



## **Contribution of the Belgian Disability Forum (BDF)**

### **for the CEDAW Committee in preparation**

### **of the 8th simplified report of Belgium**

This contribution, initiated and coordinated by the *Belgian Disability Forum asbl* (BDF), is presented jointly by its 18 member associations<sup>1</sup> and the Brussels, Walloon and Flemish Advisory Councils.

In its previous contributions, particularly in its 2014<sup>2</sup> shadow report, the BDF already noted very worrying situations that exclusively affect women or girls with disabilities or that affect them more than men and children with disabilities.

Here is a non-exhaustive list:

- *Violence against women with disabilities*: Women and girls with disabilities face very serious situations of violence, both domestic and institutional, related to their gender and disability. They would be twice as likely to be subject to violence and sexual abuse as women without disabilities. In addition, it seems that forced sterilization of women and girls with disabilities, particularly those with intellectual disabilities, is still a widespread practice in some institutions<sup>3</sup>.
- *Education and training*: In some disability situations, it has been found that women and girls are more often confined to their family environment than men and boys. As a result, support and assistance structures for families are limited in their contribution to the development of these women and girls' autonomy. Moreover, training and apprenticeships are still too often grounded on a gender-based approach, with young girls with disabilities being more often directed towards less promising sectors on the labour market. Disability accentuates this phenomenon with regard to girls<sup>4</sup>.
- *Employment and financial subsistence*: disability and poverty are closely linked, but this precariousness is unfortunately reinforced for women, for the reasons and situations mentioned above. In addition, it can be seen that during recruitment procedures<sup>5</sup>, disabled men are often preferred to disabled women<sup>6</sup>.

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<sup>1</sup> <http://bdf.belgium.be/en/bdf-asbl/members.html>

<sup>2</sup> <http://bdf.belgium.be/media/static/files/2014-01-23---cedaw---rapport-alternatif---belgique.pdf> (in French)

<sup>3</sup> <http://bdf.belgium.be/media/static/files/2014-01-23---cedaw---rapport-alternatif---belgique.pdf> (in French)

<sup>4</sup> <http://bdf.belgium.be/media/static/files/2014-01-23---cedaw---rapport-alternatif---belgique.pdf> (in French)

<sup>5</sup> [https://www.avig.be/handicap/pdf/documentation/publications/revues\\_rapports/Rapport-AGW-29-11-07-pour-2017.pdf](https://www.avig.be/handicap/pdf/documentation/publications/revues_rapports/Rapport-AGW-29-11-07-pour-2017.pdf) (in French)

<sup>6</sup> <http://bdf.belgium.be/media/static/files/2014-01-23---cedaw---rapport-alternatif---belgique.pdf> (in French)



- *Emotional and sexual life, motherhood support*: the argument of the protection of society and the individual generates the negation of all needs and aspirations. We very quickly enter the following logics: unwanted pregnancies, contraceptive methods, forced and definitive sterilization, refusal of sexual training. Worse still, it has been found that this even leads to the prohibition of all contact for some women and girls. The ban is, at this level, much more flexible for men, as if their request was of greater legitimacy. The presence of disability in the handicapped mother is often the pretext for separating the child from the mother<sup>7</sup>.

The BDF has always drawn attention to the fact that the mandates of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD) intersect in terms of the rights of women and girls with disabilities. As a reminder, Belgium ratified the CEDAW on 10 July 1985 and its Optional Protocol on 17 June 2004. It ratified the UNCRPD and its Optional Protocol on 2 July 2009.

The BDF and the Advisory Councils encourage the Committee to further intensify its attention to the rights of women and girls with disabilities, including by raising the requirements for States to address their situation in the report examination process.

### **Cross-discriminations (Articles 1-2)**

Several groups of people face **cross-discriminations**. This is particularly true for women and girls with disabilities<sup>8</sup>: they are discriminated against because of their disability within the women's or girls' group and because of their gender within the disabled group.

This double discrimination is currently not legally recognized. In practice, this means that if a woman with a disability feels that she is being discriminated against, she must choose for which principle she will file a complaint<sup>9</sup>: either a discrimination as a woman or a discrimination as a person with a disability. It will not be possible for her to claim that she is discriminated against as a woman AND as a person with a disability.

