



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

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

**List of issues in relation to the seventh periodic report
of Belgium**

Addendum

Replies of Belgium*

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* The present document is being issued without formal editing.



General context

1. The State party provided scant data in its report pertaining to the areas covered by the Convention and failed, in particular, to provide data in the fields of education and employment. Please provide gender-disaggregated data pertaining to all areas of the Convention and indicate whether the State party plans to develop a specific system for the collection and analysis of such data.

With regard to statistics, the 2012 report¹ referred to the report entitled “Women and Men. Gender statistics and indicators” (2012 report, paragraph 47),² a full chapter of which is devoted to employment. More recent statistics on that topic are annexed hereto.³ Gender statistics and indicators on education for the three Communities⁴ and methodological information on education indicators of the French Community are also annexed.⁵ The Walloon Institute for Evaluation, Forecasting and Statistics (IWEPS) has published two brochures on the situation of men and women in Wallonia.⁶

The various authorities have set up specific systems for the collection and analysis of gender-disaggregated data. These mechanisms have mainly been set up in the context of the implementation of gender mainstreaming (see question 3) and in certain cases are statutory.⁷ As a result, gender-disaggregated data or relevant indicators are available in various areas of the Convention, such as employment, education, decision-making, violence and health.

With regard to victims of gender-based discrimination, the Institute for the Equality of Women and Men maintains various data on notifications and complaints. Thus, detailed statistical monitoring has been possible since 2008. Prosecutor’s offices began to keep records on gender-based discrimination only in June 2013, when joint Circular No. COL 13/2013 of the Ministers of Justice and of Internal Affairs and the Belgian College of Prosecutors General on “Investigation and prosecution policy regarding discrimination and hate crimes (including gender-based discrimination)” took effect. Actually, the Circular introduced a new prevention instrument, Code No. 56D against gender-based discrimination, implemented in September 2013. Between 1 October and 31 December 2013, only two cases were recorded under that Code in the database of offices of prosecutors in criminal matters.

Constitutional, legislative and institutional framework

2. Please provide concrete information on the specific steps taken to integrate the content and main concepts and principles of all provisions of the Convention into national law.

¹ The “2012 report” is the seventh periodic report of Belgium under article 18 of the Convention (CEDAW/C/BEL/7), submitted in October 2012.

² See annex 1: Gender statistics at the federal level.

³ See annex 2: Labour market statistics.

⁴ See annex 3: Education statistics. Further data are provided in connection with question 13.

⁵ See annex 4: Additional information regarding education indicators in the French Community.

⁶ “Women and men in Wallonia. A statistical portrait” and “Factors behind precariousness. A statistical snapshot of the situation of women and men in Wallonia”.

⁷ See annex 5: Gender indicators and statistics in respect of the gender mainstreaming strategy implemented at various government levels.

Belgium has adopted a series of constitutional, legislative and regulations- or decree-based measures⁸ to combat gender-based discrimination and ensure respect for the principle of gender equality in the country's economic, social, cultural and political life.

A specific provision affirming the principle of gender equality was added to article 10 of the Belgian Constitution on 21 February 2002. In addition, a new article 11 bis of the Constitution requires the legislature to adopt measures designed to guarantee such equality, particularly with regard to men's and women's access to elective and public offices. Since 2002, various acts have been adopted to guarantee parity in electoral lists and ensure that administrators at the various levels of government include women.

Since 2007, the various levels of government have enacted new measures to combat discrimination linked to various characteristics, including gender, particularly with regard to employment, social security, provision of goods and services and access to economic, social and cultural activities. Such legislation incorporates a number of European directives that focus on the victim of discrimination.

Specific gender-mainstreaming legislation adopted since 2007 (by the Federal State, the Flemish Authority, the Brussels-Capital Region, the French Community Commission and the Walloon Region) imposes various obligations on the members of government and administration and obliges public services to collect and process gender-disaggregated statistics and establish gender indicators regarding their areas of activity. Some of the enactments in question provide for the introduction of gender budgeting.

A considerable legislative framework has been developed to combat violence against women. In that context, a lasting emotional and sexual relationship between offender and victim has been deemed an aggravating circumstance in the case of intentional homicide not categorized as murder or of physical injury with intent to harm. In 2000 and 2007, female genital mutilation (FGM) and forced marriage, respectively, were defined as a crimes under Belgian law. Acts adopted in 2012 waived professional confidentiality in connection with partner violence and provided for temporary removal from the family residence in domestic violence cases. A human trafficking act was adopted in 2005 and amended in 2013.

Significant legislative progress has been achieved in the areas of gender equality at the workplace and harmonization of family life and working life. Thus, various amendments were made to regulations on parental, maternity and paternity leave and on time credit. Procedures against sexual harassment at the workplace were strengthened through new legislation. An act aimed at reducing the wage gap between women and men, adopted in 2012, provides for the negotiation of appropriate measures at the interprofessional, sectoral and enterprise levels.

Quotas were imposed on the boards of directors of public enterprises and listed companies in 2011 and on senior management in federal public administration in 2012. Similar regulations have been adopted at the level of the federated entities.

Under a 2013 act, the gender dimension became a cross-cutting element of all activities of the Belgian development cooperation agency. In 2007, the Flemish

⁸ See annex 6: Legislative progress since 1995 in the area of equality between women and men.

Authority adopted a decree with similar provisions for Flemish development assistance.

A 2014 act amended the Civil Code so as to ensure gender equality in the transmission of family names to children, including adopted minors (see question 20 for further details). An act against sexism in public spaces, adopted in 2014 and amending the Act of 10 May 2007 against discrimination between women and men so as to penalize discrimination, defines sexism as an offence incurring specific penalties and introduces criminal punishment for gender-based discrimination.

Provide examples, if any, of any court decisions directly applying provisions of the Convention.

In Belgium, it is incumbent on national courts and tribunals to decide whether international provisions are applicable directly or indirectly, considering whether the relevant requirements are met (initial intention to create personal rights, and sufficient precision and completeness of the provision or rule for it to have direct effect as domestic law, without any need for an implementing measure). Since Belgian courts and tribunals are independent, the executive may not encourage them to ascribe “direct effect” to the Convention or any particular provisions thereof. Belgian case law includes few cases of concrete application of the Convention because, generally speaking, in judicial proceedings the public prefers to rely on national and/or regional/European provisions confirming the rights concerned. Accordingly, the provisions of the Convention are as a rule invoked from an ancillary or secondary perspective and treated by the courts and tribunals on that basis.

Please indicate whether elements of the Convention are being integrated into capacity-building programmes for judges, prosecutors and lawyers, the police and other law enforcement officials.

In the framework of the aforementioned Circular No. COL 13/2013, the Institute of Judicial Training (IFJ) organized training, in January 2014, for the country’s reference magistrates for discrimination-related cases and hate crimes and for first- and second-year legal trainees. Under the same Circular, training has also been provided to the police. Belgian judges continue to receive training related to violence against women, particularly in connection with violence within couples, forced marriages and human trafficking. Training has been recently made available to lawyers on the following topics: “Commission on financial assistance to victims: for whom, how and why?” (November 2013); “Protection of vulnerable persons and the law on warrants” (December 2013); “Multidisciplinary approach to sexual abuse” (January 2014); “Combating social fraud, exploitation of labour and human trafficking” (December 2013); and issues related to female genital mutilation (FGM) in relation to asylum (June 2013). Moreover, awareness-raising activities are organized for the federal police through the gender action plan⁹ and the gender task force.¹⁰ The various training programmes concerned¹¹ address inter alia certain matters covered by the Convention.

⁹ See annex 7: Gender action plan (annexed to ministerial Circular No. GPI 74 of 19 July 2013 on the promotion of equal opportunities for men and women in the police).

¹⁰ See annex 8: Presentation of the Gender Task Force of the federal police.

¹¹ See annex 9: Training and awareness-raising programmes for the police.

National machinery for the advancement of women

3. Please provide concrete information on the specific measures taken to coordinate the policies and mechanisms of federal, community and regional structures in order to achieve full and uniform implementation of the Convention throughout the State party's territory, as recommended by the Committee in its previous concluding observations (CEDAW/C/BEL/CO/6).

Under the Belgian system of division of powers, combating gender-based discrimination and promoting gender equality are not functions assigned or reserved to the federal authorities, the Communities or the Regions. Rather, they constitute responsibilities that are exclusive, albeit cross-cutting: jurisdiction of one authority excludes jurisdiction of another. Within its own areas of jurisdiction, each authority must adopt legislation and policies in line with the Convention (but also, for instance, with European law).

Coordination at the national level takes place mainly through the channels formally established within the Belgian federal system, particularly in matters falling within the jurisdiction of more than one government levels (see document HRI/CORE/BEL/2012, particularly paragraphs 85 and 86). For instance, interministerial conferences (between different levels of government) constitute a flexible structure for consultation and dialogue and a forum conducive to the negotiation of cooperation agreements.

The responsibilities related to the prevention of partner violence and other forms of intrafamily violence are, for instance, shared between the Federal State, the Communities and the Regions. These various levels of government meet at interministerial conferences on “integration into society”, which make the main relevant decisions, including in particular the adoption of the national action plan (2012 report, paragraphs 62-66). Another example consists in a cooperation agreement concluded between the Federal State, the French Community and the Walloon Region regarding the administrative and financial management of provincial coordinating bodies for gender equality. This agreement, concluded in 2007, makes it possible to develop local policy on the equality of women and men in the entities concerned in a coordinated manner (2012 report, paragraph 40).

The French Community, the Walloon Region and the French Community Commission have concluded cooperation protocols with the Institute for the Equality of Women and Men, empowering it to handle individual cases that involve gender-based discrimination; inform and sensitize the public; organize personnel training; issue opinions and recommendations to community and regional authorities; and ensure the conduct of studies on issues related to combating discrimination. The implementation of such protocols is coordinated by the Equal Opportunities Directorate of the Ministry of the French Community, the Social Action Directorate of the Walloon Region and a support committee established by the French Community Commission, within their respective areas of jurisdiction. Specifically, these bodies bring the various actors into contact so as to optimize the use of each actor's resources and potential for combating discrimination.

Cooperation between various levels of government can also be organized on an ad hoc basis in connection with specific projects (inter alia, combating violence; gender and the media; and the inter-federal action plan to combat violence and discrimination against gay, lesbian, bisexual and transgender persons) in order to

promote the exchange of relevant expertise. Moreover, coordination takes place between certain levels of government in order to optimize support through grants requested by civil society.

Please provide information on the coordination between the Institute for the Equality of Women and Men (paragraph 11) and the ministries dealing with issues relating to the empowerment of women for purposes of gender mainstreaming at both the federal and regional levels.

There is no coordination between the federal level (Institute for the Equality of Women and Men) and the federated entities with regard to the implementation of gender mainstreaming because there is no hierarchical relationship between the various levels of government (see above). Each Government is responsible for the integration of the gender dimension into the policies falling within its jurisdiction. All relevant mechanisms are described in the 2012 report (paragraphs 43-61).

At the federal level, it is recalled, the Gender Mainstreaming Act of 12 January 2007¹² aims at ensuring the structural mainstreaming of the gender perspective in government policy. Developments since October 2012 have included the adoption of the “gender test”, provided for by the Act as a specific assessment of equality between women and men as part of a comprehensive legislation-impact analysis (AIR). This *ex ante* analysis of draft legislation submitted to the Council of Ministers concerns other matters as well. It was established by an act of 15 December 2013.¹³ The reports which, under the Act, must be presented at the end of the parliamentary term for the purpose of evaluating the implementation of the Act were submitted to the Parliament in January 2014.¹⁴

At the level of the Flemish Authority, the Flemish Minister for Equal Opportunities plays a coordinating role in the implementation of an equal opportunities approach (as a cross-cutting policy) through the “open method of coordination” (2012 report, paragraphs 51-54).

Under the community policy declaration 2009-2014 of the French Community, the Government shall integrate the gender dimension into all of its policies.

The Act adopted at the federal level has served as a model for other legislation, subsequently enacted at the level of certain federated entities.

