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**Committee on the Elimination of Discrimination  
against Women****Concluding observations on the eighth periodic report of  
Belgium\***

1. The Committee considered the eight periodic report of Belgium (CEDAW/C/BEL/8), submitted under the simplified reporting procedure, at its 1917th and 1918th meetings (see CEDAW/C/SR.1917 and 1918), held on 14 October 2022.

**A. Introduction**

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

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

**B. Positive aspects**

4. The Committee welcomes the progress achieved since its consideration in 2014 of the seventh periodic report of Belgium (CEDAW/C/BEL/CO/7) in undertaking legislative reforms, in particular the adoption of:

(a) Law of 4 February 2020 amending the Law aimed at combating discrimination between women and men (10 May 2007) adding the following characteristics: sexual characteristics, breastfeeding, adoption, medically assisted procreation, paternity and co-maternity, in 2020;

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

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



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

(d) Law of 15 October 2018 on the voluntary termination of pregnancy, to eliminate the test for distress and to remove abortion from the criminal code, in 2018;

(e) Law of 18 June 2018 on the fight against acts of violence perpetrated in the name of culture, custom, religion, tradition or so-called "honour", including genital mutilation, in 2018;

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

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

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

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

(b) An action plan to combat human trafficking (2015-2019), in 2015, and a new Action Plan to combat trafficking in human beings (2021-2025), in 2021;

(c) An Interfederal Action Plan to counter discrimination and violence against LGBTI persons (2018-2019), and a Federal Action Plan "For an LGBTIQI+ friendly Belgium" (2021-2024), in 2021;

(d) A Federal Plan on implementing gender mainstreaming (2015-2019), in 2015, and a Federal gender mainstreaming plan (2020-2024), in 2020;

(e) A five-year plan for women in STEM/ICT entitled "Women in digital. National and inter-sectoral strategy 2021-2026", in 2021;

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

(g) An Assessment Commission installed within the Ministry of Justice to evaluate the Federal legislation to combat discrimination, in 2016.

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

(a) The Council of Europe Convention No. 210 on Preventing and Combating Violence Against Women and Domestic Violence (2011), in 2016;

(b) The ILO Domestic Workers Convention, 2011 (No. 189), in 2015.

## **C. Sustainable Development Goals**

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention,**

throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of its sustainable development and to adopt relevant policies and strategies to that effect.

## **D. Parliament**

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

## **E. Principal areas of concern and recommendations**

### **Women's rights and gender equality in relation to the COVID-19 pandemic and recovery efforts**

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

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

(a) Implement institutional, legislative and policy measures to redress long-standing inequalities between women and men and to give renewed impetus to the achievement of gender equality by placing women at the centre of COVID-19 recovery strategies as a strategic priority for sustainable change, in line with the Sustainable Development Goals;

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

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

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

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

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

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

(b) the absence of court decisions making reference to the provisions of the Convention in the State party.

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

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

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

**Access to justice**

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

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

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

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

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

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

**National machinery for the advancement of women**

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

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

(a) **Establish a clear, robust and efficient monitoring mechanism in order to improve the coordination at all levels, in particular between the Federal entities; conduct a systematic assessments of the Federal gender mainstreaming plan 2020-2024 to evaluate its effectiveness and its concrete impact on women's rights and leadership**

**in line with Vision 2030 with the participation of civil society organizations; and allocate adequate human, technical and financial resources for its implementation;**

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

#### **National Human Rights Institution**

17. The Committee welcomes the adoption in 2019 of the Law on the establishment of a Federal Institute for the Protection and Promotion of Human Rights (IFDH) in May 2019, which ensures full coverage of human rights at the federal level. It notes, however, that the NHRI has still not been accredited in accordance with the Paris Principles.

