

Distr.: General
15 November 2019

Original: English
English, French and Spanish only

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the eighth periodic report of Belgium*

General

1. Please provide information and statistics, disaggregated by sex, age, disability, nationality, ethnic origin, religion, geographical location and socioeconomic background, on the current situation of women in the State party, to enable monitoring of the implementation of all parts of the Convention. In the light of the Committee's previous concerns and concluding observations (CEDAW/C/BEL/CO/7, paras. 46 and 47)¹, please indicate measures implemented by the State party to use this data for policymaking and programme development and for the systematic monitoring and evaluation of progress achieved towards the realization of women's substantive equality in all areas covered by the Convention. Please also inform on the development of a gender indicator system to improve the collection of data.

Legislative framework

2. With reference to the Committee's previous concluding observations (para. 9), please provide information on the steps taken or envisaged to fully incorporate the provisions of the Convention into the national legal system and ensure that it is directly applicable in the national courts.

National machinery for the advancement of women

3. With regard to the Institute for the Equality of Women and Men, please provide information on its status, structure and financial and technical resources and indicate whether the agency has the authority to effectively coordinate, monitor and evaluate policies on gender mainstreaming in terms of their impact on gender equality. In light of the Committee's previous concluding observations (para. 11), please provide information on the steps taken to develop and adopt a national action plan on gender mainstreaming with clear timelines and measurable benchmarks in order to achieve the full and uniform implementation of the law on gender mainstreaming of 2007. Please also provide detailed information on the progress in implementing the "gender test" on draft laws and specify: whether it covers indirect discrimination; whether that committee evaluating the gender impact includes experts on gender issues; whether the test is systematically implemented to all drafts laws; what are the challenges encountered and the steps being taken to ensure that new laws enacted promote gender equality; and at what stage in the process of developing laws is the test applied.

* Adopted by the pre-sessional working group on 15 November 2019.

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.

National human rights institution

4. Following the Voluntary pledge by the State party in 2015, and in view of the adoption by the Parliament in April 2019 of a law establishing a federal human rights institute which is expected to take the role of a National Human Rights Institution, please provide information on the timeframe to establish an independent national human rights institution in compliance with the Paris Principles, the scope of its mandate, the financial, human and technical resources allocated to it, and the division of responsibilities between existing institutions such as the Interfederal Centre for Equal Opportunity and the fight against racism and discrimination (UNIA) and the Institute for the Equality of Women and Men (IEFH), and the new Institute.

Temporary special measures

5. Please provide information on the enforcement, monitoring and outcomes of temporary special measures taken to increase the parliamentary participation of women and also women's representation on the management boards of state-owned enterprises, major public bodies and public financial and economic institutions, supported by statistical data. Please specify the percentage of women in leadership positions in executive mandates. Please also indicate cases of non-compliance with quotas and the measures applied in such cases.

6. Please report on temporary special measures taken to address inequalities in particular within education and employment faced by disadvantaged groups of women such as rural women, women with disabilities and migrant women, at federal and entities levels.

Stereotypes and harmful practices

7. The Committee takes note of the law of May 22, 2014 'to fight against sexism in the public space' (C-2014/00586)]. Please provide data on the number of complaints and prosecutions, the sentences imposed and reparation provided to victims under this law. Please provide information on persisting stereotypes in the State party, for instance in the media, education, socialisation of girls and boys, and employment, and the measures adopted to combat them.

8. In its previous concluding observations (para. 16), the Committee expressed its concern about the lack of effective implementation of the national action plan to combat intimate partner violence and other forms of gender-based violence (2010-2014), including with regard to forced marriages, violence committed in the name of so-called honour and female genital mutilation. Please provide information on the implementation and monitoring of measures taken since the Committee's consideration of the previous report of the State party to eliminate violence against women and girls, including with regard to forced marriages and violence committed in the name of so-called honour, and enforcement of the law banning female genital mutilation (Penal Code article 409). Please provide detailed information on measures taken to effectively prevent female genital mutilation and to provide medical and psychosocial support for victims, considering the real risk of the practice among migrant communities.