At the level of the Brussels-Capital Region, the adoption of the Ordinance of 29 March 2012 on gender mainstreaming in the policy lines of the Region has been crucial (2012 report, paragraph 56). The Ordinance will enter fully into force with the new legislature in 2014. The Region is already preparing the implementation of the Ordinance, particularly through two implementing decrees concerning the gender test and gender budgeting.

The Decree on gender mainstreaming in the policy lines of the French Community Commission, adopted by the French-speaking Parliament of Brussels on

¹² Act of 12 January 2007 on monitoring the implementation of the resolutions of the Fourth World Conference on Women, held in Beijing in September 1995, and on integrating the gender dimension into all federal policies (Official Gazette, 13 February 2007).

¹³ Act of 15 December 2013 on various provisions relating to administrative simplification (Official Gazette, 31 December 2013).

¹⁴ The first reports were approved in January 2014. They are posted at <http://igvm-iefh.belgium.be/fr/binaries/Rapport_de_fin_de_la_legislature_FR_tcm337-245614.pdf>.

21 June 2013, entered into force on 1 January 2014 and must be implemented at the level of the services of the Board of the French Community Commission and at the level of its community service organization, the Brussels French-Speaking Vocational Training Institute (“Bruxelles Formation” or Brussels training organization).

Under the Decree on gender mainstreaming in all Walloon Region policies, which was adopted on 11 April 2014, the Government presents to the Walloon Parliament, for all policies implemented, a statement, at the beginning of the parliamentary term, regarding the strategic objectives pursued through those policies, as well as a mid-term report and a report at the end of the parliamentary term.

Stereotypes and harmful practices

4. In its previous concluding observations, the Committee expressed its concern that campaigns and programmes aimed at the elimination of gender-based stereotypes in advertising and the media had not produced a significant change in attitudes (CEDAW/C/BEL/CO/6). Please indicate whether the State party has assessed the impact of existing measures to combat stereotyping in the media in order to identify shortcomings and improve the measures accordingly.

This issue falls almost exclusively within the jurisdiction of the Communities, which therefore develop relevant measures at their level of government.

There has been no specific assessment of existing measures at the level of the Flemish Authority but the situation is evaluated by the Media Policy Research Centre, one of the 21 Flemish research centres contributing to the policies of the Flemish authority. The Centre researches information and news production, news coverage and media literacy in Flanders. Research addresses the overall process, from information selection by journalists up to the users’ choice of media. The Monitor is a periodic scientific report on a topic of current interest regarding the Flemish media. In 2012 and 2013, two such reports focused on the issue of gender.¹⁵

The French Community specifically monitors the audiovisual media and participates in the Global Media Monitoring Project (GMMP).

Three annual barometers have been published (2012 report, paragraph 107), producing a yearly quantitative record, based on a sample week, of how men and women, along with other components of diversity, are represented in television programmes broadcast in the French Community.¹⁶

The GMMP Study, published every five years, focuses on women’s presence in world media news coverage on a single day (2012 report, paragraph 111). It was carried out for the first time in the French Community by the Association of

¹⁵ “Woman wanted” (No. 9, January 2012, on the number of women in television news programmes, <<http://www.steunpuntmedia.be/wp-content/uploads/2013/10/Nieuwsmonitor-15.pdf>>); and “How diverse is the Flemish press corps?” (No. 15, October 2013, on age-, gender- and ethnicity-related representation by the Flemish press, <<http://www.steunpuntmedia.be/wp-content/uploads/2013/10/Nieuwsmonitor-15.pdf>>).

¹⁶ Barometer 2013: <[http://csa.be/system/documents_files/2006/original/Baromètre 2013.pdf?1363332910](http://csa.be/system/documents_files/2006/original/Baromètre%202013.pdf?1363332910)>. See also annex 10: Summary of certain equality- and diversity- Barometer 2013 results regarding television media in the French Community.

Professional Journalists (AJP)¹⁷ through a French Community grant, provided also for a 2015 study in order to compare findings.

Although, over and above studies of the above type, it is difficult to measure the actual impact of every measure taken, a more extensive use of the tools available to professionals and actors on the ground can be observed. Such tools address reported cases of under-representation (see below).

Please indicate whether the State party envisages adopting a comprehensive strategy to combat stereotyping in order to promote, inter alia in the media, a positive image of women, including vulnerable groups of women, such as those belonging to ethnic and religious minorities, older women and women with disabilities.

The strategy on advertising opted for at the federal level consists in working directly with the actors concerned to promote gender mainstreaming through cooperation between the Institute for the Equality of Women and Men and the Jury on Advertising Ethics (JEP) (2012 report, paragraphs 104-105). The objective is to strengthen consideration of the gender dimension in dealing with complaints related to sexism in advertising.¹⁸

The Flemish Authority develops activities, particularly in the framework of the open method of coordination (OMC) and the comprehensive strategy of gender mainstreaming at the Flemish level. In that context, special attention is paid to the promotion of a balanced, non-stereotyped representation of women (2012 report, paragraphs 119-120).¹⁹

Through a variety of projects and activities, the Genderklik²⁰ awareness-raising campaign seeks to highlight the impact of gender, as an organizing mechanism, on actual situations of men and women in society (2012 report, paragraphs 112-116). One of the lines of action of the campaign aims at financing small-scale projects in cooperation with media and cultural-centre partners.

A database covering experts from groups that traditionally receive scant attention from the media, namely, women, foreigners or persons with disabilities, was created in 2008 (2012 report, paragraph 117).²¹ The Flemish authorities aim through this project to make such groups more visible in the media without recourse to stereotypes. Promotion of the database in close cooperation with the Flemish Journalists' Association (VVJ) is ongoing, particularly through a brochure entitled "Beyond cliché", published in 2011 to inspire journalists to pursue a more balanced representation²² or through a campaign entitled "It doesn't always have to be ..." and showing well-known faces of male experts.²³

¹⁷ For further information, see <www.quelgenredinfos.be>.

¹⁸ See annex 11: Figures on sexism-in-advertising complaints filed with the Jury on Advertising Ethics (JEP).

¹⁹ The full text of the objectives can be looked up at <<http://www.gelijkekansen.be/Wiewerktmee/BinnendeVlaamseoverheid/Doelstellingenkader.aspx>>.

²⁰ <www.genderklik.be>.

²¹ <www.expertendatabank.be>.

²² <http://www.gelijkekansen.be/Portals/GelijkeKansen/39007_VoorbijHetClichéAS.pdf>.

²³ See annex 12: Example related to the database on experts of the Flemish Authority.

The Media Department of the Flemish Authority has developed an inventory of best practices related to equality and imaging.²⁴ In late 2014, such practices will be posted on the “Online Knowledge Platform of the Knowledge Centre on Media Literacy”, which already includes files on media literacy for the elderly and for disadvantaged persons living in poverty, on online privacy and on advertising-related literacy.

Activities carried out as part of the Plan of Action for Equality and Diversity in Audiovisual Media, adopted by the French Community in 2009, have contributed to significant changes in media practices (2012 report, paragraphs 106-108). In addition to the aforementioned barometer and GMMP, the French Community has also created the “Panorama of best practices” which, on an annual basis, introduces, highlights and encourages any initiative, approach or practice developed in the audiovisual sector that can help all players concerned to advance collectively.²⁵

As a follow-up to the above plan of action, the French Community has also launched various incentives, including awareness-raising activities and training for journalism students and professional journalists regarding gender issues in the area of information.²⁶ In view of the relatively small number of women among editorial workers, activities were undertaken in the period 2012-2013 to encourage the preparation of relevant dissertations by university students and to raise awareness among directors of human resources.²⁷ Results are expected by mid-2014.

The Brussels-Capital Region carries out specific campaigns aimed at combating stereotypes by highlighting, inter alia, sexual orientation, gender identity and cultural diversity in connection with specific target groups.²⁸

5. The State party indicated that legislation and punishment were not the most suitable means of eliminating female genital mutilation (paragraph 125). It further indicated that the 2010-2014 national action plan to combat partner violence and other forms of domestic violence covered forced marriage, female genital mutilation and honour-related violence (paragraph 124). Please provide data on the extent of women and girls affected by female genital mutilation, forced marriage and honour crimes.

Of the 5,907 requests for asylum processed by the General Commissariat for Refugees and Stateless Persons (CGRA) in the last five years, 3,397 concerned forced marriage, 1,824 female genital mutilation (FGM) and 686 honour-related

²⁴ See <<http://mediawijs.be/dossiers>>.

²⁵ Panorama 2013: <http://csa.be/system/documents_files/1999/original/CSA_panorama_web.pdf?1362566255>.

²⁶ Meetings (training modules) with students and round tables with journalists were organized in 2011, 2012 and 2013. They currently continue within the framework of research combined with action for the development of a teaching kit prepared in cooperation with journalism and communication teachers.

²⁷ Actually, in the French Community, 70 per cent of journalists, all media taken together, are men. Editorial workers include very few women although many more women hold a journalism degree than men and although parity is attained, and even exceeded, among entrants in the profession. The factors behind the small number of women among editorial workers seem to be multiple (related to, inter alia, recruitments and working conditions) but no study had so far been undertaken on that issue.

²⁸ See annex 13: Campaigns aimed at combating stereotypes in the Brussels-Capital Region.

violence.²⁹ However, persons seeking asylum on the basis of such grounds account for a small part of the population actually affected by the problems in question. According to a study on the prevalence of female genital mutilation (FGM) in Belgium³⁰ and a relevant update,³¹ it is estimated that, as of 31 December 2012, 13,112 girls and women had “already very probably undergone excision” and 4,084 were “potentially at risk of excision”. A project for recording cases of FGM in 10 hospitals was launched in order to observe whether better use of existing procedures (by sensitizing the hospitals’ gynaecology and registration units) leads to an increase in the number of cases recorded, the objective being to develop a monitoring system. The project involved raising awareness in the hospital services concerned. Although no study concerning the prevalence of forced marriage and honour-related violence has been carried out at the national scale, such cases are regularly reported to associations assisting victims of the said phenomena.

Please provide information on (a) the impact of measures taken in relation to the national action plan to prevent such practices, protect potential victims and provide support, assistance and rehabilitation; (b) measures taken to investigate and prosecute offenders; and (c) activities undertaken to raise awareness of the existence of legal provisions criminalizing such practices.

There is no tool for measuring with precision the impact of steps taken against harmful traditional practices. However, various relevant facts are noted. The number of positive or false positive notifications has increased steadily since 2010³² and so has the number of professionals sensitized and having received training relevant to the problems in question, particularly in the sectors of health, health promotion, early childhood, assistance to young persons, justice, and asylum and migration authorities. In view of certain court decisions which make reference to recommendations formulated by Intact ASBL and to the concerted strategies against female genital mutilation FGM suggest that there has been an impact at the level of the authorities responsible for making decisions regarding asylum. The number of complaints filed with the police and of cases registered by prosecutor’s offices has been tending to increase in recent years (see below). In any event, Belgium continues to pursue a holistic approach to the issues in question, focusing on prevention and comprehensive responsibility care for victims.³³

In 2012, the police received 14 complaints related to forced marriages and 4 complaints related to FGM. Cases recorded so far by judicial authorities are also rare. In fact, the country’s offices of prosecutors in criminal matters report only

²⁹ Annual figures on every form of violence are presented in annex 14: Gender-related grounds invoked by asylum seekers in the cases processed by CGRA.

³⁰ The findings are accessible at <<http://www.health.belgium.be/eportal/Myhealth/socialissues/excision/index.htm>>.

³¹ For further information: <http://www.laurette-onkelinx.be/articles_docs/MGF_Etude_Prevalence_02_2014.pdf>.

³² See, for instance, “Research combined with action on notifications of MGF in Belgium. Survey conducted by specialized Belgian associations (GAMS Belgique (Belgian group for the elimination of FGM), Intact ASBL and Collectif Liégeois MGF (Liège association against FGM))” at <http://gams.be/index.php?option=com_content&view=article&id=54&Itemid=57&lang=fr>.