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<sup>7</sup> <http://bdf.belgium.be/media/static/files/2014-01-23---cedaw---rapport-alternatif---belgique.pdf> (in French)

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<http://www.asph.be/Documents/Analyses%20et%20etudes%202015/Femmes%20handicap%C3%A9es%20discrimination%20sur%20le%20genre%20et%20le%20handicap.pdf> (in French)

<sup>9</sup> <https://www.unia.be/en/faq/what-should-you-do-if-you-have-been-discriminated>  
<https://igvm-iefh.belgium.be/fr/activites/discrimination> (in French)



In concrete terms, if the person considers that she is discriminated against as a woman or girl, she will have to seek the help of the Institute for the Equality of Men and Women (IEFH/IGVM)<sup>10</sup>. However, if she considers that she is discriminated against as a person with a disability, she will have to contact UNIA<sup>11</sup>

Being able to refer to the 2 grounds of discrimination, regardless of the body that the person is contacting, would reveal the multiplier and not only cumulative effect of discriminations.

#### Proposed questions:

- How will the Belgian State intensify its action to eliminate discrimination against women and girls with disabilities?
- When does Belgium plan to adopt legislation on double discrimination?
- How will Belgium improve the coordination of work between the Institute for the Equality of Women and Men and UNIA, so as to ensure effective and coherent care for the situation of women and girls with disabilities who are victims of discrimination?

### **Statistics and Planning (CEDAW Committee Recommendations 46-47 2014)**

The BDF regrets that the collection of comprehensive and specific data, reflecting the needs of women and girls with disabilities, is still not a priority for Belgium, regardless of the level of government.

There are many useful databases in the field of disability, but they have been built on the basis of the regulations applied by each administration, which uses its own definition of disability according to its specific missions.

As an example, in the context of the payment of integration and income replacement benefits (AI/ARR) at the federal level, we can confirm that for the age groups between 20 and 65 years, there are more female beneficiaries with disabilities than male beneficiaries with disabilities<sup>12</sup>. But this illustration remains one of the rare exceptions with the field of employment (see below, the few figures found): in general, the disaggregation of data by "gender" is very variable according to the different databases. In many cases, the gender dimension is not addressed. As a result, data collection methods and results differ from region to region and cannot be compared.

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<sup>10</sup><https://igvm-iefh.belgium.be/en>

<sup>11</sup><https://www.unia.be/en/faq/what-should-you-do-if-you-have-been-discriminated>

<sup>12</sup> Source: DG Disabled Persons, Federal Public Service Social Security August 2019: table of figures available on request



The BDF stresses that this lack of statistical data disaggregated by disability and gender is one of the causes of the lack of policy planning regarding the situation of women and girls with disabilities.

The lack of statistical data **disaggregated by sex, age and disability, non-segmented and sufficiently detailed**, is undoubtedly one of the obstacles to the development of legislation, decision-making and institutional capacity building necessary to monitor progress made in the implementation of the provisions of the Convention.

In addition, successive state reforms have led to a lack of clarity. Collaboration between entities, although necessary, does not exist, which leads to significant dysfunctions (perverse effects linked to non-integrated regulations).

Moreover, despite the Committee's recommendation 11 in 2014<sup>13</sup>, the implementation of the "*gender test*", which aims to assess the potential impact of draft laws and regulations on the situation of women and men, remains slow and its effectiveness raises questions.

The National Action Plan to Combat All Forms of Gender-Based Violence 2015-2019 states the following measure: *Conduct a comprehensive survey on the extent of violence against women and girls with disabilities, in collaboration with associations of people with disabilities and the academic sector*<sup>14</sup>.

#### Proposed questions:

- What concrete measures does Belgium plan to take to systematize the collection, analysis and dissemination of data disaggregated by sex, age and disability, non-segmented and sufficiently detailed?
- Has Belgium thought about a national planning of priorities for disability?
- When will Belgium reactivate the Interministerial Conference to guarantee the necessary consultation between all the country's entities?
- What concrete measures does Belgium plan to accelerate the activation of the "*gender test*"? What actions is Belgium taking to collect this data on violence against women and girls with disabilities as outlined in the 2015-2019 NAP?

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<sup>13</sup>

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=fr&TreatyID=3&DocTypeID=5](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=fr&TreatyID=3&DocTypeID=5)

<sup>14</sup> [https://igvm-iefh.belgium.be/sites/default/files/88 - stop\\_violence\\_nap\\_2015-2019.pdf](https://igvm-iefh.belgium.be/sites/default/files/88_-_stop_violence_nap_2015-2019.pdf)

## **Violence and sexuality (Recommendations 20 to 27)**

The BDF was informed of two studies on violence in the disability community. It is unfortunate that there are no other studies available to cross-reference the data.

These studies were built according to a different but complementary approach and framework:

- The study commissioned by the Flemish Government on sexual violence against women with disabilities "***Sex-related violence among people with intellectual disabilities: risk factors, consequences and care***" was carried out by Professor Tina Goethals of UGent during the period 2016-2017<sup>15</sup>.

