. The website contains resources tailored to each educational stage that are intended to raise awareness of equality among children. During the French Community’s reform of compulsory education, gender issues were specifically addressed, including through the development of tools. In early 2019, initial teacher training was reformed and now explicitly includes material on gender and violence against women.

123. A process of reflection is under way on the creation of specific training courses on violence against women for inclusion in law, medicine, journalism and psychology courses. In addition, there are approximately one hundred taught courses on the subject, including a university certificate on gender and sexuality from the Université libre de Bruxelles, a continuing education course on gender-based violence<sup>73</sup> and a collaborative master’s degree in gender studies offered by six universities.<sup>74</sup>

124. Since 2016, a committee on women and science provides advice and recommendations on gender equality issues in academia and science. It includes gender focal points from each university.<sup>75</sup>

125. Since 2016/17, the Université libre de Bruxelles has been implementing the so-called cascade measure. In essence, the Rector must ensure that the proportion of women and men promoted to a higher level is at least equal to the proportion of

<sup>70</sup> Science, technology, engineering, arts and mathematics (STEAM).

<sup>71</sup> [www.ellavzw.be/node/4/project-kleefkracht-hope-girls](http://www.ellavzw.be/node/4/project-kleefkracht-hope-girls).

<sup>72</sup> Steegmans, N., and De Coster, M. (2015). In ‘vakken’ gestopt: Gegenderde studiekeuzes in het Vlaamse BSO en TSO’. Hasselt University and University of Antwerp. Steunpunt Gelijkekansenbeleid.

<sup>73</sup> [www.cbcs.be/Nouvelle-formation-Violences-fondees-sur-le-genre](http://www.cbcs.be/Nouvelle-formation-Violences-fondees-sur-le-genre).

<sup>74</sup> [www.mastergenre.be/presentation/](http://www.mastergenre.be/presentation/).

<sup>75</sup> [www.ares-ac.be/fr/a-propos/instances/commissions-permanentes/femmes-et-sciences/les-personnes-de-contact-genre-pcg-des-universites-et-du-frs-fnrs](http://www.ares-ac.be/fr/a-propos/instances/commissions-permanentes/femmes-et-sciences/les-personnes-de-contact-genre-pcg-des-universites-et-du-frs-fnrs).

women and men at the previous career level. The measure applies to promotions to the rank of full professor. For instance, if women make up 33 per cent of staff at the N-1 level (lecturers), women must account for at least 33 per cent of those promoted to the N level (professor). The goal is to combat the erosion of gender balance at the highest levels of academia and encourage both women and men to build their academic records from the outset of their careers.<sup>76</sup> In 2018, the French Community provided the Université libre de Bruxelles with funding to carry out a project on combating unconscious bias in recruitment processes.

126. The number of early school leavers is, in relative terms, higher among foreign pupils than among Belgian pupils, and higher among boys than among girls.

127. The causes of early school leaving fall into two categories: pull factors (e.g. attractive labour market, option of obtaining a qualification through continuing education) and push factors (e.g. lack of interest in school, repeating a year, truancy, mental health issues, family problems).

128. In 2015, the Flemish government approved an action plan entitled “Together against early school leaving”. The plan is intended to guarantee the right to learn for all children and young people and reduce the number of pupils dropping out and leaving school early. The plan consists of 52 actions, covering monitoring and coordination, prevention, intervention and remediation. Regardless of the child’s age, gender and social characteristics, the plan emphasizes extended basic care and expanding such care in order to discourage young people from leaving school early. The figures for unexcused absences reveal that, at the secondary school level, boys have more absences than girls (3.1 per cent for boys compared with 2.2 per cent for girls in the 2017/18 academic year) and that the trend has become more pronounced over the past four years (the figures for 2014/15 were 2.2 per cent for boys and 1.7 per cent for girls). The figures for early school leaving show that boys are also more likely than girls to leave school early (12.7 per cent of boys compared with 8 per cent of girls in the 2015/16 academic year). The figures for young people not in education, employment or training show that boys and young men aged 15–24 are more likely than girls not to be in education, employment or training (7.7 per cent of boys compared with 6.6 per cent of girls, in 2017). According to Cedefop,<sup>77</sup> in the 20–34 age group, women are more likely than men not to be in education, employment or training (19.5 per cent of women compared with 14.9 per cent of men, in 2016). This may be due to motherhood, more women working off the books, and so forth. Young people who are absent from school for extended periods owing to illness, teenage pregnancy or informal caregiving responsibilities for family members are more likely to fall behind in school. To ensure such students fall behind as little as possible, they are able to attend classes at home on a temporary basis. The relevant authorities monitor the action plan carefully with a focus on the number of students by gender and type of support offered, to allow for measures to be adapted and a gender-based approach incorporated if necessary (for example, if girls are more likely than boys to miss school to care for family members).

129. Since 2014/15, the five Flemish universities have offered an inter-university master’s in gender and diversity. Professors from various faculties and departments provide in-depth education on gender studies. The focus is on the relationship between gender and other forms of diversity and inequality, such as ethnicity, sexual orientation, socioeconomic status, world-view and disability; in other words, an

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<sup>76</sup> [www.ulb.ac.be/ulb/presentation/genre-cascade.html](http://www.ulb.ac.be/ulb/presentation/genre-cascade.html).

<sup>77</sup> European Centre for the Development of Vocational Training.



intersectional perspective. Core scientific, historical, political, media, cultural and societal issues are approached from this critical angle.<sup>78</sup>

130. The French Community is currently developing a comprehensive plan to combat early school leaving, as part of which it intends to develop effective data collection systems to monitor specific targets, redefine the roles and responsibilities of intervention mechanisms, and strengthen the framework for coordinating the work of stakeholders. The three pillars of the plan are prevention, intervention and remediation. The plan will distinguish between first-line, second-line and third-line services and will set out the time frame for the various interventions. The plan is expected to be rolled out in September 2020.

## Employment

### Question 15

131. Belgium continues to strive to combat occupational segregation. In addition to the measures to combat segregation in education and educational guidance (see question 14), Belgium is highlighting the gender dimension in fields such as ICT, STEM and the green economy, and encouraging men to work in care and health care.