³³ See annex 15: Examples of new measures in respect of harmful traditional practices.

14 cases of FGM for the period 2009-2013.³⁴ To this date, no case has yet led to a conviction. The opening of five cases in 2012 and 2013 may indicate that joint work and awareness-raising are having an effect so that such incidents are, at long last, identified. A draft act completing article 409 of the Criminal Code by explicitly punishing not only those practicing, facilitating or supporting, with or without the victim's consent, any form of FGM, but also anyone who advocates or incites to that practice, was adopted on 23 April 2014, revealing the Belgian legislator's intention to send a strong dissuasive message. Moreover, on 24 April 2014 the Senate adopted Resolution No. 5-2453 aimed at combating FGM, and the Flemish Parliament took similar action on 13 November 2013.

Of the 47 cases of forced marriage referred to prosecutors' offices between 2009 (when a specific registration code was created) and 2013,³⁵ four have so far led to court decisions, including one conviction. In particular, on 9 and 12 December 2011 the Assize Court of Mons found several relatives of a 20-years-old Belgian woman of Pakistani decent guilty of murder, with gender-based discrimination against the victim as an aggravating circumstance. They had killed her for refusing an arranged marriage. Furthermore, the Act of 2 June 2013,³⁶ in its criminal component, increased the punishments incurred for the crimes of forced marriage (article 391 sexies of the Criminal Code) and sham marriage (article 79 bis of the Act of 15 December 1980) and defined forced legal cohabitation (article 391 septies of the Criminal Code) and simulated legal cohabitation (article 79 ter of the Act of 15 December 1980) as crimes.

On 9 January 2014, the College of Prosecutors General decided to create a working group entrusted with preparing a draft circular on honour-related violence and a relevant training programme for the Judicial Training Institute (IFJ). The decision was a response to various recommendations made in 2011 on the basis of an exploratory (comparative-law) study by the criminal policy unit of the Federal Public Justice Service and the country's first empirical survey on the phenomenon of honour-related violence.

In the framework of awareness-raising measures,³⁷ the criminally reprehensible character of harmful traditional practices is systematically highlighted so as to stress unequivocally that they are not tolerated by the authorities. A case in point consists in the passport that Intact ASBL created as a warning to the relatives of potential FGM victims returning to their native country for the holidays. The documents states the punishment incurred for committing FGM on Belgian residents so as to discourage that practice.

³⁴ In 2009 2, in 2010 1, in 2011 1, in 2012 5 and in 2013 5 (figures as of 10 January 2014, supplied by the statistical analysts of the College of Public Prosecutors).

³⁵ The number of forced marriage cases recorded in prosecutor's offices was 1 in 2009, 12 in 2010, 15 in 2011, 12 in 2012 and 7 in 2013 (figures as of 10 January 2014, supplied by the statistical analysts of the College of Public Prosecutors).

³⁶ Act of 2 June 2013 amending the Civil Code, Act of 31 December 1851 on consulates and consular jurisdiction, the Criminal Code, the Judicial Code and Act of 15 December 1980 on aliens' access to the territory, sojourning, registration and deportation, with a view to preventing marriages of convenience and legal arrangements for cohabitation of convenience (Official Gazette, 23 September 2013).

³⁷ See annex 16: Examples of awareness-raising and prevention activities against harmful traditional practices.

Please indicate whether non-governmental organizations working in that field are involved in the development and implementation of initiatives to eliminate those practices.

A number of civil society organizations³⁸ working on the ground are supported financially by all levels of government in carrying out preventive action, raising awareness and organizing training and other activities for the communities concerned. As a priority under the gender strategy of the Belgian development cooperation agency, combating violence against women is also promoted with funding from, mainly, such organizations as UN Women and the United Nations Population Fund (UNFPA) or through specific activities undertaken by NGOs. Belgium supports the direct and constructive participation of civil society in the development, implementation and follow-up of relevant measures and strategies. At the regional level, various mechanisms have been set up to involve civil society in the policies implemented in the area in question (Coordinated Strategies against FGM, Brussels Consultation Platform and Flemish Forum on Child Abuse). At the national level, an expert group composed of field specialists and representatives of the voluntary sector and academia is required to report on progress with regard to measures under the national plan of action for combating gender-based violence, specifying what has been actually achieved and any further action that may be needed. The expert group is also consulted during the development of the said plan.

Violence against women

6. The State party mentioned that it lacked specific records of acts of violence against women because the gender of victims was not systematically recorded. It added that, nevertheless, some figures were available with regard to specific criminal acts, such as partner violence or sexual offences (paragraph 70). Please provide the data that are available on partner violence or sexual offences since 2008 and on the number of prosecutions, convictions and sentences imposed on perpetrators. Please also indicate measures in place or envisaged to establish systematic and regular collection and analysis of data and information on all forms of violence against women, including domestic violence and sexual harassment, disaggregated by gender, type of violence and relationship between victim and perpetrator.

New data relative to partner violence and sexual violence are annexed hereto.³⁹

In 2010, the Institute for the Equality of Women and Men conducted a study on women's and men's experience in relation to psychological, physical and sexual violence (2012 report, paragraph 70). That study should be updated to obtain, where appropriate, more current figures in the light of recent work by the European Institute for Gender Equality (Report of the Cyprus Presidency of 2012) and of the recent survey of the European Union Agency for Fundamental Rights (FRA) on violence against women (published in March 2014).

³⁸ Inter alia, Espaces-Rencontres ("outreach centres"), the association of Care Centres, the Marriage and Migration network, GAMS, Intact ASBL, Collectif Liégeois MGF, OxFam Solidariteit, Zijn VZW and Ella VZW.

³⁹ See annex 17: Statistics on partner violence and sexual violence.

Since June 2013, the regional-court data processing system of offices of prosecutors in criminal matters has helped to record the gender of victims in all cases, regardless of prevention code. The relevant field is filled automatically in official reports transmitted to the said offices as part of electronic data flow from the police. In all other cases, gender is noted manually but, it seems, not systematically enough to produce reliable statistics.

Generally speaking, the Institute plans to launch work on gender-based violence indicators in 2014, by ensuring coordination between the various entities concerned. The indicators on violence against women adopted by the United Nations Statistical Commission will be integrated into that work.

7. The existing legislation in the State party (1997 Act on combating partner violence) has a narrow approach to the reality of gender-based violence against women that exists in all spheres of life. Please indicate whether the State party envisages developing a more comprehensive approach to violence against women in its legislation and abandoning its gender-neutral approach to violence, given that the approach undermines the fact that women are disproportionately affected by violence in the public and private spheres.

As the various possible forms of violence are already covered by a range of legislative instruments, the Belgian State still considers that adopting legislation that would specifically criminalize all acts of violence against women and girls would not be opportune. In fact, such specific criminalization would by definition be limited, while the adaptation of a range of provisions to the offences concerned, in conjunction with aggravating circumstances, seems to be a more effective basis for targeted prosecution.

In this regard, the State party indicated that the 2010-2014 national action plan to combat partner violence had been extended to include other forms of gender-based violence (paragraph 83). Please indicate whether the State party envisages adopting a national action plan covering all forms of violence against women.

An updated version of the 2010-2014 national action plan to combat partner violence and other forms of domestic violence was adopted on 10 June 2013.⁴⁰ The action plan was thereby enriched with new activities undertaken by all stakeholders. In parallel, a working group on sexual violence was set up to prepare the inclusion of a new component specific to this issue in the next multiannual action plan. The working group identified a series of gaps and formulated relevant recommendations.⁴¹ The adoption of the next multiannual action plan depends on the new federal, regional and community executives that will be elected. The intention is to base that plan on the provisions and structure of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

⁴⁰ The document is accessible at <http://igvm-iefh.belgium.be/fr/domaines_action/violence/>.

⁴¹ See <http://igvm-iefh.belgium.be/fr/actualite/knelpunten_en_aanbevelingen_inzake_de_aanpak_van_seksueel_geweld.jsp?referer=tcm:337-242429-64>.

Please indicate whether the State party is considering reviewing its position to ensure that, in the Criminal Code, sexual abuse is qualified as a crime against a person rather than as an offence against public morality and family order (paragraphs 3-6 of the State party follow-up report).

As explained in the seventh report, the fact that sexual violence appears in Title VII of the Criminal Code (crimes and offences against family order and public morality) does not affect the priority given to the prosecution of such offences or how they are perceived. Moreover, it is technically difficult to introduce the proposed legislative amendment as that would require the amendment and renumbering of the many laws that refer to those provisions. If the Criminal Code, or the relevant part of the Code, is revised, such an amendment could be envisaged and, where appropriate, incorporated. However, such a change would be a complex undertaking for what would amount to a rather symbolic result. In fact, not having in the Criminal Code a specific title on sexual violence does not prevent Belgium from formulating additional crime definitions corresponding to new phenomena observed in that area. For instance, two acts of 10 April 2014⁴² provide specific protection to minors.

Initiatives of other types currently under way are aimed at improving the policy against sexual violence. They include the preparation of a handbook on sexual offences for all police districts and police academies, new training on “sexual offences” and “reception of victims”, a memorandum for first-line police personnel, a checklist for hearings, and a public awareness campaign designed to encourage sexual violence victims to file a complaint with the police. Moreover, Circular No. COL 10/2005 of the College of Prosecutors General in criminal matters brought before appeal courts on the Sexual Aggression Set (SAS) was evaluated in February 2014, and training for physicians in the proper use of SAS will be organized in 27 hospitals of the country.

Please indicate the steps taken towards the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

This new instrument was signed by Belgium on 11 September 2012 and the requirements for its ratification will be fulfilled shortly. In the case of Belgium, the Istanbul Convention is a “mixed treaty”, in the sense that its ratification falls within federal, community and regional jurisdiction. Thus, all parliamentary Assemblies must approve the treaty before ratification. Consent for the Convention has already been given through a Flemish decree of 29 November 2013 and a French Community decree of 26 February 2014.

Please describe the possibilities for women asylum seekers and undocumented women to seek protection when they are victims of domestic violence, without fear of being deported from the State party.

According to the law,⁴³ residence authorization may be requested under exceptional circumstances. Thus, a residence permit may be granted to a victim of

⁴² Act of 10 April 2014 on the protection of minors against enticements aimed at the commission of sexual offences (Official Gazette, 30 April 2014) and Act of 10 April 2014 amending the Criminal Code so as to protect children from cyberpredators (Official Gazette, 30 April 2014).

⁴³ See Article 9 bis of the Act of 15 December 1980 on aliens’ access to the territory, sojourning, registration and deportation (Official Gazette, 31 December 1980).

any form of violence or on vulnerability grounds, if such authorization is necessary in view of the personal situation of the individual concerned.

A residence document or a residence permit is issued to human trafficking victims⁴⁴ who cooperate with the competent authorities in the framework of a judicial enquiry (see question 10).

A victim's state of vulnerability is taken into account in examining his or her asylum request.⁴⁵

The law allows foreign women to benefit from certain specific provisions. The minister or minister's representative may not terminate residence obtained for purposes of family reunification, provided the foreigner proves that, during the marriage or partnership, he or she has been a victim of an offence under articles 375, 398-400, 402, 403 or 405 of the Criminal Code.⁴⁶ Moreover, the principle of non-refoulement applies to the persons in question. In other cases, account is taken of the situation of family violence victims who no longer form a household with the person that they have joined and need protection. Furthermore, under the law, the nature and strength of the family ties of the person concerned, the length of his or her presence in Belgium and the existence of family, cultural or social links with his or her country of origin are taken into consideration in deciding whether or not to terminate residence.⁴⁷

As any foreigner authorized or allowed to reside in Belgium, violence victims and vulnerable persons maintain the right to return to the country during one year.⁴⁸

The persons in question may also benefit from provisions specifying under what conditions and in which cases a foreigner absent from Belgium for more than one year may be authorized to return.⁴⁹ Thus, depending on their residence status, victims enjoy the same right to return as other foreigners who meet the same residence prerequisites.