Online surveys and interviews were conducted with women and girls with disabilities. Online surveys revealed 152 cases of violence, mostly involving women with physical disabilities. Sixty cases were identified during the interviews where a large number of non-responses were found, which raises questions.

Among the many findings, we will highlight in particular

- That the location of sexual violence is variable. The two most frequent places are: the victim's home (24%) and the hospital/doctor's office (10%)
  - That the aggressor is a man in 95% of cases
  - That the police are not contacted in 85% of cases
  - That four pregnancies have been recorded as a result of this sexual violence
  - That victims often only have rudimentary sexual and emotional education, which makes them unable to understand what constitutes acceptable behaviour or abuse. In many cases, the acts perpetrated against them are carried out under the guise of their lack of knowledge and a "normality" imposed by the relationship of authority or dependence that binds them to the abuser.
- The second study "***Disability, violence and sexuality from a gender perspective***" carried out by the Conseil des Femmes Francophones de Belgique with the support of the Wallonia-Brussels Federation and as part of the call for "*Alter Egales*" projects in 2018<sup>16</sup> has a broader scope<sup>17</sup>.

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<sup>15</sup> Dr. Tina GOETHALS, Prof. Dr. Geert VAN HOVE, Prof. Dr. Freya VANDER LAENEN, *Research commissioned by the Flemish Minister for Equal Opportunities in the period 2014-2019*, Ghent, 2018.

<sup>16</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/> (in French)



Women with disabilities and actors in the field, disability professionals, were interviewed. During the interviews, the topics covered were: childhood, violence, emotional life, sex life, exercise of citizenship. 17 women were interviewed. The results of this study show the pervasiveness and power of non-consensual sex and stereotyping in the disability community.

In addition, the BDF notes that women with disabilities are still forgotten in the issue of prostitution. However, testimonies exist and are listed by some associations such as Aditi<sup>18</sup>.

#### Proposed questions:

- What concrete measures does Belgium plan to take to support and assist women and girls with disabilities who are victims of indecent assault or rape, in various forms and with different intensities?
- How does information on these measures reach shelters, associations, the public?
- Do women and girls with disabilities have the opportunity to escape violence against them by contacting "shelters" that exist for women and girls who are victims of violence in general? Do they receive the necessary assistance and support?
- Do women and girls with disabilities have free access to relevant information and training in sexual health and emotional literacy?
- What concrete measures does Belgium plan to put in place mechanisms to collect, in complete discretion, the testimonies of women and girls with disabilities who are victims of violence?
- Is there enough training available to health professionals, reporting police officers and judicial services to adequately handle the testimonies of women or girls with disabilities who are victims of sexual violence?

#### **Political and public life, effective participation of women with disabilities in governments (Articles 7-8)**

There is an imbalance between men and women in elected assemblies in executive positions. There is no minimum quota for the representation of women with disabilities in elected assemblies and executive mandates.

#### Proposed questions:

- Has Belgium considered introducing quotas to ensure equal representation of women with disabilities?

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<sup>18</sup> <http://www.aditiwb.be/temoignages/> (in French)



- What measures will Belgium adopt to ensure a better representation of women with disabilities in elected assemblies and in executive bodies?

### **Education (Article 10)**

Training and apprenticeships are still too often part of a gender-based approach<sup>19</sup>. Disability exacerbates this phenomenon with regard to girls. Directing women and girls to traditionally more feminine study programmes that do not lead sufficiently to employment should be avoided.

#### **Proposed question:**

- What concrete measures does Belgium plan to take to address the under-representation of women with disabilities in quality employment and training?

### **Employment (Article 11)**

#### **With respect to employment in the public service:**

- *At the federal level:* In its evaluation report for 2017, the CARPH/BCAPH (advisory commission for the recruitment of persons with disabilities in the federal public service) makes a worrying observation: the employment rate of persons with disabilities in the federal public service is 1,37%. There is a slight decrease compared to 2016. Despite various measures to encourage the recruitment of people with disabilities in the public service, the employment rate is not changing much and remains below the 3% quota.<sup>20</sup>
- *In the Brussels Region:* in 2019, 3 of the 19 municipalities comply with the February 2017 ordinance<sup>21</sup> on the obligation for local authorities to employ people with disabilities, and 3 municipalities are close to the threshold of the imposed quota (2.5%)<sup>22</sup>;

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<sup>19</sup> [https://www.unia.be/files/Documenten/Publicaties\\_docs/1210\\_UNIA\\_Barometer\\_2017\\_-\\_FR\\_AS.pdf](https://www.unia.be/files/Documenten/Publicaties_docs/1210_UNIA_Barometer_2017_-_FR_AS.pdf) (in French)