Violence against women

9. Please provide information on the achievements and challenges in the implementation of the National Action Plan to combat all forms of gender-based violence 2015–2019, and on the progress made since the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in 2016. Please provide updated data on violence against women, disaggregated by ethnicity, disability, type of violence and by the relationship of the perpetrator to the victim, and on the number of prosecutions and convictions during the reporting period involving violence against women, including domestic violence. Please state the specific measures that have been adopted to address the low prosecution and conviction rates, as well as the high withdrawal rate of complaints. Please also inform the Committee on the recent establishment of the Centers for the Care of Victims of Sexual Violence (CPVS) and their impact on victims, and on progress in amending the Criminal Code with a view to qualifying

sexual abuse as a crime against the person rather than an offence against public morality and family order.

10. Please inform the Committee on the status of the “Circular on retention of a right of residence obtained in the context of a family reunification for victims of conjugal violence”. Please provide information on its use and impact on the rights of migrant women who are victims of domestic violence. Please also provide data on the number of migrant women victims of domestic violence who requested asylum under article 49/3 of the Act of 15 December 1980, or who have requested a residence permit on account of “exceptional circumstances” under article 9 bis of the Act of 15 December 1980, and the number of requests granted by the Office for Aliens. Please inform the Committee on the status of the Bill presented to the Parliament in April 2016 to amend the Civil Code, adding a new article 371/1 stating that children cannot be subjected to degrading treatment or any other form of physical or psychological violence, and which would apply to parents and all others caring for a child.

Trafficking and exploitation of prostitution

11. In its previous concluding observations (para. 24), the Committee expressed concern at the lack of comprehensive information and data on trafficking in women and girls in the State party. Please provide comprehensive data on the results of the implementation of the National Action Plan to prevent and combat trafficking in human beings (2015-2019), and inform the Committee on the system in place to collect law enforcement and victim data for trafficking cases. What specific steps are taken to adopt a new national action plan? Please inform the Committee on efforts made to: (a) improve the identification of victims; and (b) prosecute and sentence convicted perpetrators to significant sentences and (c) provide information on the sentences given. Please also provide information on measures taken to ensure regular and reliable funding for non-governmental organizations providing shelters for victims, to provide adequate assistance and protection to women and girls who are victims of trafficking, and to grant them temporary residence permits, regardless of their ability or willingness to cooperate with prosecution authorities and to file a complaint. Please also provide information on measures taken to improve bilateral and regional cooperation in order to prevent trafficking in women and girls, protect victims and facilitate the prosecution of perpetrators.

12. Please provide information on the results of the mapping of the extent and nature of prostitution in the State party, including data disaggregated by sex, age and nationality. Please also provide information on measures taken to eliminate exploitation of prostitution by women. Please also indicate whether measures exist to support women who wish to leave prostitution, including by supporting their access to alternative means of livelihood.

Participation in political and public life

13. Please elaborate on the measures taken to increase the number of women in appointed bodies, particularly in decision-making positions, including in positions in the federal Government and in the governments of the federated entities, diplomatic services and in international organisations. Please add information on women belonging to disadvantaged groups. Please also provide information on the mechanisms available for monitoring the impact of those measures. Please further indicate if campaigns are conducted or planned to be conducted to raise awareness of the importance for society as a whole of the participation by women in decision-making in all spheres and for their necessary empowerment. Please elaborate on the law of 28 July 2011 on women’s participation on the management boards of listed companies and autonomous public enterprises: please inform the Committee on (a) temporary special measures to accelerate women’s participation at the decision-making level in companies that are not covered by the law; and (b) the impact of the law in the State party. Has the State party adopted binding provisions concerning the representation of women in management boards of large companies.

Education

14. Please provide updated information on the measures taken to diversify academic and vocational choices for girls and boys and to encourage women and girls to choose non-

traditional fields of education, such as science, technology, engineering and mathematics, and digital technology, and in corresponding careers. Please also inform on measures taken to ensure that school textbooks are free from gender stereotypes. Please also report on the measures taken to guarantee that teachers at all levels benefit from continuous training on women's rights and gender equality, and that gender studies are introduced at higher levels. Please provide information on temporary special measures, including incentives, used to ensure the representation of women in leadership positions in colleges and universities, as well as in the education inspectorates. Please also provide information on the extent and root causes of school dropouts among girls of migrant background and measures taken in that regard.

Employment

15. Please provide information on the measures taken: (a) to ensure equal opportunities for all women in the labour market, including migrant women and women with disabilities, also in traditionally male-dominated sectors, such as science, technology, engineering and mathematics; and (b) to reduce and eradicate the gender pay gap, which is currently estimated at 7,6 per cent, and ensure full respect for the principle of equal pay for work of equal value also in the private sector, including through strengthening the effectiveness of the implementation of the law of 22 April 2012 aimed at reducing the gender wage gap in companies.