132. In an effort to change people's attitudes, Belgium is raising awareness among workers and employers through awareness-raising campaigns that challenge gender stereotypes and traditional gender roles.

(a) *Women's access to employment, in particular jobs in science and technology*

133. Following the Grand Coalition for Digital Jobs at the European level, in September 2015, Belgium launched a national digital skills and jobs coalition called Digital Champions. The coalition brings together relevant actors from various government authorities, the education sector and the private sector to develop initiatives aimed at improving the public's digital skills. There is an emphasis on continuing education. There are specific measures for target groups, and gender is taken into account. With regard to coding, the target was to encourage 20,000 children, of whom at least 40 per cent should be girls, to take part in a coding event by 2020.

134. Since 2016, the annual publication of the Information Society Barometer, setting out the differences between women and men, has been made available to the public.<sup>79</sup> This includes indicators related to the digital divide and digital skills.

135. Following the European Union's adoption, in 2019, of the Women in Digital Declaration, Belgium developed a five-year plan for women in STEM and ICT, entitled "Women in digital. National and intersectoral strategy 2020–2025". The plan sets out five strategic objectives for addressing the structural barriers to women's participation in the digital world: getting girls interested in STEM and ICT; helping women to get STEM and ICT jobs; retaining women in STEM and ICT careers; changing the image of the sector; and ensuring that all women have basic skills.

136. In February 2017, the Brussels-Capital Region adopted the NextTech plan, which aims to support and promote the establishment and growth of ICT-related companies through specific measures. Action 13 of the plan is intended to increase the presence of women in the innovative sectors of the high-tech industry and in the creation of startups. Action 13 also provides for the establishment of Women in Tech, a platform for advocacy, information and guidance for women in Brussels who want

<sup>78</sup> [www.mastergenderendiversiteit.be/nieuwe-interuniversitaire-opleiding/visie/](http://www.mastergenderendiversiteit.be/nieuwe-interuniversitaire-opleiding/visie/).

<sup>79</sup> <https://economie.fgov.be/fr/publications/barometre-de-la-societe-de-0>.

to get into, or who have an interest in, innovative entrepreneurship and ICT. The platform is intended to reflect the Brussels network for women's entrepreneurship in ICT and will bring together all relevant actors, in order to strengthen the network and increase the visibility of entrepreneurship among women. Women in Tech has several objectives, including raising awareness and informing women in Brussels of the opportunities presented by new jobs in digital technology and innovation, in line with the NextTech plan; stimulating the establishment and growth of companies in the field and supporting current and future women entrepreneurs; and encouraging women entrepreneurs to share their technical and innovative experiences with other women by acting as role models. Women in Tech partnered with the 2018 Women Code festival held in Brussels.<sup>80</sup>

137. In late 2016, the Flemish Region launched an ICT stimulus plan to increase the digital literacy of young people (e.g. learning to program, developing apps and games, and creating websites). In its communication campaigns aimed at promoting science and technology, special attention is given to girls and disadvantaged young people.

138. The socioeconomic monitoring for 2019 carried out by the Federal Public Service for Employment and Unia shows that there has been an overall improvement in the situation of women in the labour market; however, this is only true for women of Belgian origin.<sup>81</sup>

(b) *Combating the gender pay gap and reconciling work and family life*

139. Combating the gender pay gap has been a priority of Belgium for years. The principles of non-discrimination in remuneration and equal pay for men and women for equal work or work of equal value were incorporated into Belgian law very early on.<sup>82</sup>

140. Belgium has one of the smallest gender pay gaps in the European Union, and the gap is narrowing steadily: the gap has decreased from 10.9 per cent in 2014 to 9.6 per cent, calculated on the basis of gross annual earnings (adjusted for number of hours worked). Meanwhile, the rate of women's participation in the labour market continues to increase (65.5 per cent in 2018, up from 62.9 per cent in 2014). However, the gross gender pay gap (not adjusted for number of hours worked) was 24.5 per cent in 2018, up from 23.7 per cent in 2014. One of the reasons for the difference between the pay gap adjusted for number of hours worked and the gross pay gap is the large proportion of women who work part-time. In Belgium, in 2018, 40.5 per cent of female employees worked part-time, compared with only 9.4 per cent of male employees. This is much higher than the European average of 30.8 per cent.<sup>83</sup> Studies have shown that women are often involuntary part-time workers.

141. The reasons for working part-time differ by gender.<sup>84</sup> Women still do the vast majority of domestic and caregiving tasks. A 2016 study on time management revealed that men spend an additional almost 1.5 hours per weekday than women doing paid work, while women spend an additional almost 1.5 hours doing household chores. On the positive side, the amount of time fathers spend caring for and bringing up their children is increasing every year.

<sup>80</sup> <https://womeninbusiness.be/women-code-festival/>.

<sup>81</sup> <https://emploi.belgique.be/fr/publications/monitoring-socioeconomique-2019-marche-du-travail-et-origine>.

<sup>82</sup> See question 2.

<sup>83</sup> Eurostat, 2017.

<sup>84</sup> According to the 2017 report of the Institute for the Equality of Women and Men on the gender pay gap, 49 per cent of women who work part-time do so primarily to reconcile work and family life, compared with just 23 per cent of men.

142. The number of parents taking parental leave is also increasing steadily, with a particularly significant rise among men. While the gender distribution of users of parental leave remains unbalanced, with women accounting for approximately 70 per cent and men 30 per cent of users, the number of fathers taking parental leave more than doubled between 2008 and 2015, going from 8,000 to 18,000. The most successful type of arrangement, particularly for men, is reducing work-hours by one fifth. In September 2018, a type of parental leave reducing work-hours by one tenth was introduced. While the data are encouraging, there is still a need to raise awareness among fathers and employers.

### Question 16

(a) *Strengthening women's access to full-time work*

143. Belgium aims to increase women's participation in the labour market by better reconciling work and family life for both parents and by promoting greater sharing of household tasks. Measures have therefore been taken in respect of leave and labour market flexibility (see sections (c) and (d)).

144. With regard to flexibility, the Act on feasible and manageable work of 5 March 2017 introduced, among other things, flexible working, which allows workers to alter the start and end time of their workday.