**18. The Committee recommends that the State party ensure as a matter of priority that the Federal Institute for the Protection and Promotion of Human Rights has a mandate to receive and examine individual complaints and petitions; and that it complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It also recommends that the State party facilitate the application of the Federal Institute for accreditation by the Global Alliance of National Human Rights Institutions (GANHRI); provide it with adequate human, technical and financial resources; and encourage its cooperation with women's civil society organizations.**

#### **Temporary special measures**

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

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

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

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

#### **Stereotypes**

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

**22. The Committee recommends that the State party adopt a comprehensive strategy, with a dedicated budget and time-bound targets and objectives, aimed at**

**eliminating discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society.**

#### **Harmful practices**

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

- (a) the absence of a monitoring mechanism to monitor progress in protecting women and girls from harmful practices, including child and/or forced marriage;
- (b) Forced sterilisation of women and girls with disabilities, and in particular those with intellectual and psychosocial disabilities, continues to be a widespread practise and a requirement in some institutions;
- (c) Children with intersex variations at birth are at times subjected to invasive and irreversible medical interventions to assign a sex;
- (d) The lack of data and measures to combat incest, which is still treated as taboo in society.

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

- (a) **Provide capacity building to judges, prosecutors, the police, civil registrars, law enforcement officers on the strict application of criminal law provisions and other legislation prohibiting forced marriage to ensure that cases of forced marriage are effectively investigated, prosecuted and perpetrators adequately punished; raise awareness among religious leaders, migrant communities and the general public about the criminal nature of child and/or forced marriages; require prior civil registration of a union before a religious wedding ceremony may take place; and assess the impact of measures taken to combat and protect women and girls from harmful practices;**
- (b) **Ensure that, in practice, women with disabilities, particularly with intellectual or psychosocial disabilities, are not subjected to sterilization without their free, prior and informed consent, and offer them training programs on health and sexual and reproductive rights, including the prevention of sexual abuse, in accessible formats and adapted to their particular needs;**
- (c) **To put an end to irreversible medical interventions, and in particular surgery on intersex children;**
- (d) **Take all necessary measures to raise awareness, prevent and combat intrafamily sexual abuse against women and girls, including incest, ensuring that victims receive appropriate care and effective reparation for the harm caused as well as monitor the full implementation of the recent legal reform as far as incest is concerned.**

#### **Gender-based violence against women**

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

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

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

(b) **Allocate adequate funding for the implementation of the Plan to Combat all Forms of Gender-based Violence and its regular monitoring and evaluation;**

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

27. The Committee notes the adoption of amendments to the Penal Code on 21 March 2022, defining sexual violence under “Offences against sexual integrity, the right to sexual self-determination and good morals”. The Committee welcomes the progress achieved by the State party in the fight against sexual violence, in particular the extension of Sexual Assault Centres (SAC) in June 2020, which are established in hospital structures, allowing victims of sexual violence to file complaints and obtain different victim support services in a 24/7 one-stop centre. However, the Committee notes with concern that outside these structures, women and girls who are victims of sexual violence face multiple barriers to filing complaints and that [still sexual violence against children, including incest, is prevalent in the State Party. It further notes that crimes of femicide and induced suicide were not introduced in the current state of play of the ongoing reform of the Penal Code and that the Femicide Watch Platform recorded at least 22 murders of women for 2021.](#)

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

(a) **Ensure sustainable funding of the Sexual Assault Centres (SAC);**

(b) **[Review and assess legislation on sexual violence in view of full protection of women and children according to international standards, conduct research on the different forms and introduce reliable statistics, as well as comprehensive and age-appropriate education and awareness raising in schools;](#)**

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

(d) **[Introduce in the Penal Code clear provisions against femicide and induced suicide.](#)**

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

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

(a) **Ensure that perpetrators of gender-based violence against women committed in the name of culture, custom, religion, tradition or so-called “honour” are**

**prosecuted and adequately punished and that the sentences and penalties provided for in the Penal Code and in the Law on the fight against acts of violence perpetrated in the name of culture, custom, religion, tradition or so-called "honour", including genital mutilation, are strictly enforced;**

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

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

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

**32. The Committee recommends that the State party ensure that perpetrators of female genital mutilation are prosecuted and adequately punished and that the sentences and penalties provided for in the Penal Code and in the Law on the fight against acts of violence perpetrated in the name of culture, custom, religion, tradition or so-called "honour", including genital mutilation, are strictly enforced.**

#### **Trafficking and exploitation of prostitution**

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

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

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

(c) Lack of concrete measures to address the so-called "loverboy" phenomenon, with girl victims;