16. It is noted that family responsibilities, including childcare, remain a predominant reason for the persistent concentration of women in part-time work. Please inform the Committee of measures adopted: (a) to improve access for women to full-time employment; (b) to increase the number of affordable childcare facilities; (c) to encourage the use of parental leave by men, including through incentives and awareness-raising programmes; and (d) to develop more flexible leave systems that allow both women and men to equally attend to care tasks.

17. Please provide updated information on the number and type of complaints of sexual harassment at work that have been brought before a competent authority or the courts, on the percentage of cases that have been deemed founded and sanctioned, as well as on sanctions imposed on perpetrators. Please inform on the measures taken to prevent and address the sexual harassment of women in the workplace, including the complaint mechanisms in place to enable victims to obtain redress. Please also inform the Committee of measures to raise awareness among women of how to report cases of sexual harassment and to seek redress.

18. A high proportion of complaints related to discrimination in employment filed with the Institute for the Equality of Women and Men are made on grounds of pregnancy and motherhood. Please inform on measures taken to redress this situation, such as (a) campaigns to increase awareness and respect of legislation to protect pregnant women, (b) strengthening the possibilities of reconciling family life and professional life in all sectors for both women and men, (c) putting in place a monitoring of discrimination related to pregnancy, and (d) increasing labour inspections.

Health

19. Please provide updated information on the prevalence of breast and cervical cancer and the measures taken to prevent those and other chronic non-communicable diseases that predominantly affect women. With regard to women with disabilities, the Committee takes note of the Law of 17 March 2013 reforming disability schemes which came into force in 2014. Please provide data on the number of sterilizations of women with disabilities, including of women with intellectual or psychosocial disabilities. Please clarify if a third person can give his/her consent to sterilization in place of a person with a disability, and explain in what circumstances.

Economic empowerment of women

20. In view of the recommendations of the European Parliament Resolution of 15 January 2019 on Gender Equality and Tax Policy in the EU, please inform the Committee on gender impact assessments of fiscal policies from a gender equality perspective to ensure that neither

direct nor indirect discrimination feature in the fiscal policy. In the light of the Committee's previous concluding observations (para. 33 (e)), please also inform the Committee on studies carried out on the prevalence of gender-based discrimination in the social security system.

Disadvantaged groups of women

21. The Committee recalls its general recommendation No. 27 (2010) on older women and protection of their human rights. In view of the fact that more women than men will not be able to get an income because they take on the role of caregiver, please provide information on measures taken to combat their relative poverty, including lower pensions, due to their previous lower pay, high level of part time work and interrupted careers.

22. Please provide updated information and data on the human rights situation of women facing intersecting forms of discrimination, including migrant women, women with disabilities and lesbian, bisexual and transgender women, and specify the measures taken to ensure that they have effective access to education, health, housing, employment and participation in political and public life, including through the use of temporary special measures. Please provide information on measures taken to guarantee compliance with the obligations of the State party towards women and girl refugees and asylum seekers, including the protection of their fundamental rights and the provision of basic services, and training and guidelines for law enforcement officials and border guards on their gender-sensitive treatment, at all stages of the asylum and immigration procedure.

Climate change

23. Please provide information on the measures taken: (a) to ensure that climate change and energy policies take into account the differentiated and disproportionate impact of climate change on women; (b) to better integrate a gender perspective into policies and programmes on climate change; and (c) to ensure the effective participation of women in decision-making processes on climate change at the local and national levels, in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

Marriage and family relations

24. Please provide information on the safeguards existing in the State party against failure to pay maintenance by husbands/fathers upon divorce. Please also inform on the State-sponsored social protection and welfare programme to support these women. Please provide information regarding whether the provisions on the economic consequences of divorce for women, in particular on the division of property, are in line with article 16 of the Convention, as elaborated in the Committee's general recommendation No. 29 (2013)(economic consequences of marriage, family relations and their dissolution). Please also provide information on the gender sensitivity of the reform of inheritance regulations.

Additional information

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report in 2014. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please also provide information on the measures taken to integrate a gender-perspective into all efforts aimed at achieving the Sustainable Development Goals. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.