(b) *Stork Plan III: expanded childcare services in the Walloon Region and the Brussels-Capital Region*

145. The Stork Plan III, covering the period 2014–2022, was adopted in 2013 by the Government of the French Community. It aims to create 14,849 childcare places, both subsidized and unsubsidized, for children under 3 years of age, in childcare centres and home-based settings. This should make it possible to achieve, by 2022, balanced coverage rates among the various subregions. Significant budgetary resources have been made available for this purpose by the French Community, in partnership with the Walloon Region, the Brussels-Capital Region and the French Community Commission. The Stork Plan III is intended to enhance synergies with a view to simplifying administrative procedures for managers. There were certain requirements for the new childcare places; for instance, they had to be located in areas where population pressure was highest and the coverage rate was lowest. Another priority was to combat unequal access to childcare services by focusing on affordability. The Plan was also intended to diversify further the types of childcare available, such as childcare centres, registered childminders, emergency childcare, flexible childcare and childcare for sick children.

146. In the Walloon Region, 105 new childcare centres were established, creating 2,768 new places, of which 2,315 are subsidized by the authorities. In addition, a microcredit financing scheme for home-based childminders, called BB-Pack, was launched in 2017.<sup>85</sup> These measures strengthen access to employment, particularly for women, and improve the daily lives of families trying to balance work and family life.

(c) *Awareness-raising campaign entitled "Parental leave: fathers needed" at the federal level*

147. In 2018, on Father's Day, an awareness-raising campaign entitled "Parental leave: fathers needed" was launched. The campaign was intended to inform fathers about parental leave options. The message of the campaign was: "Workers have a right to parental leave – take it, you won't regret it!". Studies show that many fathers

<sup>85</sup> [www.wallonie.be/fr/actualites/bb-pack-un-soutien-concret-en-matiere-daide-la-petite-enfance](http://www.wallonie.be/fr/actualites/bb-pack-un-soutien-concret-en-matiere-daide-la-petite-enfance).

would like to spend more time with their children, but are unaware of the parental leave options or worry that taking leave will have a negative impact on their careers. Although the number of fathers taking parental leave is increasing every year, at present, parental leave is still mostly taken by women. According to a study carried out by the Institute for the Equality of Women and Men, the share of parental leave taken by fathers has increased from 15 per cent in 2004 to 32 per cent in 2017 (compared with 68 per cent for mothers). If more fathers took parental leave, it could improve the division of household tasks and enhance gender equality in the workplace. For a year, information on parental leave was disseminated in maternity wards through a “dads-only bag” provided to new parents.

(d) *Making parental leave more flexible and extending paternity leave*

148. In September 2018, Belgium strengthened adoption leave, introduced parental leave for foster parents, and made parental leave more flexible by introducing the option to reduce work-hours by one tenth (i.e. half a day per week or one day every two weeks), in order to address fathers’ need for flexibility.

149. In early 2019, Belgium established paternity leave of 10 days for self-employed workers, as was already the case for employees.

**Question 17**

150. In 2014, provisions relating to protection against violence and moral and sexual harassment were strengthened, with training made mandatory for confidential counsellors, and employers required to follow up on reports within stricter time limits and take provisional measures in the case of serious incidents.<sup>86</sup> Since then, new responsibilities have also been given to prevention advisers, who are obliged to refer cases to the Social Legislation Inspectorate if there is a serious and immediate danger and the employer has not taken appropriate measures. The prevention adviser must submit his or her recommendation to the employer within a shorter time frame, to allow the employer to make a decision more quickly. In addition, better information on the content of advisers’ recommendations must be provided to the parties. Lastly, victims can ask for lump-sum compensation for the damage suffered and no longer have to prove the extent of the damage and the causal link between the behaviour and the damage.

151. The Federal Public Service for Employment, Labour and Social Dialogue organizes information and networking sessions on the topic for confidential counsellors and prevention advisers. Other initiatives include a meeting of the network of gender-friendly companies, which was launched in November 2018 by the Institute for the Equality of Women and Men, during which four companies presented, among other things, the specific measures they have put in place to combat sexual harassment.

**Question 18**

152. In recent years, the Institute for the Equality of Women and Men has paid particular attention to discrimination related to pregnancy and maternity. The Institute has taken several cases to court and obtained convictions against employers that discriminate on these grounds. It also carried out a study on the experiences of pregnant women in the workplace in order to better understand the discrimination they face, despite the protection afforded by law.<sup>87</sup> In 2017, the Institute launched a

<sup>86</sup> See the Acts of 28 February 2014 and 28 March 2014 and the Royal Decree of 10 April 2014 on the prevention of psychosocial risks at work.

<sup>87</sup> [https://igvm-iefh.belgium.be/fr/publications/grossesse\\_au\\_travail\\_experiences\\_de\\_candidates\\_employees\\_et\\_de\\_travailleuses](https://igvm-iefh.belgium.be/fr/publications/grossesse_au_travail_experiences_de_candidates_employees_et_de_travailleuses).

major campaign called “Keeping mothers on board”, the objective of which was to, through various media, make pregnant women, and women considering becoming mothers, aware that they had rights and that they could not be discriminated against, excluded or harassed for being pregnant or for having children.<sup>88</sup> The aim of the campaign was to encourage women to educate themselves and, if necessary, file a complaint with the Institute. The Institute also published an information brochure for female workers undergoing in vitro fertilization to make them aware of their rights and responsibilities and the protective measures in place during treatment.<sup>89</sup> According to the Institute’s annual review of sexual discrimination, the number of reports of discrimination related to pregnancy and maternity is rising steadily.

153. In addition, based on the advice and recommendations of the Institute, anti-discrimination laws have recently been strengthened through the expansion of the list of so-called protected characteristics.<sup>90</sup> Discrimination on the basis of paternity, co-maternity, breastfeeding, adoption, medically assisted reproduction and sex characteristics is now prohibited.

154. Between September 2017 and March 2018, an anti-discrimination awareness-raising campaign was conducted in the Flemish Region, under the slogan “It can happen”. The campaign, developed in collaboration with Flemish social partners and associations of disadvantaged groups, was intended to make people think about discrimination and potentially discriminatory messaging. All the campaign materials and a wealth of information on discrimination are available on the dedicated website.<sup>91</sup> The campaign, which improved the visibility of focal points with whom victims can file a complaint, addressed not only gender-based discrimination but also discrimination on the basis of origin, age and disability. In the area of gender, particular attention was paid to pregnancy discrimination at work.