Lastly, under the law, removal of any national of a third country is temporarily postponed if the decision of deportation or escort to the Belgian borders would expose him or her to a violation of the principle of non-refoulement.⁵⁰

⁴⁴ See Articles 61/2 to 61/5 of the Act of 15 December 1980 on aliens' access to the territory, sojourning, registration and deportation.

⁴⁵ See Article 49/3 of the Act of 15 December 1980 on aliens' access to the territory, sojourning, registration and deportation.

⁴⁶ See Article 11 (2), subparagraph 4, of the Act of 15 December 1980 on aliens' access to the territory, sojourning, registration and deportation.

⁴⁷ See Article 11 (2), subparagraph 5, of the Act of 15 December 1980 on aliens' access to the territory, sojourning, registration and deportation.

⁴⁸ See Article 19 of the Act of 15 December 1980 on aliens' access to the territory, sojourning, registration and deportation.

⁴⁹ See Article 3 of the Royal Decree of 7 August 1995 specifying under what conditions and in which cases an alien absent from Belgium longer than one year may be authorized to return to the country.

⁵⁰ See Article 74/17, paragraph 1, of the Act of 15 December 1980 on aliens' access to the territory, sojourning, registration and deportation.

8. Please indicate whether, as recommended by the Committee in its previous concluding observations (CEDAW/C/BEL/CO/6), the State party has undertaken research into all forms of violence against immigrant, refugee and minority women and girls and, if so, provide information on the outcome of that research.

No research has yet been undertaken into all forms of violence against immigrant, refugee and minority women and girls. However, the problem of gender violence suffered by migrant women is addressed in the framework of the policy on combating violence against women. Research into certain specific forms of violence has been carried out over a number of years.⁵¹

In 2013, the French Community supported and launched a campaign, prepared by the association of Provident Feminist Women, on “Spousal violence and migration”.⁵² This campaign aims at making resources available to migrant women exposed to spousal violence. With regard to forced marriages, the French Community financed the awareness-raising campaign “My marriage belongs to me”;⁵³ support for the Marriage and Migration network;⁵⁴ the dissemination of an action-theatre play designed to sensitize young persons to the issue in question; and, in 2014, the “Longing to love” campaign,⁵⁵ carried out in partnership with the “Marriage and Migration” network of associations, which encourages all women and men to avoid any form of stigmatization in connection with the exercise of freedom of choice in love relationships, and conveys a positive image of such freedom. An advertisement prepared by the network was broadcast during six weeks on all French-speaking radio and television channels. The message is also published on the Internet and promoted through a broadly distributed set of eight posters and six postcards.

In the framework of the International Day for the Elimination of Violence against Women, the Walloon Region organized on 25 November 2013 a conference on immigrant women and compound violence. The event enabled field actors to meet and discuss the problems encountered.

Ella ASBL (a gender and ethnicity expertise centre funded under the policy on equal opportunities and youth) endeavours to ensure the emancipation and independence of ethnic minority women and girls in Flanders and Brussels. The centre develops educational tools and brochures,⁵⁶ and holds debates and conferences on, inter alia, identity, inequality, relations, sexuality, marriage migration, mixed couples, and gender-related violence. For instance, it organizes a seminar on “Violence, gender and resilience”, with various workshops for girls on, inter alia, stereotypes, discrimination, and gender-related violence.

A study entitled “Marriage migration from Emirdağ to Brussels”, co-financed by the Ministry of Welfare, the Family and International Relations of the French

⁵¹ See annex 18: Examples of publications on combating harmful traditional practices.

⁵² This campaign is accessible at <<http://www.planningsfps.be/federation/actions/Noscampagnes/Pages/Violencesconjugalesetmigration.aspx>>.

⁵³ <www.monmariagemappartient.be>.

⁵⁴ <www.mariagemigration.org>.

⁵⁵ <<http://monmariagemappartient.be/>> and <<https://www.facebook.com/pages/Quavez-vous-fait-de-plus-fort-par-amour/226630927514692?ref=hl>>.

⁵⁶ For further information on the publications of Ella ASBL, see <<http://www.ellavzw.be/aanbod/publicaties/>>.

Community Commission and the King Baudouin Foundation, was carried out in 2012, in the form of research combined with action, to identify new approaches to informing, counselling or helping marriage migrants more effectively.

In 2013, the French Community Commission supported the Women's Voice association in order to order a study on the topic of "Gender Violence: what tangible protection for migrant women?".

Please provide information on any initiatives designed to address sexual abuse of women with disabilities.

The vulnerability of disabled women and migrant women is taken into consideration in various legislative provisions. Under Criminal Code article 433 septies, paragraph 2, the penalty is increased in the event of abuse of the vulnerability of a victim who is in an illegal or precarious administrative situation or in a precarious social situation or has a disability. Article 77 quater, paragraph 2, of the Aliens Act of 15 December 1980 establishes a similar aggravating circumstance. Criminal Code article 433 decies punishes slum lord practices, which largely involve abusing vulnerability. Lastly, Criminal Code article 375 stipulates harsher punishment for indecent assault or rape, if the victim is a disabled or sick person or a pregnant woman.

In Flanders, transgressive behaviour contact points have been operational since October 2012 in structures recognized by Flemish Agency for Persons with Disabilities (VAPH). Every structure is obliged to report any instance of transgressive behaviour occurring against a user by another user, a staff member or a third party mandated by the structure in the framework of assistance relations. In 2012, 81 reports were registered. Sexual harassment, physical violence and psychological abuse, in that order, constitute the most frequent types of such behaviour. Transgressive behaviour between users accounts for 77 per cent of the total number of such occurrences. In 20 cases, a complaint was filed with the police by the user and/or his or her legal representative, accompanied or not by the structure.

A management contract concluded between the Walloon Government and the Walloon Agency for the Integration of Persons with Disabilities (AWIPH) for the period 2012-2017 provides for the inclusion of the relational, emotional and sexual dimension of disabled persons in the educational scheme of entities approved and subsidized by AWIPH in cooperation with the Family Planning Centres; and for training and awareness-raising meetings regarding the concepts of good treatment and maltreatment in the said entities.

Trafficking in women and exploitation of prostitution

9. Please provide information on the existing legal provisions relating to prostitution and provide statistical data on women in prostitution. Please also provide information on programmes available to women wishing to leave prostitution and indicate the measures taken in order to decrease the demand for prostitution, including in relation to sex tourism.

Belgium has ratified the Convention for the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of Others, concluded in New York in 1949. Thus, Belgian legislation is abolitionist. Prostitution is not penalized as such but exploitation of the prostitution of others is. In addition, Belgium has

ratified the Council of Europe Convention on Action against Trafficking in Human Beings of 3 May 2005 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Accordingly, Belgian law provides for severe punishment of human trafficking and of the exploitation of the prostitution of others.

Article 380 of the Criminal Code punishes generally any form of procuring or of exploitation of the corruption or prostitution of others. Article 433 quinquies of the Criminal Code punishes human trafficking, including with intent to exploit sexually. In fact, the Act of 29 April 2013⁵⁷ amending this provision broadened the intention in question. Thus, while the earlier formulation was mainly limited to exploitation of prostitution or pornographic acts involving minors, the current provision concerns not only exploitation of prostitution, but also all other forms of sexual exploitation, such as, for instance, acts related to pornography.

The Act of 24 June 2013⁵⁸ provides for harsher penalties. As a result, the basic fine is multiplied by the number of victims under article 380 or article 433 quinquies of the Criminal Code. Moreover, the Act of 27 November 2013⁵⁹ explicitly stipulates the confiscation of buildings used to commit the crimes of exploitation of the prostitution of others or human trafficking (articles 382 ter and 433 novies of the Criminal Code).

There are no precise statistics on the prostitution of women. According to the NGOs, there are in Belgium approximately 15,000 prostitutes. Judicial databases, let it be recalled, do not include information on the victims but on the perpetrators (of trafficking, procuring, and exploitation of the corruption or prostitution of others).

Data regarding the number of complaints filed with the police concerning sexual offences are annexed hereto.⁶⁰

The Federal Minister for Equal Opportunities in cooperation with the French Minister of Women's Rights organized on 30 September 2013 an international interministerial conference as a follow-up, 65 years later, to the above New York Convention in order to evaluate its implementation by the European Union member States that had signed it, identify prospects for action, promote accession to the Convention and propose common objectives for better harmonization of the relevant policies. That conference led to a joint declaration of the European Union member States, parties to the Convention.⁶¹

⁵⁷ Act of 29 April 2013 amending article 433 quinquies of the Criminal Code in order to clarify and broaden the definition of human trafficking (Official Gazette, 23 July 2013).

⁵⁸ Act of 24 June 2013 on punishing the exploitation of begging and prostitution and of smuggling and trafficking in human beings in view of the number of victims (Official Gazette, 23 July 2013).

⁵⁹ Act of 27 November completing articles 43 bis, 382 ter and 433 novies of the Criminal Code and article 77 sexies of the Act of 15 December 1980 on aliens' access to the territory, sojourning, registration and deportation, in respect of special confiscation (Official Gazette, 13 December 2013).

⁶⁰ See annex 19: Police statistics on sexual offences.

⁶¹ <<http://www.ny65years.eu/> and <http://femmes.gouv.fr/wp-content/uploads/2013/10/20130930-Bruxelles-Declaration-Fight-Exploitation-Prostitution-EN.pdf>>.

10. Please provide information on the number of complaints received on trafficking in women and exploitation of prostitution, and on investigations, prosecutions, convictions and penalties imposed on the perpetrators of such offences.

As regards human trafficking (article 433 quinquies of the Criminal Code), 77 final convictions concerning 2012 had been entered in the police records database as of November 2013. That database, however, does not distinguish between sexual- and economic-exploitation cases (a code has been established to that end but coding problems persist). However, the number of such convictions can be estimated on the basis of a sample of conviction notices (judgment summaries). Thus, of 49 such convictions handed down in 2012, 16 final judgments concerned economic and 30 sexual exploitation.

Of the 71 prison sentences (regardless of type of trafficking) pronounced in 2012, 4 were for less than 1 year, 33 for 1-3 years, 19 for 3-5 years and 15 for 5 years or more.

At the level of prosecution, the available data indicate that the number of new cases involving human trafficking for the purpose of sexual exploitation was 191 in 2012 and 196 in 2013.

The number of final convictions for exploitation of the prostitution of others (under article 380 of the Criminal Code) was 74 in 2012 and 73 in 2011.

Further data concerning human trafficking victims and their nationality are available in the 2012 annual report⁶² of the Centre for Equal Opportunities and Action to Combat Racism. Data regarding the number of complaints filed with the police are annexed hereto.⁶³

Please indicate whether a mechanism to monitor and evaluate the effectiveness of the 2008 national plan of action against trafficking and smuggling of persons has been established.

The Interdepartmental Coordination Unit for the Fight against Smuggling and Trafficking in Human Beings was created in 1995 and revitalized by the Royal Decree of 16 May 2004 on combating smuggling and trafficking in human beings. The Unit is chaired by the Minister of Justice. Two to three times a year, it brings together all federal actors engaged in the areas concerned at the policy and operational levels.⁶⁴ An office consisting of representatives of the main services involved in combating smuggling and trafficking in human beings meets every month, ensures the daily operation of the Unit and prepares or implements decisions, recommendations and initiatives.

One of the main achievements of the Unit is the National Action Plan against Trafficking in Human Beings, approved by the federal Council of Ministers on 11 January 2008. The second National Action Plan, 2012-2014, drawn up on the basis of an evaluation of the first, is currently being implemented.⁶⁵ It underscores

⁶² <<http://www.diversite.be/rapport-annuel-traite-et-traffic-des-êtres-humains>>.

⁶³ See annex 20: Police statistics on crimes related to smuggling and trafficking in human beings.

⁶⁴ A representative of the Federal Minister for Equal Opportunities is expected to join the Unit soon. Moreover, a representative of the Institute for the Equality of Women and Men is to be invited when such specific subjects as prostitution should be addressed.