<sup>20</sup>

[https://fedweb.belgium.be/fr/a\\_propos\\_de\\_l\\_organisation/administration\\_federale/mission\\_vision\\_valeurs/Egalite\\_des\\_chances\\_et\\_diversite/Les\\_projets/personnes\\_handicapees/carph](https://fedweb.belgium.be/fr/a_propos_de_l_organisation/administration_federale/mission_vision_valeurs/Egalite_des_chances_et_diversite/Les_projets/personnes_handicapees/carph) (in French)

<sup>21</sup> [http://www.etaamb.be/fr/ordonnance-du-02-fevrier-2017\\_n2017010569.html](http://www.etaamb.be/fr/ordonnance-du-02-fevrier-2017_n2017010569.html) (in French)

<sup>22</sup> <https://www.lesoir.be/224714/article/2019-05-16/bruxelles-5-communes-sur-6-ne-respectent-pas-les-objectifs-dembauches-de> (in French)





- *In the Walloon Region:* the employment quota of people with disabilities is 2,5% of the planned<sup>23</sup> workforce. In the Aviq (Quality Life Agency)<sup>24</sup> report on the professional integration of people with disabilities in "regular" companies for 2017, we can clearly see that women with disabilities are in the minority as regards assistance for the integration and retention of disabled workers in regular companies.
- *In the Flemish Region:* a decree of 24 December 2004<sup>25</sup> provides for measures to promote and supervise the policy of equal opportunities and diversity in the Flemish administration<sup>26</sup>.

**In general, the employment rate of women with disabilities is lower than that of men with disabilities.**

As regards the private sector: the employment rate of people with disabilities in Belgium<sup>27</sup> is one of the lowest in the European Union. The last Eurostat survey in 2011 highlighted that the employment rate for people with disabilities was 40,7% compared to 66,4% for non-disabled people<sup>28</sup>. We found no statistical data broken down by gender. There is no quota or sanction for employers who do not hire candidate workers with disabilities. Since 11/03/2019, companies have been subject to a clearer legal framework for taking temporary<sup>29</sup> "positive actions".

The BDF could find some figures on the actual employment of people with disabilities only for Flanders<sup>30</sup>.

Proposed questions:

- Does Belgium have official figures on the number of women with disabilities employed in the private sector in the three respective regions?
- Beyond the emblematic but optional measure of "positive actions", what concrete measures does Belgium intend to establish to increase the recruitment

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<sup>23</sup> <https://wikiwiph.aviq.be/Pages/Quota-d%27embauche-des-personnes-handicap%C3%A9es-en-Belgique.aspx#> (in French)

<sup>24</sup> [https://www.aviq.be/handicap/pdf/documentation/publications/revues\\_rapports/Rapport-AGW-29-11-07-pour-2017.pdf](https://www.aviq.be/handicap/pdf/documentation/publications/revues_rapports/Rapport-AGW-29-11-07-pour-2017.pdf) p. 57 (in French)

<sup>25</sup> [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=2004122443&table\\_name=wet](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2004122443&table_name=wet) (in French or Dutch)

<sup>26</sup> <https://overheid.vlaanderen.be/personeel/diversiteit-en-gelijke-kansen/tewerkstellingsondersteunende-maatregelen> (in Dutch)

<sup>27</sup> <https://statbel.fgov.be/en/news/23-people-disabilities-have-job>

<sup>28</sup> <http://ec.europa.eu/eurostat/web/lfs/data/database>

<sup>29</sup>

[http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fra=Fable\\_name=loin=2019021109](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fra=Fable_name=loin=2019021109) (in French or Dutch)

<sup>30</sup> [https://www.statistiekvlaanderen.be/werkzaamheidsgraad#zeer\\_lage\\_werkzaamheidsgraad\\_bij\\_personen\\_met\\_hinder\\_door\\_handicap\\_of\\_langdurig\\_gezondheidsprobleem](https://www.statistiekvlaanderen.be/werkzaamheidsgraad#zeer_lage_werkzaamheidsgraad_bij_personen_met_hinder_door_handicap_of_langdurig_gezondheidsprobleem) (in Dutch)





of people with disabilities, in particular women with disabilities, in the public and the private sectors?

The **Belgian Disability Forum (BDF)** brings together 18 Belgian organisations representing people with disabilities. The BDF represents Belgian persons with disabilities at the European and supranational levels.

The Belgian Disability Forum (BDF) is a member of the European Disability Forum (EDF).

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