155. The Brussels-Capital Region has strengthened its legislation with the adoption of the ordinance of 16 November 2017 on combating employment discrimination. When mediation with the employer does not succeed, the complaint is forwarded to the Regional Employment Inspection for possible criminal prosecution. Under this legal framework, inspectors are authorized to use situational tests (sending similar résumés except for one potentially discriminatory criterion) and mystery calls to detect discrimination. These discrimination tests must not be provocative and can only be carried out once a complaint has been lodged that is supported by substantial evidence. If a report citing irregularities is issued, it is forwarded to the Labour Inspectorate. In the event of a conviction by the courts, the offender has to repay the regional subsidies received. This mechanism, which is intended both for deterrence and enforcement, is intended to reduce discrimination in recruitment processes and promote the integration of women into the labour market.

156. Since 2016, a preventive component has also been developed, through an annual call for projects aimed at promoting specific and innovative actions to combat discrimination in the hiring process and support diversity in private and public organizations and companies. Under this scheme, 43 innovative projects received support between 2016 and 2018. Examples include a project to offer immigrant women trial periods and coaching in participating companies; a toolkit for counteracting sexual discrimination in the workplace; online mentoring for young

<sup>88</sup> [https://igvm-iefh.belgium.be/fr/activites/discrimination/grossesse/campagne\\_maman\\_reste\\_a\\_bord](https://igvm-iefh.belgium.be/fr/activites/discrimination/grossesse/campagne_maman_reste_a_bord).

<sup>89</sup> [https://igvm-iefh.belgium.be/fr/publications/fecondation\\_in\\_vitro\\_et\\_travail\\_un\\_parcours\\_de\\_combattante](https://igvm-iefh.belgium.be/fr/publications/fecondation_in_vitro_et_travail_un_parcours_de_combattante).

<sup>90</sup> Act of 4 February 2020 amending the Act of 10 May 2007 on combating discrimination between women and men, with respect to the prohibition of discrimination on the basis of paternity or co-maternity.

<sup>91</sup> [www.hetisgauwgebeurd.be](http://www.hetisgauwgebeurd.be).

immigrant women in Brussels seeking employment (DUO'Elles); and a distance-learning project for small and medium-sized companies on issues related to gender and diversity in recruitment.

157. The Brussels-Capital Region rewards employers that promote diversity and that have fulfilled their commitments. Diversity labels, acknowledging the actions carried out by companies, are issued to employers that have successfully completed their two-year diversity plan.

## Health

### Question 19

158. According to data compiled by the Belgian Cancer Registry in its report entitled “Cancer burden in Belgium 2004–2017”,<sup>92</sup> in 2017, there were 10,617 women with breast cancer, the majority of whom were aged 61–70 years old (2,657 women) and 51–60 years old (2,406 women); between 2013 and 2017, the total number of women with breast cancer was 47,423.<sup>93</sup> In 2017, there were 622 women with cervical cancer; between 2013 and 2017, the total number of women with cervical cancer was 2,487.<sup>94</sup>

159. Since 2001, women in Belgium aged between 50 and 69 can opt to have a screening mammogram every two years, free of charge.

160. Since the 2010/11 school year, the human papillomavirus (HPV) vaccine has been available free of charge to all girls and boys in year one (in the Flemish Community) or year two (in the French Community) of secondary school. Girls who are vaccinated are required to have a smear test once they turn 25.

161. The Advisory Committee on Bioethics and the Superior Health Council have, on several occasions, pointed out that the principle of freedom of consent provided for in the law on patients’ rights<sup>95</sup> also applies, on the basis of the principle of equality, to the sterilization of persons with disabilities, and that sterilization is not permissible when the sole purpose is to reassure caregivers or relatives.<sup>96</sup> The sterilization of persons with disabilities is a rare occurrence, even if the person’s legal guardian is in agreement. Each case is examined and discussed on an individual basis, considering the overall situation of the person and his or her environment.

162. Patients consent to medical treatment for as long as they are capable of doing so.<sup>97</sup> Since the entry into force of the Act of 21 December 2018,<sup>98</sup> the justice of the peace no longer rules on the exercise of a patient’s rights by the protected person himself or herself, but only on whether an administrator can exercise the patient’s rights on his or her behalf in the case of patients who are unable to express their

<sup>92</sup> <https://kankerregister.org/media/docs/CancerBurdenfeb2020reduced.pdf>.

<sup>93</sup> Complete data available on pp. 106–114 of “Cancer burden in Belgium 2004–2017”.

<sup>94</sup> Complete data available on pp. 115–129 of “Cancer burden in Belgium 2004–2017”.

<sup>95</sup> Act of 22 August 2002 on patients’ rights, in particular articles 7, 8, 12 and 14. The law expressly states that the patient has the right to consent freely to any treatment, subject to having been provided with information. Patients who are minors or who are represented by a guardian are involved in the exercise of their rights to the extent possible, according to their capacity of understanding.

<sup>96</sup> See in particular Opinion No. 8 of the Advisory Committee on Bioethics of 14 September 1998 ([www.health.belgium.be/sites/default/files/uploads/fields/fpshealth\\_theme\\_file/opinion\\_8\\_web\\_avec\\_annexe.pdf](http://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/opinion_8_web_avec_annexe.pdf)).

<sup>97</sup> Article 14, section 1, para. 1, of the Act of 22 August 2002 on patients’ rights; article 492/1, section 1, paras. 3, 15 and 20 of the Civil Code.

<sup>98</sup> Act of 21 December 2018 containing various provisions in the area of justice.

wishes and have not designated a proxy.<sup>99</sup> In such cases, even if the justice of the peace finds that the administrator is entitled to exercise the rights of the patient, the administrator cannot give consent to sterilization or any other procedure that affects the physical integrity or intimate life of the protected person. Sterilization is a particularly personal procedure and only the person concerned can consent to it.<sup>100</sup>

163. According to the Federal Public Service for Health, in 2017, of 14,979 hospitalizations for sterilization procedures, 17 involved persons with mental disabilities.

## **Economic empowerment of women**

### **Question 20**

164. A policy impact assessment (see question 3) must be conducted when draft regulations are being prepared, including tax-related legislative proposals.