⁶⁵ <http://www.dsb-spc.be/web/index.php?option=com_content&task=view&id=41&Itemid=65>.

the need to update the legislation (see the aforementioned acts, adopted in 2013 and 2014) and to take new awareness-raising measures in order to identify a greater number of underage victims.

In addition to its coordinating role, the Unit must evaluate critically the results of measures adopted against smuggling and trafficking in human beings. The above Office and the Unit assess and monitor the implementation of the said action plans and evaluate the effectiveness of specific measures taken, for instance the multidisciplinary circular of 2008 on organizing the protection of human trafficking victims. A first evaluation (in 2011) addressed the mechanism as a whole and a second evaluation (in 2013) focused on the situation of minors.

The above Royal Decree of 2004 assigned to the federal centre for the analysis of migration flows, the protection of the fundamental rights of foreigners and the fight against trafficking in human beings the mission of drawing up an independent report on human trafficking. Under article 12 of the Act of 13 April 1995, the Government must submit biannual reports on the application of the country's human trafficking law. The reports are prepared by the Federal Public Justice Service.⁶⁶

Child abuse is broadly defined in the Flemish protocol on "Maltreatment", followed up by the Flemish Forum on child abuse (VFK). The sexual exploitation of children may be addressed by the Forum which, although it has not yet worked on that issue, has already, for instance, recommended the preparation of a ministerial circular on child pornography, a form of child abuse calling for a specific approach. If VFK takes action in that area, close cooperation with the Office and the Unit will be necessary.

Please provide information on the allocation of resources to programmes and plans for preventing and combating human trafficking and on the results achieved regarding provision of assistance to victims of trafficking.

Federal financing is currently available for centres specialized in care for human trafficking victims. The sources for such financing are the National Lottery, the Federal Public Employment Service (under the "equal opportunities" budget of the Minister for Equal Opportunities) and the Immigration Policy Support Funds (FIPI). In 2013, financing for the country's three specialized centres amounted to €1,094,250.

In addition to that financing, budgets invested in programmes against human trafficking depend on the initiatives launched. No fixed budget exists for projects in that area. Each department defines its expenditure in accordance with the projects to be launched during the current year. Moreover, not all projects require specific budgets automatically.

In 2012, for instance, the Office of the Interdepartmental Unit launched a public awareness campaign in the hospitals. The budget allocated to that activity amounted to approximately €5,000. In 2013, an information notice on trafficking in minors was prepared at no specific cost since it was printed in-house by the Federal Public Justice Service. Thus, budgets depend on the project and department

⁶⁶ For the report of the Government, see <http://www.dsb-spc.be/web/index.php?option=com_content&task=view&id=41&Itemid=65>
For the annual report of the Interfederal Centre for Equal Opportunities, see <http://www.diversitybelgium.be/sites/default/files/documents/publication/trafficking_annual_report_2012_final.pdf>.

concerned. Furthermore, certain persons within the competent administrative structures work specifically on human trafficking issues.

Please indicate whether the State party envisages granting special protection, including temporary residence permits, to victims of trafficking, even when they are unwilling or unable to cooperate with the prosecution authorities.

There are no plans to amend the legislation. It stipulates⁶⁷ protection for the victims of human trafficking or certain forms thereof and contains specific provisions for non-accompanied minors. Thus, any potential victim, as soon as he or she is identified, may enjoy considerable protection by the competent authorities. At that stage, no cooperation is required. Moreover, it is not necessary for a person to consider himself or herself as a victim in order to be identified and protected as such. The police and inspection services put immediately the potential victim in contact with special care centres for human trafficking victims⁶⁸ so that he or she may receive psychosocial and medical help, administrative support and legal assistance. The potential victim is granted a 45-day reflection period. At the end of that procedure, he or she may decline or opt for victim status. In the second case, he or she must file a complaint or make statements.

Thanks to such complaints or statements, the judicial authorities may launch an investigation based on information provided by the victim. Such information makes it possible to protect the victim who has made the statements and any future victims of trafficking networks and to prosecute and convict traffickers, with a deterrent effect on the networks in question. Statements suffice and the victim is protected and has no obligation to testify in person. Belgium is one of the few States that grant a definitive residence permit to victims of human trafficking, provided that the prosecutor's office may include that crime in the indictment.

Judicial enquiries are impossible without cooperation. Lack of cooperation means lack of evidence and thus affects the prosecution and possible conviction of offenders. Non-cooperation with the judicial authorities may lead to an increase in the number of networks and to greater difficulty in protecting potential and future victims.

Statistical data are available on residence permits issued to human trafficking victims and on the nationality of such victims.⁶⁹

11. Please provide information on measures taken or envisaged to address reported cases of exploitation of migrant workers, including female migrant workers, and victims of forced and abusive domestic work, including in the diplomatic community assigned in the State party.

Belgian law on human trafficking defines broadly the intent to exploit economically as "the aim to impose labour or services under conditions

⁶⁷ Articles 61/2 to 61/567 of the Act of 15 December 1980 on aliens' access to the territory, sojourning, registration and deportation.

⁶⁸ Article 61/2, paragraph 1, of the Act of 15 December 1980 on aliens' access to the territory, sojourning, registration and deportation.

⁶⁹ Further information on the issue of residence permits related to human trafficking is available in the annual reports of the Office for Aliens (<<https://dofi.ibz.be/sites/dvzoe/FR/Pages/Publications.aspx>>), the annual reports of the Centre on Migration (<http://www.diversitybelgium.be/sites/default/files/documents/publication/trafficking_annual_report_2012_final_final.pdf>) and certain biannual reports of the Government (<http://www.dsb-spc.be/web/index.php?option=com_content&task=view&id=41&Itemid=65>).

incompatible with human dignity”⁷⁰. Such wording encompasses any form of work, including voluntary activities as well as “services” that would not fall within even an extensive view of what constitutes work. Domestic servitude is obviously one of the concepts in question.

Victims of domestic servitude are not always easy to identify because that form of exploitation is well concealed. Yet convictions have already been handed down for such offences, for instance in the case of a girl from an eastern European country who had been locked up in a family home to carry out household tasks under particularly arduous conditions (inter alia, no room of her own, abuse, and no vacation).⁷¹

The Office of the Interdepartmental Coordination Unit for the Fight against Human Trafficking has prepared, for work visa applicants, an information notice regarding working conditions proposed by their future employer. The notice includes contact points in Belgium to be alerted in the event of exploitation; and has been distributed to 10 Belgian diplomatic posts abroad and translated in the respective local languages.

When obtaining the required documents from a Foreign Affairs office, an alien planning to be hired as a domestic worker is interviewed by a civil servant and receives information and advice on how to respond to any problems that may occur in relation to his or her employment.

In the event of domestic exploitation, the employer’s diplomatic immunity frequently constitutes an obstacle to legal proceedings. However, a circular of 26 September 2008 provides for various measures designed to solve that problem.⁷² Thus, in order to enable a domestic worker to obtain victim status, the prosecutor may issue a positive opinion confirming an exploitation or human-trafficking situation. In that case, he or she examines the victim’s statements in the light of other specific elements in the file and does not merely check whether the employment contract has been respected. In March 2014, the Organization for Security and Cooperation in Europe (OSCE) organized in Brussels a seminar to share the best practices of the various States in the area in question.

A ministerial circular establishing the Good Offices Commission for the Personnel of Embassies and Diplomatic missions entered into force on 23 May 2013.⁷³ The main function of the Commission consists in examining and endeavouring to settle amicably any disputes concerning the workers concerned. The Commission also informs embassies of their obligations and formulates opinions to help to improve working conditions for their personnel. The multidisciplinary character of the Commission enables it to deal with the issues involved with greater speed and effectiveness.

⁷⁰ Article 433 quinquies, paragraph 3, of the Criminal Code.

⁷¹ Criminal Court of Liège, 28 September 2011.

⁷² Circular of 26 September 2008 on multidisciplinary cooperation concerning victims of smuggling human beings and/or certain aggravated forms of human trafficking.

⁷³ The Commission consists of representatives of the Welfare Law Inspectorate, the National Social Security Office, the Federal Public Finance Service, the Foreign Affairs Protocol, the Social Inspectorate of the Federal Public Social Security Service and trade unions.

Participation in political and public life

12. The State party indicated that, since 2002, the Constitution had provided for measures to promote the equal access of men and women to elective and public office and that several laws had been adopted to increase the presence of women in legislative assemblies (paragraph 160). Please indicate whether the State party has assessed the impact of those legal provisions and, if so, whether such assessment has informed the adoption of new temporary special measures in line with the provisions of article 4 (1) of the Convention and the Committee's general recommendation No. 25 on temporary special measures.

The Institute for the Equality of Women and Men systematically analyses the outcome of federal, regional and European elections from a gender perspective; and collects from the regions the results of local (municipal and provincial) elections in gender-disaggregated form. In 20 years, the number of women in political decision-making has been considerably enhanced, given that women's participation in the various assemblies has increased from approximately 10 to 40 per cent. All of the country's executives include women, who account on average for 29.1 of the various governments.

The relevant figures have been assembled⁷⁴ and offer an overall view of the development of women's participation in the assemblies and governments. A study entitled "Women's political representation after the elections of 7 June 2009 — An objective assessment of quotas" (March 2010)⁷⁵ contains specific recommendations. At this stage, however, the legislator does not plan to adopt further temporary special measures concerning electoral lists.

Evaluations have also been carried out with respect to other legislative enactments providing for temporary special measures (quotas) regarding the advisory or management bodies of the various authorities.⁷⁶

Please provide data on the number of women in the judiciary and in decision-making positions in all spheres.

In 2013, the Institute published a second version of its study entitled "Women at the top",⁷⁷ analysing the presence of women and men in high office, enterprises, workers' and employers' organizations, the media, academic bodies, professional associations, NGOs, politics, the judiciary, the army, the civil service and the national bank. On 18 January 2014, women accounted for 50.1 per cent of judges, or for 50.7 per cent if non-presiding, auxiliary and trainee judges are also taken into consideration. On 22 March 2013, the proportion of women in this sector was slightly below 50 per cent.

⁷⁴ See annex 21: Women's presence in the legislative and executive political institutions of Belgium.

⁷⁵ <http://igvm-iefh.belgium.be/fr/publications/de_politieke_vertegenwoordiging_van_vrouwen_na_de_verkiezingen_van_7_juni_2009.jsp?referer=tcm:337-101864-64>. For a more succinct analysis drawn up after the 2010 elections, see <http://igvm-iefh.belgium.be/fr/binaries/Résultats_élections_2013_juin_2010_tcm337-119172.pdf>.

⁷⁶ See annex 22: Summary of evaluations of legislation on the consultative and management bodies of certain Belgian authorities.

⁷⁷ The first version appeared in 2008 (see 2012 report, paragraph 169). The report in question is accessible at <http://igvm-iefh.belgium.be/fr/publications/vrouwen_aan_de_top_2012.jsp?referer=tcm:337-224741-64>.

A database regarding women's and men's participation in the Flemish diplomatic service appears is annexed hereto.⁷⁸ In the French Community, gender parity has been attained at all administration levels except the leading positions.⁷⁹ Every year, the Flemish Authority publishes a civil service "diversity scan", a snapshot of diversity in each ministry from a gender, disability and ethnicity perspective.⁸⁰

Please indicate whether the State party envisages using temporary special measures to increase the presence of women in the diplomatic service (paragraph 182).

In May 2014, women accounted for 24 per cent of staff pursuing the three careers available in missions (diplomats, consuls and cooperation attachés).

Earlier, considerably fewer women than men took or succeeded in the diplomatic service examination. The tests have been appropriately adapted since then. In the latest recruitment exercises, the average men/women rate among diplomats was 58/42.

A general action plan to promote equal opportunities for women and men was launched with regard to "external" careers in 2003. The post of Family Officer, a contact point for families, was created in 2005. Under the policy on families, various initiatives are being undertaken in order to improve life at the place of assignment (for instance, bilateral agreements have been concluded in order to facilitate the gainful employment of spouses or partners of the staff of diplomatic missions).