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

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

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

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

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

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

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

**36. The Committee recommends that the State party address the root causes of prostitution, such as structural gender inequalities, as well as the demand for prostitution, and adopt targeted measures to protect women, in particular disadvantaged women, from being exploited in prostitution, including by expanding exit programmes and alternative income opportunities for women who wish to leave prostitution. It further recommends that the legislation be reviewed in order to: (a) clearly define the conditions under which it will be possible to recruit a person for the purposes of prostitution; and (b) criminalize the purchase of sexual services from girls or women victims of trafficking.**

#### **Equal participation of women in political and public life**

37. The Committee notes that women represent 41% of elected Members of the Federal Parliament, 44% of regional parliamentarians, 40% of elected local representatives in the Flemish Region and the Walloon Region, and 50% in the Brussels-Capital Region. It notes that, although in October 2020, the federal government has parity of composition, there were three women in the Flemish government (33.3%), three in the Walloon government (37.5%), and three in the Brussels government (37, 5%). The Committee notes with concern, however, that apart from the Walloon regional level (44.4 percent), the proportion of women occupying the highest administrative positions was only 11.1% at the federal level, 18.2% at the Flemish regional level, and 28.6% at the Brussels Capital level in 2017; that the percentage of women in ambassadorial positions in the foreign service was 12.35 per cent in 2022; and that the number of women on boards of directors of autonomous public companies and listed companies was 26.8% in 2017.

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

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

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

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

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

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

#### **Nationality**

39. The Committee notes with concern:

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

(b) Some undocumented women are stateless and the lack of legislation in the State Party for the recognition of statelessness;

(c) the conditions in which children born to Belgian citizens are in areas of conflict, and about the lack of a clear procedure for their repatriation.

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

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

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

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

#### **Education**

41. The Committee welcomes the efforts of the State party to eliminate discriminatory gender stereotypes in textbooks and educational materials; the adoption of the five-year plan for women in the field of STEM/ICT "Women in digital. National and inter-sectoral strategy 2020-2025; raising awareness among young girls and boys; and the inclusion of gender and gender-based violence against women in initial teacher training. It notes with concern, however:

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

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

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

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

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

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

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

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

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

## **Employment**

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

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

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

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

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

(e) The high unemployment rates and the additional obstacles faced by women from disadvantaged groups (such as migrant women, undocumented women, women with disabilities, Roma women and older women) for their access, permanence and promotion in the labour market.

**44. The Committee draws attention to its general recommendation No. 13 (1989) on equal remuneration for work of equal value and to target 8.5 of the Sustainable Development Goals, to achieve by 2030 full and productive employment and decent**

work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value, and recommends that the State party:

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

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

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

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

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

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

## **Health**

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

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

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

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

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

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

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

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

### **Economic empowerment**

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

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

(b) Women's higher risk of poverty and social exclusion in the State party.

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

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

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

### **Climate change and disaster risk reduction**

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

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

### **Disadvantaged and marginalized groups of women**

#### *Older women*

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

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

*Migrant, refugee and asylum-seeking and stateless women*

53. The Committee welcomes the adoption of the federal contribution to the future inter-federal action plan against racism in 2022, including in employment, health, justice, the public service and in the digital area. However, it is concerned about further delays in the adoption at the inter-federal level of the national action plan against racism and intersecting forms of discrimination against migrant, refugee and asylum-seeking women in the State party.

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

*Women with disabilities*

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

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

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

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

*LBTI women*

57. The Committee welcomes the adoption of the federal action plan 'For a LGBTQI+ friendly Belgium' (2021-2024) and notes the adoption of the Law to reform regimes relating to transgender persons with regard to the mention of a modification of the registration of sex in civil status documents and its effects, in 2017. However, it notes with concern that the Constitutional Court declared the law "partially unconstitutional" in 2019.

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

**Marriage and family relations**

59. The Committee notes with concern that:

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

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

(c) The possible negative gender impact of the amendments introduced in 2017 in the legislation on inheritance.

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

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

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

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

#### **Data collection**

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

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

#### **Beijing Declaration and Platform for Action**

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

#### **Dissemination**

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

#### **Ratification of other treaties**

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

**Follow-up to the concluding observations**

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

**Preparation of the next report**

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

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

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