165. A gender mainstreaming task force was established in 2018 within the Federal Public Service for Finance. The task force brings together experts from various departments within the Federal Public Service. Its objective is to identify potential gender biases within the tax system and reduce or eliminate them through future regulatory reforms. The administrative compact for the period 2016–2018 of the Federal Public Service for Finance contained a commitment to mainstream gender into its policies and activities.

166. Belgium has a very extensive social protection system open to both women and men. The social security system provides income replacement and income support. There are seven categories (retirement and survivors benefits; unemployment benefits; workers' compensation insurance; insurance against occupational diseases; family allowance; compulsory health insurance and benefits; and annual vacation. Social assistance acts as a residual safety net. It includes social integration income, guaranteed income for elderly persons, guaranteed family allowances, and benefits for persons with disabilities.

167. Several studies have been carried out on gender and social security. In recent years,<sup>101</sup> emphasis has been placed on disability and financing: in a 2019, SD Worx carried out a study that mapped gender differences with respect to alternative forms of remuneration.<sup>102</sup> In addition, a study entitled "Psychosocial disorders and parental neglect: the impact of juggling work and family life" was carried out in 2018.<sup>103</sup>

## **Disadvantaged groups of women**

### **Question 21**

168. The at-risk-of-poverty rate for older women who are single has decreased significantly over the past 10 years (from 25.2 per cent in 2009 to 20.3 per cent in 2018). The rate for men is 19.3 per cent. This improvement is due in part to a cohort

<sup>99</sup> Article 492/1, section 1, para. 4, of the Civil Code; article 14, section 2, of the Act of 22 August 2002 on patients' rights.

<sup>100</sup> Article 492/1, section 1, paras. 3, 15 and 20 of the Civil Code; article 497/2, paras. 15 and 20, of the Civil Code.

<sup>101</sup> The gender dimension of pension benefits was examined in 2014 by the 2020–2040 Commission for Pension Reform. See [www.conseilacademiquedepensions.be/documents#rapports](http://www.conseilacademiquedepensions.be/documents#rapports).

<sup>102</sup> <https://socialsecurity.belgium.be/fr/publications/sd-worx-etude-remun>.

<sup>103</sup> <https://socialsecurity.belgium.be/fr/publications/troubles-psychosociaux-et-labondon-chez-les-parents-impact-de-la-combinaison-du-travail>.

effect (women are reaching retirement age with better social rights), as well as to improved minimum pensions.

169. Since 2016, certain periods, such as career breaks (*crédit-temps*), reduced working hours and part-time work, can be counted towards a person's pension.<sup>104</sup>

170. The guaranteed income for elderly persons is a social benefit granted under certain conditions to people over 65 who do not have sufficient means to support themselves. Since December 2019, in the month when individuals eligible for the minimum income for persons of working age turn 64, an ex-officio inquiry takes place, through inter-agency information-sharing, to determine whether they are entitled to the guaranteed income for elderly persons. Those who qualify automatically receive the guaranteed income for elderly persons. In 2015, 63 per cent of beneficiaries of social assistance over the age of 65 were women. In 2018, women accounted for 61 per cent of those in the 65–67 age group. The guaranteed income for elderly persons was revalued in May 2019.

171. The survivors benefits scheme was modified in 2014. Under the new scheme, survivors benefits can be combined with social benefits and a retirement pension.<sup>105</sup>

172. Within the Flemish care budget for elderly persons requiring care, the various budget categories are more tailored to vulnerable elderly persons. The elderly care budget should best benefit individuals with limited independence and income.

## Question 22

173. A committee of 12 experts was tasked with assessing the three anti-discrimination laws, including the Gender Act. The Committee's mandate is for the period 2016–2021. The Committee is expected to issue its final report in May 2021. In February 2017, the Committee completed its first interim report, containing 33 recommendations for improving the effectiveness and implementation of the laws.<sup>106</sup>

174. A number of the recommendations have already been implemented. The Act of 15 January 2018 made it possible for labour inspectors to carry out "mystery shopping" to uncover workplace discrimination.<sup>107</sup>

175. Training sessions for judges, lead police officers and labour inspectors are held annually, with the assistance of the equality bodies, Unia and the Institute for the Equality of Women and Men.

176. The Royal Decree of 11 February 2019 concerning positive actions (special measures) that private employers can take in respect of at-risk groups (on the basis of their gender, as well as young people, persons with little formal education, workers aged 55 and above, members of ethnic minorities and migrants) was published on 1 January 2019.

177. The implementation of the other recommendations is under way. Special attention will be paid to intersectional and multiple discrimination.

<sup>104</sup> The Royal Decree of 20 December 2016 amending article 34 of the Royal Decree of 21 December 1967 brought the rules for counting certain periods of inactivity towards a person's pension into line with the Royal Decree of 12 December 2001 on career breaks, reduced working hours and part-time work. Periods that result in the provision of benefits by the National Employment Office are counted towards a person's pension.

<sup>105</sup> Act of 5 May 2014 amending retirement pensions and survivors benefits.

<sup>106</sup> [www.unia.be/files/Documenten/Aanbevelingen-advies/Commission\\_d%C3%A9valuation\\_f%C3%A9gislation\\_f%C3%A9d%C3%A9rale\\_relative\\_%C3%A0\\_the\\_fight\\_against\\_discrimination.pdf](http://www.unia.be/files/Documenten/Aanbevelingen-advies/Commission_d%C3%A9valuation_f%C3%A9gislation_f%C3%A9d%C3%A9rale_relative_%C3%A0_the_fight_against_discrimination.pdf).

<sup>107</sup> Act of 15 January 2018 containing various provisions in the area of employment.



178. In the Flemish Community, the Decree of 10 July 2008 covers multiple discrimination (discrimination on one or more protected grounds) and discrimination by association among the prohibited forms of discrimination, in contrast to the federal anti-discrimination laws. An assessment of the Decree began in June 2019, the results of which are expected in 2020.

179. Since the amendment of 2 May 2019, the Walloon Decree of 6 November 2008 on combating certain forms of discrimination also provides for protection against multiple discrimination and discrimination by association.