Since October 2012, a specific working group has been dealing with gender problems related to human resources. As a general measure, a video was produced in 2013 in connection with the International Women's Day in order to convey a positive image of women in the Federal Public Foreign Affairs Service, enhance their visibility and promote their career opportunities.

Education

13. The State party indicated that, in the Flemish Community, horizontal sexual segregation in education had not decreased (paragraph 202) and the goal of a more balanced gender distribution in mathematics, sciences and technology had not been achieved (paragraph 221). Please indicate whether the State party has assessed the impact of the measures taken to address this issue and, if so, whether such assessment has informed the adoption of new policies.

The Flemish Authority has developed a STEM (Science, Technology, Engineering and Mathematics) plan of action, 2012-2020, aimed at attracting young persons to the areas of mathematics, science and technology. The plan encompasses a significant gender dimension. In that context, the following quantified targets have been set:

⁷⁸ See annex 23: Presence of men and women in the Flemish diplomatic service.

⁷⁹ See annex 24: Presence of women in senior posts of the French Community.

⁸⁰ All "diversity scans" are published at <<http://www.bestuurszaken.be/diversiteitsscans>>.

	<i>Percentage</i>	
	<i>2011</i>	<i>2020</i>
Percentage of girls in secondary education	27.40	33.33
STEM market share among baccalaureate holders	27.82	23.82
Proportion of girls among vocational STEM baccalaureate holders	21.13	25.20
Proportion of girls among academic baccalaureate holders	29.02	33.02
Proportion of girls among academic STEM baccalaureate holders	33.50	33.50

Moreover, various specific activities have been implemented, such as developing a STEM tool for boys and girls in elementary schools in order to detect inclinations for the said areas; using communication models, female in particular, with regard to such studies; and making girls' participation in "Olympics"⁸¹ a prerequisite for financial support.

In the French Community, the 2013 edition of education indicators⁸² reveals differences between girls and boys in the form and level of their education, and in their schooling, achievement, and scholastic and vocational orientation.⁸³

In view of these findings, the French Community has undertaken such initiatives as the generalization of the "Girls' day, Boys' day" programme⁸⁴ in all Walloon provinces and in the Brussels Region, and the launching in 2013 of the "Technogirls" project,⁸⁵ carried out in cooperation with Agoria. Awareness-raising sessions and meetings with persons engaged in trades not typical of their gender have been organized under these two programmes.

In February 2014, the French Community disseminated an on-line awareness-raising and training module for (future) teachers and teachers' trainers, launched in 2009 in order to build the gender dimension into teachers' training. Furthermore, a two-day training module was set up, in cooperation with the Institute for In-service Training (IFC), in order to train education inspectors of the French Community in combating discrimination in schools.

The German-speaking Community supports various projects designed to provide information on certain trades. The Schnupperwochen project aims at informing students aged 15-18 years on SME trades in the area. In 2013, more than 330 enterprises participating in that project opened their doors to students. During the "Girls' day" project, SMEs help girls aged 11-18 to visit enterprises in order to find out about the trades concerned and break loose from traditional stereotypes regarding men and women.

⁸¹ Annual contest organized in Flanders in, inter alia, technology, chemistry and physics for students in their fifth and sixth year of secondary education.

⁸² Source: "Education indicators, 2013", published at <www.enseignement.be/indicateursenseignement>.

⁸³ See annex 25: French Community indicators on education with respect to educational level, schooling, achievement, and scholastic and vocational orientation.

⁸⁴ A programme aimed at combating gender segregation in the choice of studies and at eliminating prejudices in relation to trades.

⁸⁵ A programme aimed at sensitizing young persons, particularly young girls, to study programmes leading to employment in technical and technological areas.

Please provide data on the professional and academic choices of women and men at all relevant educational levels in the entire territory.

The data in question are annexed hereto.⁸⁶

Please provide information on the impact of the measures taken to address the fact that nearly 1 foreign-born girl in 3 leaves secondary school without a diploma or certificate, as against 10 per cent among Belgian-born girls (paragraph 221).

The Flemish Authority specifies that, in the study mentioned in paragraph 221, *allochthone* is a term broader than “foreign-born” and encompasses all persons having a migration-related background.

Flanders is indeed faced with a significant rate of young persons who leave school prematurely. In 2010, that rate was 13.9 per cent, noticeably higher than the European Union objective for 2020 (< 10 per cent). Thus, on 27 September 2013, Flanders adopted an action plan to prevent dropping out of school.⁸⁷ It is still too early to assess the impact of the plan. It includes measures focused on follow-up, analysis, identification and policy coordination. The plan specifies, for each initiative, the actors responsible, a time schedule and expected results. It also analyses the profile of students dropping out of school; establishes correlations between, on one hand, socioeconomic characteristics, ethnic origin and gender (boys tend to leave school earlier than girls) and, on the other hand, dropping out of school; and proposes targeted activities in that connection.

In order to prevent dropping out of school, the French Community has taken the following measures, targeting children, regardless of gender, who belong to disadvantaged socioeconomic groups:⁸⁸

1. “*Décol’âge!*” project (2012), aimed at eliminating the repetition of years among children aged 2.5-8;
2. A decree of 18 May 2012, aimed at setting up a mechanism for assisting and enrolling the children of recent immigrants in French Community schools through “transitional classes”;
3. “*Expairs*” procedure (2012), aimed at preventing failure and dropping out of the second vocational cycle, and at upgrading that education level.⁸⁹

According to the latest Programme for International Student Assessment (PISA) study, published in December 2013, the gap in rates of achievement between young persons of Belgian and foreign origin in the French Community has been reduced over the preceding 10 years.

⁸⁶ See annex 26: Choice of education sector in Flanders, by gender; annex 27: Choice of options in general education in Flanders, by gender; and annex 25: French Community indicators on education with respect to educational level, schooling, achievement, and scholastic and vocational orientation.

⁸⁷ See <http://www.ond.vlaanderen.be/secundair/Actieplan_Vroegtijdig_Schoolverlaten_def.pdf>.

⁸⁸ See annex 28: Information on dropping out of school in the French Community.

⁸⁹ For further details on these projects, see annex 28: Information on dropping out of school in the French Community.

Please indicate the measures taken to support girls and women with disabilities in the education system.

In March 2014, the Flemish Authority adopted a decree on measures for learners with special needs in education. Those measures consist mainly in better adapting education to the pupils' needs, developing clear criteria to diagnose such needs more effectively for given types of education, and distancing oneself from "medical labelling" in order to focus more on the learner. Moreover, the decree stipulates recognition of the Learner Orientation Centres (CLBs) as responsible for managing the process of action-oriented diagnosis, enhancement of the role of the inspectorate in CLB quality control, explicit acknowledgement of the "right to reasonable accommodation" and assessment of "disproportion" in line with the United Nations Convention on the Rights of Persons with Disabilities. These measures will be implemented in stages as from 2015-2016.⁹⁰

The French Community organizes, at the basic and secondary education levels (obligatory education), specialized teaching for disabled learners. In accordance with the above Convention, learners with a disability must have access to inclusive education and are entitled to reasonable accommodation in order to participate in all levels of ordinary education on an equal basis with others. No learners are obliged to enrol in specialized education. Specialized education learners may be integrated into ordinary education.⁹¹ The number of learners concerned is constantly increasing, as the graph and the additional information annexed hereto indicate.⁹²

In 2013, the French Community disseminated, in all schools and psychological, medical and social cares centres, a brochure entitled "Attending the school of your choice with a disability"⁹³ and containing a number of examples of relevant best practices and information as to what one can do if denied reasonable accommodation.

Employment

14. The State party indicated that, in 2011, a large number of notifications before the Institute for the Equality of Women and Men involved cases of pregnancy and/or maternity and that recommendations would be introduced in that regard (paragraph 13). Please indicate whether the recommendations have been issued and, if so, provide information on their content and implementation.

A survey carried out by the Institute for the Equality of Women and Men⁹⁴ revealed that employers and pregnant workers lacked information regarding legislation on pregnancy at the workplace and that discrimination against pregnant

⁹⁰ See annex 29: Decree on measures for learners with special educational needs in Flanders.

⁹¹ Such integration is governed by a decree of 3 March 2004 (<http://www.gallilex.cfwb.be/document/pdf/28737_012.pdf>). Further information on the various integration formulas and their application is available at <<http://www.enseignement.be/index.php?page=25197&navi=2388>>.

⁹² See annex 25: French Community indicators on education with respect to educational level, schooling, achievement, and scholastic and vocational orientation.

⁹³ <<http://www.diversite.be/1%C3%A9cole-de-ton-choix-avec-un-handicap>>.

⁹⁴ "Pregnancy at the workplace: experience undergone and obstacles encountered by workers in Belgium", Institute for the Equality of Women and Men, 2010. See <http://igvm-iefh.belgium.be/fr/binaries/40_Grossesse_au_travail_FR_tcm337-101632.pdf>.

workers tends to spread. The survey highlighted the need for information on and increased awareness of the issues concerned.

On the basis of the above survey, the Institute drew up in 2013 a guide for workers and employers,⁹⁵ which includes advice on a number of points, a series of standard responses in the enterprise and a checklist of legal steps to take in connection with a worker's pregnancy or maternity.

Please provide information on the results achieved in the implementation of the act of 8 March 2012 aimed at reducing the wage gap between women and men (paragraph 267) and the act designed to ensure the presence of women in the boards of management of certain companies (paragraph 101).

Social-audit wage data, particularly data on personnel costs, fringe benefits and training under article 4 of the Act of 22 April 2012, have been broken down by gender.⁹⁶

The sectoral job classifications referred to in article 6 of the Act are being verified. Of the 270 that exist, approximately 150 have so far been filed with the Federal Public Employment Service.

A royal decree⁹⁷ and a ministerial decree,⁹⁸ published in the Official Gazette on 15 May 2014, specify the method for drawing up the analysis report stipulated in article 13/1 of the above Act regarding the structure of wages. Under the royal decree, 2014 is to be the first year reported on. The ministerial decree provides blueprints for the reporting forms to be used by enterprises (depending on their size).

The last required royal decree, provided for in articles 11 and 12 of the Act and concerning the designation of a mediator in the enterprise, was published on 21 May 2014, specifying the mediator's role. He or she must advise the employer and the social partners on preparing an action plan to implementing a gender-neutral wage structure in the enterprise; hearing workers claiming to be victims of gender-based wage inequality; and managing the mediation procedure.⁹⁹

The impact of the Act of 28 July 2011 concerning women's participation in the boards of directors of listed companies and autonomous public enterprises will be assessed in 2023, twelfth year after entry into force of the Act. In the meantime, the Act seems to have had an effect insofar as, in BEL20 (the 20 largest listed companies of Belgium), the rate of the above participation increased from 11 per cent in 2011 to 13 per cent in 2012 and approximately 20 per cent in 2013.

⁹⁵ See <http://igvm-iefh.belgium.be/fr/publications/zwanger_op_het_werk_gids_voor_werkneemsters_en_werkgevers_voor_een_discriminatievrije_behandeling_.jsp?referer=tcm:337-241214-64>.

⁹⁶ On 5 December 2012, the National Bank published a revised comprehensive model based on new gender-disaggregated data on personnel costs, fringe benefits and training.

⁹⁷ Royal Decree of 25 April 2014 on the analysis report on the wage structure (effect 10 days after publication).

⁹⁸ Ministerial Decree of 25 April 2014 providing blueprints for wage structure analysis reporting forms.

⁹⁹ Royal Decree of 25 April 2014 on the mediator for reducing gender-related wage differences (effect 10 days after publication).

Please indicate whether the State party has carried out a study on the existence of gender discrimination relating to social security issues, as recommended by the Committee in its previous concluding observations (CEDAW/C/BEL/CO/6) and, if so, provide information in this regard.

No study on gender-based discrimination in relation to social security has so far been carried out. However, the Flemish Authority has addressed the problems of spouses neglecting their career in order to handle family tasks and penalized in the event of a divorce, given that there is currently no entitlement to compensation for opportunities or rights foregone during cohabitation. Moreover, many compensation possibilities available under the marital property system may be incorporated into cohabitation, marriage or other notarial contract. Accordingly, in the framework of an awareness-raising campaign entitled “Act of Love”,¹⁰⁰ a brochure¹⁰¹ aimed at promoting relevant notarial clauses was published in early 2014 for, inter alia, (future) couples, notaries, mediators and lawyers. The brochure contains standard notarial clauses ensuring fair compensation in the event of separation.

Please indicate whether the State party envisages introducing non-transferable paternity leave for fathers and provide information on the actions taken to promote equal sharing of family responsibilities between women and men.

Since 1 July 2002, salaried workers are entitled to a 10-day non-transferable paternity leave (2012 report, paragraph 248). Since 2009, that right is enjoyed by all workers, regardless of type of employment. They can take the said leave within four months from the day of birth of the child.

In Belgium, all types of so-called “family leave”, namely parental leave, time credit, adoption leave and specific leave for medical or palliative care, are accessible to both women and men. Such leave is not transferable.

The most frequent type, parental leave (2007 report (CEDAW/C/BEL/6), p. 99; and 2012 report, paragraphs 251-253), is aimed at offering flexibility to the workers, whether men or women. It consists, for private sector workers, in a four-month leave which can be taken in the first 12 years of a child’s life according to various formulas (inter alia, full-time, half-time, 1/5 reduction, or monthly instalments). Since its introduction, this type of leave attracts an ever greater annual number of workers of both genders.¹⁰² The percentage of men who take such leave increased from 8 per cent in 2002 to 23 per cent in 2009 and 26 per cent in 2012. The formula most attractive to men is the reduction in the duration of work by 1/5.

In that connection, the Institute and the Flemish Authority prepared, in 2012, information and awareness-raising brochures for fathers.

15. The State party mentioned the existence of legal provisions and awareness-raising activities to combat sexual and psychological violence or harassment at work (paragraphs 273-274). Please provide information on the implementation and impact of those measures.

¹⁰⁰ <www.genderklik.be>.

¹⁰¹ <[http://www.gelijkekansen.be/Portals/GelijkeKansen/Brochure Notaris_V5_Interactief.pdf](http://www.gelijkekansen.be/Portals/GelijkeKansen/Brochure%20Notaris_V5_Interactief.pdf)>.

¹⁰² Except between 2011 and 2012, when the number of users of parental leave decreased for the first time (by 3.4 per cent), as a result of a slight decline in the number of women. The rising trend resumed between 2012 and 2013, with a 4.8 per cent increase.

A 2011 evaluation of legislation on preventing work-related psychosocial pressure, including, in particular, sexual harassment and gender-related psychological harassment, was followed by the adoption of the Acts of 28 February 2014¹⁰³ and 28 March 2014¹⁰⁴ and of the Royal Decree of 10 April 2014 on the prevention of psychosocial risks at the workplace.¹⁰⁵

The provisions on protection against violence and psychological or sexual harassment have been maintained and enhanced, particularly with regard to the training of trusted persons, which has been made obligatory, and to the obligations of the employer, who must respond to requests within stricter deadlines and take precautionary measures in the event of grave occurrences. Moreover, new obligations are imposed on the prevention adviser, who, in the event of a serious and immediate danger and in the absence of appropriate measures on the part of the employer, must refer the matter to the welfare law inspectorate. In general, the prevention adviser must issue opinions to the employer faster so that the employer can decide more promptly. Furthermore, the parties concerned must be better informed as to the contents of the prevention adviser's opinion. Lastly, the victim may request a lump-sum compensation for the damage suffered, while earlier the victim was required to establish the extent of the damage and the causal link between the incriminated behaviour and the damage.

In the area of awareness-raising, a national campaign on the prevention of psychosocial risks at the workplace was launched in 2012, aimed at sensitizing society at large through television announcements, leaflets and posters in the offices of general practitioners and occupational physicians, and an Internet site for the general public (<sesentirbienautravail.be>). The campaign continued in 2013, targeting in particular the business community: employers, human resources managers and personnel representatives. That second round included the preparation of a practical guide for such groups, radio announcements, an announcement in the specialized written press, and awareness-raising sessions for the members of committees for prevention and protection at the workplace. Furthermore, as a reminder, enterprises will receive in 2014 an invitation to participate in a contest for rewarding the best sustainable and innovative practices in the area of psychosocial risk management.

The first two rounds of the campaign were evaluated in December 2013 and March 2014. The results show increased awareness of psychosocial risks and better knowledge of procedures and of the role of resource persons.

¹⁰³ Act of 28 February 2014 completing the Act of 4 August 1996 regarding the well-being of workers in performing their work, through the prevention of psychosocial risks at the workplace, including, in particular, violence and psychological or sexual harassment (Official Gazette, 28 April 2014).

¹⁰⁴ Act of 28 February 2014 amending the Judicial Code and the Act of 4 August 1996 regarding the well-being of workers in performing their work, with regard to legal proceedings (Official Gazette, 28 April 2014).

¹⁰⁵ Royal decree of 10 April 2014 on the prevention of psychosocial risks at the workplace (Official Gazette, 28 April 2014).

Please provide information on the number and outcome of cases of sexual harassment lodged with the Institute for the Equality of Women and Men, the labour inspectorate or the judicial authorities.

Complaints for “undesirable behaviour at the workplace” filed with the General Directorate of Well-being at the Workplace of the Federal Public Employment Service involve acts of violence, harassment, discrimination and undesirable sexual behaviour (sexual harassment). In the period 2009-2013, the figures related to such cases¹⁰⁶ developed as follows:¹⁰⁷

<i>Nature of the complaint</i>	2009	2010	2011	2012	2013
Harassment	438	604	528	456	290
Violence	34	127	81	44	50
Undesirable sexual behaviour at the workplace (sexual harassment)	31	119	33	36	37
Discrimination	19	8	15	10	9
Total	470	627	590	492	319

Of the (formal and informal) complaints filed with external services for purposes of prevention and protection at the workplace, those that according to the worker involved sexual harassment at the workplace accounted for 3.4 per cent in 2007, 4.2 per cent in 2008 and 4.8 per cent in 2009.

Of the complaints filed with labour prosecutor’s offices (of the public prosecution service responsible for public action at criminal courts) in the period 2003-2009 under the legislation on protection against violence and harassment at the workplace, 7 per cent involved sexual harassment.

Lastly, in the period 2003-2010, 4.2 per cent of cases brought before a labour court involved sexual harassment. The court considered the allegations to be well-founded in 14.3% of those cases.

Please indicate whether legal provisions exist that provide for a shift of the burden of proof from the employee to the employer in cases of sexual harassment.

In line with Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, the Act of 4 August 1996 regarding the well-being of workers in performing their work provides for a reduction of the burden of proof as follows:

“Article 32 undecies: Where a person able to prove a legitimate interest establishes before a competent court any acts that make violence or psychological or sexual harassment at the workplace plausible, the burden of proof that there has been no such violence or harassment shall be incumbent on the defendant.

¹⁰⁶ Certain complaints involve more than one undesirable behaviour forms, whose sum is therefore greater than the number of cases.

¹⁰⁷ The Institute refers complaints for sexual harassment at the workplace to, mainly, the General Directorate of Well-being at the Workplace of the Federal Public Employment Service.

Subparagraph 1 shall not apply to criminal proceedings, nor shall it impair other legal provisions that are more favourable with respect to the burden of proof.”

Health

16. The State party indicated that, in 2010, about 48.1 per cent of women in the Flemish Community and 9 per cent of women in the French Community underwent mammogram screening to prevent cancer (paragraph 295). Please provide information on measures envisaged to increase those figures, in particular in the French Community.

The 9 per cent rate stated in the report with regard to the French Community does not indicate the percentage of all women screened but refers to participation in the organized free-screening programme. The “organized/free” and “spontaneous/paying” screening rates sum up to roughly the same coverage in the French and the Flemish Communities (48-50 per cent). The “organized/free” rate is lower among the French-speaking population because, mainly, most of the French-speaking women prefer to undergo a comprehensive breast examination (*bilan sénologique*).¹⁰⁸

The determinants of participation have been studied. As part of the report on “Performance of health systems”, published in 2012,¹⁰⁹ experts were requested to draw up a list of measures and targets designed to increase the rate of coverage. The results are expected in late 2014.

The Flemish Authority organizes breast (and other) cancer screening programmes. The target group for breast cancer screening are women aged 50-69. They receive a personal invitation to participate in the programme.¹¹⁰

In order to boost participation in organized free screening, the German-speaking Community has carried out various awareness-raising activities, such as a newsletter to professionals (gynaecologists and radiologists) and updates to the <www.mammotest.be> site. A project for training radiologists in interpreting diagnostic mammothests is in progress.

Please also provide detailed information on the health situation of older women and women with disabilities and on the State party’s response to reported cases of forced sterilization of women with mental disabilities.

According to a survey conducted by the Scientific Institute of Public Health, persons aged 15 in 2008 should on average attain 77.2 years of age if they are men and 82.8 years of age if they are women. Persons of either gender can expect to attain 65.5 years of age without physical impairment. Thus, women live 5-6 years longer than men but spend that additional period in deteriorating health.

Differences between the Regions are significant. Flanders residents, particularly men, live on average longer and in better health. An average man aged 15 in 2008 attains in Flanders the age of 78.4, including 67.9 years without

¹⁰⁸ A paying test that is somewhat more thorough than a mammography.

¹⁰⁹ <https://kce.fgov.be/sites/default/files/page_documents/KCE_196B_performance_systeme_sante_belge_0.pdf>.

¹¹⁰ Information leaflets are available at <<https://www.bevolkingsonderzoek.be/algemeen/talen-frans>>.

physical impairments. In Brussels, that life expectancy is 77.2 years, including 63.2 years without physical impairments; while Walloon men may expect to attain the age of 75.1 years, including 61.8 years without physical impairments.

The number of disabled persons under 65 who receive a benefit is approximately equal for men and women.¹¹¹ Among persons over 65 receiving a benefit, women are 2.5 times more numerous than men. In that age group, many more women than men are medically recognized as disabled. The cause of such differences is partly that women live longer but under less favourable socioeconomic conditions.¹¹²

Concerning possible cases of forced sterilization of women with mental disabilities, the National Council of the Order of Physicians, has repeatedly stated¹¹³ that systematic sterilization of mentally disabled persons is unacceptable, that each case must be examined and discussed separately on the basis of highly strict criteria and that the relevant decision must be taken by at least three physicians.¹¹⁴

Moreover, the Patient's Rights Act of 22 August 2002 establishes the right to consent to or refuse any medical act on the basis of prior information. Thus, a disabled person able to express a wish concerning his or her health may consent to or refuse medical intervention, for instance sterilization. In the case of a disabled person unable to express a wish, it is the patient's representative (a relative or guardian), acting in lieu of the patient and in the patient's interest, that may consent to the intervention. Under the Act, the patient participates as much as possible in the exercise of his or her rights, taking into account his or her level of understanding.

According to Basic Hospital Summary medical data, 8,891 men and 16,796 women had been sterilized as of 2011.¹¹⁵ In particular, of the 11,322 mental patients (5,561 men and 5,761 women) hospitalized in 2011, 7 men and 22 women were sterilized in the same year.

Rural women

17. The State party indicated that, according to a study on the role and position of women in Flemish agriculture and horticulture, women were underrepresented in those sectors and, more particularly, among entrepreneurs. It also indicated that women working in the agricultural sector had little knowledge of the possibilities and implications of matrimonial systems, inheritance law, company law, etc. (paragraph 307). Please indicate the measures taken to address those issues.

¹¹¹ See annex 30: Breakdown of the number of benefit recipients and persons medically recognized as disabled, by gender.

¹¹² The right to a benefit is related to household income.

¹¹³ Opinions of 13 June 1981 and 15 January 1994.