180. In 2018, the Institute for the Equality of Women and Men received 818 reports, twice as many as five years previously. The continued increase reflects growing collective awareness and the willingness of victims to speak out. Societal responses to inequality and the attention given to major legal changes have increased the visibility of the struggle for a gender-equal society. However, the number of reports received is only the tip of the iceberg. Reaching the entire population, to encourage them to speak out and file reports, and tackling the social invisibility of the issue remains a challenge. It is difficult to quantify the number of disputes related to sexual discrimination, as case law is not published systematically in Belgium. The core document of the Institute for the Equality of Women and Men lists cases dealing with the issue of gender discrimination. Between 2007 and 2012, 29 decisions were identified, relating primarily to the gender pay gap, social security and working conditions.

181. To ensure the cross-cutting nature and effectiveness of its policies in all areas of its jurisdiction, the Brussels-Capital Region has created an equal opportunities test, which is intended to provide an assessment of the extent to which policy decisions (regulations, subsidies, public contracts, strategic planning documents and management contracts) make allowance for the potentially different impact on members of different target groups (gender, disability, lesbian, gay, bisexual, transgender, queer and intersex persons, ethnic and cultural origin, and social origin and status) before they are adopted. As part of its subsidy policy, the Brussels-Capital Region evaluates the mainstreaming of equal opportunities and the intersectionality of projects.

182. Belgium has strengthened its legislative framework for combating discrimination against lesbian, gay, bisexual, transgender and intersex persons. Since 1 January 2015, Belgian co-mothers have been able to establish filiation with their children without having to go through adoption, meaning that same-sex couples and heterosexual couples now receive equal treatment: the co-mother married to the mother is automatically recognized as a parent, while an unmarried partner can legally recognize the child at the civil registry office.

183. The various levels of government have amended their laws to equate discrimination on the basis of gender identity and gender expression with discrimination on the basis of sex. These two grounds have been incorporated into the revised legislation on the prevention of risks in the workplace. Since 1 January 2018, transgender persons no longer have to meet specific medical criteria to have their registered sex and given name officially amended.<sup>108</sup>

184. The Interfederal Action Plan to Combat Discrimination and Violence against Lesbian, Gay, Bisexual, Transgender and Intersex Persons 2018–2019, which built on two previous plans from 2013, set out 22 objectives and 115 measures and actions, organized by policy area: equal opportunities, public health, welfare and family, education and young people, media, development cooperation, home affairs and

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<sup>108</sup> 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.

foreign affairs, civil service, sports, justice, labour, and asylum and migration. Coordinated at the federal level, the Action Plan also included measures falling to the federated entities. The inclusion of intersex persons is a new feature of the Action Plan. The measures taken were monitored and an assessment was carried out in 2019. Examples of measures taken in the area of employment include training for labour inspectors on lesbian, gay, bisexual, transgender and intersex issues (at the federal level and in the Walloon Region) and the development of a guide for trans people in the workplace by the Institute for the Equality of Women and Men. In the area of health, measures taken include dialogue between lesbian, gay, bisexual, transgender and intersex associations and the organization of health-care providers at the federal level; improved suicide prevention for lesbian, gay, bisexual, transgender and intersex persons in the Flemish Community; and awareness-raising and education of doctors on the specific needs of transgender persons in the Walloon Region. In the area of education, training and coaching was offered to teachers and administrative staff, and training courses for teachers on the issue were developed in the Flemish Community. Teaching materials for use by teachers, students and youth workers at the kindergarten, primary and secondary school levels are available at [www.schooluitdekast.be](http://www.schooluitdekast.be). The Flemish Community has developed guides on the inclusion of lesbian, gay, bisexual and transgender persons in education, free teaching materials and training courses for schools, and teacher training on making education inclusive of lesbian, gay, bisexual, transgender and intersex persons. The French Community has produced a guide to the inclusion of trans persons in higher education, while the German-speaking Community conducted an awareness-raising campaign on issues affecting lesbian, gay, bisexual, transgender and intersex persons. A study entitled “Being a transgender person in Belgium, 10 years on” was carried out to take stock of the legal and social situation of transgender persons in Belgium and their experiences of discrimination.

185. In February 2020, an information brochure for parents of children with variations in their sex characteristics was developed in collaboration with intersex organizations and intersex individuals, and Parliament hosted a symposium on intersex persons.

186. Belgium has continued to actively mainstream gender into its asylum and migration policy. The Act of 12 January 2007 on the reception of asylum seekers and certain other categories of alien was amended in March 2018 in accordance with Directive 2013/33/EU of the European Union.<sup>109</sup> The Act now explicitly protects vulnerable persons, including individuals who have been tortured, raped or exposed to other serious forms of psychological, physical or sexual violence, such as female genital mutilation.

187. The Office of the Commissioner-General for Refugees and Stateless Persons pays special attention to female asylum seekers who claim gender-related persecution. A gender coordinator monitors such issues closely. Training is given to new protection officers.<sup>110</sup> Since 2011, the Office has produced a brochure entitled “Women, girls and asylum in Belgium” in several languages, including Arabic, Fula, Pashto, Russian, Albanian and Serbian. The brochure is distributed to female asylum seekers to explain the asylum procedure and address issues such as health, female genital mutilation, domestic violence and trafficking in human beings. With respect to resettlement, the Office pays particular attention to vulnerable persons, such as single women, single women with children and unaccompanied minors.

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<sup>109</sup> Directive 2013/33/EU of 26 June 2013 laying down standards for the reception of applicants for international protection.

<sup>110</sup> Protection officers review asylum applications, interview asylum seekers and then draft reasoned proposed decisions.

188. Starting in 2015, the Federal Agency for the Reception of Asylum Seekers developed a set of minimum standards for the reception of applicants for international protection, based on European directives, legislation and good practices in the field. The standards cover material assistance, social, legal, daily, medical and psychological support, facilities, household goods and security. Specific needs relating to gender, unaccompanied minors and other vulnerable groups have been taken into account. The applicability of the standards has been tested in the field. The standards were approved in March 2018. From 2015 to 2018, the Federal Agency for the Reception of Asylum Seekers conducted a large study on identifying and caring for vulnerable persons with specific needs in reception facilities, including pregnant women, girls, single mothers and victims of gender-based violence.<sup>111</sup>

189. Since 1 October 2018, the new internal regulations have applied to all reception facilities (collective centres and individual accommodation) in the Agency's accommodation network.<sup>112</sup> They prohibit discrimination, harassment and sexual and gender-based violence, among other things. The regulations are available in 12 languages and are explained to each new arrival.