¹¹⁴ Sterilization of a person with a mental disability presupposes that there is an evident indication (related to heredity and child-raising ability); that traditional contraception does not constitute an effective solution; and that the legal representative provides his or her consent freely, in writing and after being adequately informed of the irreversible nature of the intervention and the problems that may subsequently occur. The final sterilization decision must be entered in a report and signed by a committee of at least three physicians, including a gynaecologist, a neuropsychiatrist or the attending physician.

¹¹⁵ In 2011, the population (regardless of age) consisted of 5,370,234 men and 5,581,032 women.

Problems related to the underrepresentation of women are not encountered solely in the agricultural sector but affect entrepreneurial activities as a whole, nor is lack of information available to women with regard to the social status of self-employed workers and inheritance law limited to that sector.

In the framework of Flemish policy on agriculture, the number of women who file requests for support is regularly monitored, inter alia through the Flemish of Agricultural Investment Fund.

In order to support the women in the agricultural sector, the Flemish Authority has concluded with KVLV¹¹⁶ ASBL a cooperation agreement that inter alia provides for the “Female talent in the countryside” prize; and supports the Boeren op een Kruispunt ASBL, an organization assisting Flemish farmers and market-gardeners in need. Generally speaking, rural families facing problems find out about this organization through the women.

In the Walloon Region, the Decree of 15 February 2007 on the identification of rural assisting partners enables any person who, in a farm managed exclusively by one or more individuals, enjoys assisting partner status, to be regarded as one of the farmers and thus to be one of the said managers.

Disadvantaged groups of women

18. The State party indicated that women asylum seekers could ask to be interviewed by a female official (paragraph 92). Please indicate whether the State party has developed standard operating procedures whereby women asylum seekers can ask to be interviewed by a female official and are provided with a woman interpreter, and are systematically informed of such services.

When a woman appears at the Office for Aliens to request asylum, she is asked to fill out a questionnaire for the General Commissariat for Refugees and Stateless Persons (GGRA). That form serves to prepare an interview with the services of CGRA. In filling out the form, the asylum seeker may choose to be interviewed by a female CGRA member. Since September 2011, the official at the Office for Aliens provides the applicant with a brochure¹¹⁷ containing useful information on, inter alia, asylum procedure aspects of relevance to women, gender-related issues, and available assistance and support. The possibility to be interviewed by a female CGRA member is mentioned in that brochure and in an information leaflet provided upon registration of the asylum request. In practice, the wish to be interviewed by a female official is always respected but a female interpreter is provided only if available. Under the Royal Decree of 11 July 2003,¹¹⁸ where gender-related reasons are invoked in requesting asylum, the competent official inquires whether the asylum seeker objects to be interviewed by a person of the opposite gender and any such objection is taken into consideration (article 8, paragraph 2). The Decree

¹¹⁶ “Katholiek Vormingswerk van Landelijke Vrouwen” (Catholic association of rural women).

¹¹⁷ Entitled “Women, young girls and asylum in Belgium. Information for women and girls seeking asylum”. Further information is available at the site of CGRA (<<http://www.cgvs.be/fr/Publications/brochures/>>).

¹¹⁸ Royal Decree of 11 July 2003 establishing certain elements of the procedure to be followed by the Office for Aliens in examining asylum requests under the Act of 15 December 1980 on aliens’ access to the territory, sojourning, registration and deportation (Official Gazette, 27 January 2004).

further stipulates that an information brochure is to be supplied (article 2), containing rules with regard to the interview (articles 6-9), the training of interviewing officials (articles 12 and 13) and the interpreters (article 14).

19. Please provide information on measures taken to avoid situations in which asylum seekers, especially women, have to live in degrading conditions and to allow external monitoring of deportation of alien women in order to prevent any abuse.

Where minimum standards are not met, Fedasil takes various steps to ensure recourse to alternative solutions. Since 2008, foreign unaccompanied girls and under age pregnant women or mothers find shelter in specialized care facilities with a nursery so that they can pursue their education and receive support adapted to their vulnerable condition. Their specific needs are taken into account in designating a care facility. Women living alone, with or without children, are not assigned to care facilities unable to guarantee their security (for lack of a door latch system, for instance). With the network as a whole, Fedasil has organized a working group on the care model applied.

Ad hoc inspections may be undertaken locally at the request of the person concerned, her lawyer or an organization, such as the International Organization for Migration (IOM). However, such requests are rare. Again at the request of the woman concerned, she may be escorted by immigration or other officials back to her country of origin or to a country where she is authorized to reside. Depending on special needs of the person escorted, such transport takes place by special flight or through IOM or other appropriate bodies.¹¹⁹ The Inspectorate-General of the Federal and Local Police (AIG) is empowered to monitor forced returns,¹²⁰ from departure from a detention centre up to delivery to the local authorities, to ensure compliance with established procedures or directives for removal and with the relevant recommendations. AIG also ensures respect for the physical integrity and rights of the person removed (human approach to removal).

Please indicate the measures taken to combat racism and discrimination against vulnerable groups of women, such as immigrant women.

The Interfederal Centre for Equal Opportunities and Action to Combat Racism is responsible for promoting equal opportunities and the combat against various types of discrimination, exclusion, restriction or advantage based on religion or beliefs. Using criteria enshrined in the Act against Racism of 1981, the Centre processes reports of racism or xenophobia, carries out information, awareness-raising and training activities (particularly for the police), conducts studies and formulates opinions and recommendations. The Centre and the Institute address the issue of multiple discrimination. As part of the conference on intercultural relations, organized by the Minister for Equality in 2009-2010, the Institute held in 2009 a workshop entitled: "Multiple discrimination, based on gender, origin and religion: are we at a crossroads?". In 2006, the Federal Public Employment Service and the

¹¹⁹ Such arrangements concern Kosovo, Russia, Nigeria and the Democratic Republic of the Congo.

¹²⁰ Royal Decree of 19 June 2012 amending the Royal Decree of 8 October 1981 on aliens' access to the territory, sojourning, registration and deportation and the Royal Decree of 20 July 2001 on AIG procedures and staff for monitoring forced returns (Official Gazette, 2 July 2012). Although it has until now also monitored repatriations, Committee P has been limited in its action, since in 2004 the Minister of Internal Affairs assigned that mission specifically to AIG.

Centre launched the development of social and economic monitoring as a specific tool for an accurate assessment of the labour-market status of persons, including migrant women, in view of their origin and migration background.¹²¹ Analogous monitoring is being developed with regard to housing.

The Flemish Authority finances a series of projects on issues related to cross-cutting factors of discrimination, including origin and so-called “race” (affecting, inter alia, migrant women and gay, lesbian, bisexual and transgender persons of foreign origin). It also provides structural funding for Ella VZW, Knowledge Centre on Gender and Ethnicity, an association that specifically works on gender- and ethnicity-related issues (2012 report, paragraph 118).

In the French Community, various activities undertaken under the Decree of 12 December 2008 on combating certain forms of discrimination include, for instance, awareness-raising campaigns targeting young persons and administration personnel; training for teachers and education inspectors; and the financing of various projects carried out by field actors, particularly with respect to migrant women.

In 2012, the German-speaking Community organized, under the “Asylum in the German-speaking Community” project, co-financed by the European Refugee Fund, an artistic expression support group and language classes for women.

A decision to combat racism by promoting integration and/or social cohesion has been made at various levels of government in the country. At the level of the Flemish Authority, the combat against discrimination and racism is a specific objective of the Decree of 7 June 2013 on integration. In February 2014, the Walloon Region adopted a decree requiring new arrivals to attend an introductory module. On 5 May 2014, the Parliament of the German-speaking Community approved a draft decree on recognizing and supporting social forums aimed at promoting the citizens’ participation in economic, political, social and cultural life. The French Community Commission has adopted a decree organizing support for projects in the framework of social cohesion policy.¹²²

Please indicate whether research has been carried out on the impact of the regulations and by-laws of schools, public hospitals, local authorities and private enterprises banning the use of headscarves, in particular with regard to access by women and girls to education and employment opportunities.

At the level of the Flemish Authority, the Equal-Opportunities, Migration and Integration Policy Research Centre units organized in May 2013 a conference on “Freedom of religion at the workplace: a different look at headscarves”. The Centre conducts research on religious discrimination in private relations; and participates in a book project¹²³ for the compilation of all European empirical research on wearing or banning headscarves. Other research on banning headscarves was published in

¹²¹ <http://www.diversite.be/sites/default/files/documents/publication/monitoring_socio-economique_fr_final.pdf>.

¹²² Certain activities related to such policies are detailed in annex 31: Policies on integration and on the promotion of social cohesion.

¹²³ <<http://www.cambridge.org/us/academic/subjects/law/human-rights/experiences-face-veil-wearers-europe-and-law>>.

2012 under the title “A test of faith? Religious diversity and compromise at the workplace in Europe”.¹²⁴

Please provide information on measures taken to eliminate any discriminatory consequences of the ban.

In the French Community, there is no legislation on wearing headscarves in school. It is incumbent on each educational establishment to decide to authorize or prohibit such distinctive signs under its rules and regulations. The school administration is relied upon to make a fitting decision in view of the specific characteristics and environment of the given school. The Decree on combating certain forms of discrimination applies to education. It prohibits faith-based discrimination against learners in connection with school enrolment and the learning process.

At the level of the Flemish Authority, a prohibition to wear religious insignia took effect on 1 September 2013 in all official education institutions organized by the Flemish Community (GO!). That prohibition applies to the pupils, students and staff during all educational activities inside or outside the school. An exception is granted to teachers and students of philosophical courses during such courses. In subsidized official education (organized by municipalities, cities and provinces) and subsidized free education, it is the school administration that decides whether religious insignia are admitted or not.

At the level of employment in the Flemish Authority, the employer may introduce a neutrality clause. Judgments have been handed down on this point. In the Flemish administration, authorization of headscarves at the workplace is incumbent on directors to decide whether. According to a relevant survey, directors and the personnel always, or almost always, arrive at an agreement. Moreover, the Communal Decree empowers communes to establish the legal status of communal officials and a code of ethics.

At the level of the Federal state, current regulations do not prohibit federal officials from wearing a headscarf.¹²⁵ If an official's wearing a headscarf impairs the functioning of the service, the matter should be referred to senior officials responsible for taking appropriate measures to deal with any problems that may perturb normal operation.

In 2013, for instance, the registration of a woman and her daughter at a fitness facility was cancelled because they wore a headscarf. That prohibition, based on hygiene considerations, was stated in the regulations of the facility. The Interfederal Centre for Equal Opportunities and Action to Combat Racism facility intervened and the manager of the facility was obliged to delete the prohibition.

Marriage and family relations

20. The State party indicated that the federal Government was considering the question of name attribution, given that a woman who is married to or cohabits with a man cannot transmit her family name to her child. It also

¹²⁴ <<http://www.ashgate.com/isbn/9781409445029>>. Introduction at <http://www.ashgate.com/pdf/SamplePages/Test_of_Faith_Intro.pdf>.

¹²⁵ See annex 32: Examples of judgments on wearing a headscarf.

indicated that the Institute for the Equality of Women and Men had recommended that the Civil Code should be amended to address the issue (paragraph 314) and that a number of parliamentary initiatives aimed at reforming the law on the naming of a child had been submitted to the parliament (CEDAW/C/BEL/CO/6/Add.1, paragraph 2). Please provide information on the time frame for the revision of the discriminatory legal provisions relating to name attribution.

Under the Act of 8 May 2014 amending the Civil Code so as to establish equality between a man and a woman regarding the rules for transmitting a surname to their biological or adopted children (Official Gazette, 26 May 2014), the surname may be, at the parents' choice, the father's or the mother's, or a combination of the two in the order the parents choose, subject to a limit of one name for each parent. The Act shall enter into force at the latest one year after publication in the Official Gazette. Under certain conditions, children already born may benefit from the reform. Thus, within a certain time limit, parents may request the registration officer to assign to under age children born to them before the Act takes effect a surname determined in accordance with the new legislation. That request must be submitted within 12 months from entry of the Act into force or, in the event of birth or adoption after such entry, within three months from the date of birth or adoption if it takes place in Belgium, or from the date of registration of the adoption by the federal central authority, if the adoption is pronounced abroad.