190. The Federal Agency for the Reception of Asylum Seekers has developed a project called R-Sense, in collaboration with the Belgian Red Cross, the Flemish Community, the Flemish Region and the Flemish expertise centre for sexual health, which provides training courses and educational materials for staff working in reception centres on issues related to sexuality and sexual behaviours, including transgressive behaviours.

191. In the Walloon Region, with respect to the integration of people of foreign origin, recognized "rainbow houses" work with refugee centres to support lesbian, gay, bisexual and transgender migrants.

192. Health-care services are provided with respect for human dignity and patient autonomy, without discrimination. The laws on patients' rights<sup>113</sup> and the protection of persons who are mentally ill<sup>114</sup> guarantee the right of patients to be informed and to consent freely to treatment, and strictly regulate the use of detention measures in the case of persons with mental health problems. Persons granted refugee status have the same access to health care as Belgian citizens. As a result of globalization and the refugee crisis, health-care facilities are increasingly faced with patients who do not speak any of the official languages of Belgium. Intercultural mediators undertake more than 120,000 activities per year in 24 languages. Given that it is not possible to pay for intercultural mediators speaking all languages to be present in all hospitals, remote intercultural mediation via videoconference is available free of charge for all hospitals.

193. Certain issues that affect women and girls in particular, such as HIV, unplanned pregnancies, sexual violence and female genital mutilation, seem to be more frequent among new arrivals. In response, the Flemish expertise centre for sexual health developed a website ([www.zanzu.be](http://www.zanzu.be)) that provides information on sexual health, divided into six sections (bodies, family planning and pregnancy, infections, sexuality, relationships, and rights and law), and available in 14 languages. The website is a useful tool for health-care providers and facilitates communication about sexual health with new arrivals who speak a different language.

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<sup>111</sup> [www.fedasil.be/fr/publications](http://www.fedasil.be/fr/publications).

<sup>112</sup> Ministerial Decision of 21 September 2018 establishing the internal regulations for reception facilities.

<sup>113</sup> Act of 22 August 2002 on patients' rights.

<sup>114</sup> Act of 26 June 1990, amended in particular by the Act of 20 February 2017.

194. In the French Community, women have been targeted by a number of literacy providers, including *Vie féminine*, *Notre coin de quartier* and the *Collectif d’alphabétisation*. Since 2015, the “Promoting citizenship and interculturality” scheme has held an annual call for projects to finance initiatives that address the rights of women, including migrant women. Since 2019, the scheme allows for the approval and funding of three-year projects.

## **Climate change**

### **Question 23**

195. The integration of climate policy into sustainable development and human rights is one of the cornerstones of the Belgian position in international climate negotiations. During the negotiations on the Paris Agreement, Belgium, together with other countries, pushed for the inclusion in the Agreement of the link between human rights, climate change and climate policy, including a reference to gender equality and the empowerment of women.

196. Under the United Nations Framework Convention on Climate Change, Belgium has participated in processes related to a rights-based approach, such as the Lima work programme on gender and its gender action plan. Within the For All Coalition, Belgium supports the movement to maintain the link between human rights, gender, environment and climate.

197. At the national level, mainstreaming gender into climate policies remains a challenge. In the National Climate and Energy Plan, only the Walloon Region makes reference to the gender dimension in the context of the impact of climate policies on social inequalities, including employment, women’s representation in decision-making and the need to mainstream gender into the development of mobility, urbanization and land use policies.

198. Gender mainstreaming is one of the priorities of Belgian development cooperation, in particular with respect to climate-related projects. One example is a project entitled “Expanding the role of women in agricultural production and natural resource management”, which is intended to combat climate change and improve food security in Mozambique. The project, implemented by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) with support from Belgium, has empowered rural women by providing them with agricultural training and support, and has challenged pervasive gender stereotypes. The project has enabled more women to obtain land rights, access civil registration services and secure business licences. Empowered and economically resilient, the beneficiaries are setting a better example for girls and women in their communities and showing them that early marriage is not the only way out.

199. Women are fairly well represented in the federal and regional departments of energy, environment and climate, but there is a gender imbalance in leadership positions.

## **Marriage and family relations**

### **Question 24**

200. In the case of divorce by mutual consent, the spouses decide themselves by agreement whether or not alimony should be paid to one of them. If so, the divorce agreement is filed and approved by the court, unless the crown prosecutor advises

otherwise.<sup>115</sup> If both spouses work, most divorce agreements do not provide for alimony. In the case of divorce on the grounds of irreconcilable differences, the economically weaker former spouse can get alimony if they can demonstrate that they are in need. To that end, the judge takes into account the incomes and opportunities available to the spouses and the economic deterioration of the recipient spouse. The divorce agreement must set out in detail the arrangements for alimony. The judge can decide that the amount of alimony should decrease gradually and, if so, to what extent. The payment of alimony is time-limited: it cannot be paid for longer than the duration of the marriage, unless the recipient spouse demonstrates that he or she is still in need owing to exceptional circumstances.<sup>116</sup> It should be noted that alimony is never paid to a spouse found guilty of rape or attempted rape, attempted homicide or murder, attempted poisoning, or assault and battery of the other spouse.<sup>117</sup>

201. Advance measures can be taken to ensure alimony is paid. For example, the employer of the former spouse can deduct the unpaid amount from his or her salary, or one of the parents of the former spouse can pay the unpaid amount.

202. Wilful non-payment of alimony for more than two months is an offence punishable by a fine and imprisonment.<sup>118</sup> The criminal court can convict the spouse for abandonment of his or her family. In order to recover the amount owed, the recipient spouse can ask for help from the Maintenance Claims Department. On 1 January 2020, the income limit for benefiting from assistance from the Department was increased from €1,800 to €2,200. In 2018, the Department recovered €13,371,000 in unpaid alimony. The Department can also, in certain circumstances, provide an advance on future alimony payments. An individual who is owed alimony can also use a bailiff to seize the assets of their former spouse (salary, unemployment benefits, other benefits, etc.).

203. Following the outbreak of the COVID-19 pandemic, a task force for vulnerable groups was established.<sup>119</sup> According to the task force, women have been more affected by the crisis, owing to such issues as non-payment of alimony, single parenthood, childcare and part-time work.<sup>120</sup> A number of urgent measures have been taken, including the introduction of short-term leave for single-parent families, with an increase in benefits of up to 150 per cent, expanded access to COVID-19 parental leave,<sup>121</sup> and the removal of the income limit for receiving advances on maintenance claims as a result of the Act of 9 July 2020.<sup>122</sup>

204. As at 1 December 2019, all alimony payments and arrears are recorded in a register of collections no earlier than one month after the spouse who owes alimony is notified of the amount due.<sup>123</sup> The register includes, for each individual who owes money, identifying data, the amount due, and the court decision or notarial deed establishing the level of alimony.

<sup>115</sup> Article 1288, para. 1, fourth line, article 1288*bis*, para. 3, article 1297, para. 1, and article 1298 of the Judicial Code.

<sup>116</sup> Article 301, paras. 3 and 4, of the Civil Code.

<sup>117</sup> Article 301, para. 2, line 3, of the Civil Code.

<sup>118</sup> Article 391*bis* of the Criminal Code.

<sup>119</sup> [www.mi-is.be/fr/outils-cpas/task-force-groupes-vulnerables](http://www.mi-is.be/fr/outils-cpas/task-force-groupes-vulnerables).

<sup>120</sup> [www.mi-is.be/sites/default/files/documents/note\\_de\\_synthese\\_des\\_travaux\\_de\\_la\\_task\\_force\\_groupes\\_vulnerables.pdf](http://www.mi-is.be/sites/default/files/documents/note_de_synthese_des_travaux_de_la_task_force_groupes_vulnerables.pdf).

<sup>121</sup> [http://www.mi-is.be/sites/default/files/documents/20200701\\_tableau\\_de\\_suivi\\_des\\_mesures\\_de\\_la\\_tf\\_groupes\\_vulnerables.docx](http://www.mi-is.be/sites/default/files/documents/20200701_tableau_de_suivi_des_mesures_de_la_tf_groupes_vulnerables.docx).

<sup>122</sup> [www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&table\\_name=loi&cn=2020070903](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2020070903).

<sup>123</sup> Act of 11 February 2019 amending the Act of 21 February 2003 establishing the Maintenance Claims Department within the Federal Public Service for Finance with regard to the automation of writs of execution.

205. The Act of 22 July 2018 provides additional possibilities for ensuring more support for, and protecting, the economically weaker spouse in the event of division of assets.<sup>124</sup> This led to the creation of a new matrimonial regime, namely a system of separation of assets with joint ownership of acquired assets. Upon dissolution of the marriage, the economically stronger spouse must pay the economically weaker spouse the amount of money provided for in the marriage contract. The spouses can also choose to include a judicial fairness correction clause in their marriage contract, in case an unfair situation arises. For example, a woman with no income may claim compensation in the family court from her former husband if she suffers from a chronic illness that results in expenses. The compensation cannot exceed one third of the net value of the income and property acquired by the other spouse during the marriage, excluding inheritances and gifts.

206. The Act of 31 July 2017 made changes to inheritance law to give people greater freedom and security with regard to estate planning.<sup>125</sup> The aim was to respond to societal changes, such as the rise in blended families and other types of partnerships besides marriage.

207. Division of property no longer depends on the number of children. The reserved portion is always half of the estate, regardless of the number of children, whereas previously, for example, the spouse was entitled to one third of the estate if there were two children.<sup>126</sup>

208. Property given by the deceased to his or her descendants during his or her lifetime must be “returned” to the estate to avoid any unfairness. These days, real estate only needs to be returned in value and not in kind, as before, which caused difficulties if the property had been sold or was a current residence.

209. The children’s reserved portion must be shared equally among them. The rule that gifts must be “returned” to the estate ensures that any gifts made during the deceased’s lifetime to his or her future heirs are taken into account. These days, the value of both movable and immovable property is calculated and “returned” to the estate based on the value of the property the day it was gifted, indexed to the date of death.

210. Lastly, the reform introduced family inheritance agreements, for individuals wishing to make advance arrangements with their heirs regarding their inheritance to avoid friction, disagreement and conflict later on, with a view to ensuring that everyone is on an equal footing and gets a fair deal. For example, blended families can decide that children and stepchildren will be treated in the same way. It is also possible to draw up ad hoc inheritance agreements, so that, for instance, a sibling can agree in advance that his share will be smaller so that his parents can leave more to a sister who is disabled or seriously ill.

211. Single people and single parents are often at high risk of poverty. The Flemish Region is examining, in various policy areas, whether the new and existing measures limit access to income for single people.

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<sup>124</sup> Act of 22 July 2018 amending the Civil Code and various other provisions in the field of matrimonial property regimes and amending the Act of 31 July 2017 amending the Civil Code with regard to inheritance and gifts and amending various other related provisions.

<sup>125</sup> Act of 31 July 2017 amending the Civil Code with regard to inheritance and gifts and amending various other related provisions.

<sup>126</sup> In other words, the minimum share to which the heirs are legally entitled.

## **Additional information**

### **Question 25**

212. The Criminal Code now makes more explicit reference to revenge porn and provides for the blocking and deleting of such images, as well as fines for operators who do not cooperate, and gives the Institute for the Equality of Women and Men the right to take legal action, with the consent of the victim or his or her beneficiaries, in respect of any offence related to voyeurism and non-consensual dissemination of sexual images and recordings (articles 371/1 and 371/2 of the Criminal Code).<sup>127</sup>

213. The implementation of the 2030 Agenda for Sustainable Development is the shared responsibility of the federal Government, the communities and the regions within the framework of the National Sustainable Development Strategy. At the institutional level, the Institute for the Equality of Women and Men participates in the Interdepartmental Committee for Sustainable Development, which is one of the main players in sustainable development policy at the federal level. The Institute also participates in the coordination bodies, chaired by foreign affairs officials, that are responsible for preparing the Belgian position in international and European organizations.

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<sup>127</sup> Act of 5 May 2020 on combating the non-consensual dissemination of sexual images and recordings.