



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Information received from Belgium on follow-up to the concluding observations on its eighth periodic report*

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Follow-up information relating to paragraph 14 (b) of the concluding observations (CEDAW/C/BEL/CO/8)

1. In Belgium, access to legal aid is a key pillar of the legal system. Front-line legal aid enables everyone, regardless of gender or income, to receive free initial legal or procedural advice from attorneys on duty at legal clinics organized by legal aid commissions. Second-line legal aid enables some persons to receive free or partially free assistance from an attorney under certain conditions, irrespective of gender.
2. Access to second-line legal aid depends on the applicant's real income. In accordance with the Act of 31 July 2020, the income thresholds were raised significantly by just over €500.
3. Persons with disabilities who receive an unemployment allowance, can use a simplified procedure to access second-line legal aid, based on the assumption that such persons have insufficient resources, by simply filling in a form and providing a copy of the decision awarding the allowance by the competent authority.
4. Foreign nationals are also presumed to have insufficient resources to access second-line legal aid and can therefore also use a simplified procedure to apply for a residence permit or an administrative or judicial appeal against a decision taken in application of the Act of 15 December 1980. Persons applying for asylum or displaced person status can also use the simplified procedure, provided that they can present supporting documents. Eligibility to receive legal aid in connection with other proceedings does not depend on residence status, but rather on a person's real income.
5. In both criminal and civil cases, interpretation is provided in the language of the proceedings, at public expense, for persons wishing to express themselves in a language other than the language of the proceedings, including those with hearing and speech impairments. Whenever possible, suspects/accused persons deprived of their liberty and persons benefiting from second-line legal aid are assigned an attorney who speaks their language. When one is not available, interpretation is provided at public expense between the person concerned and his or her attorney.
6. The national register of sworn interpreters and translators, created in 2019, plays a key role in the system described above. The register, which has been expanded in recent years, includes professionals trained not only in languages, but also in specific legal proceedings.
7. Undocumented women who are victims of trafficking in persons are granted a residence permit for the duration of the legal proceedings (subject to certain conditions). This permit is crucial for ensuring that such women are not deported while their cases are pending and for ensuring that they can fully exercise their rights and access justice.
8. Victim services associated with the legal aid centres funded by the French, Flemish and German-speaking Communities also ensure that victims of gender-based violence are provided with appropriate assistance. Since 2020, centres for the treatment of sexual violence have entered into cooperation agreements with the local legal aid centres. Whenever a victim is admitted to such a centre and files a complaint, the legal aid centre contacts the victim (during the investigation phase). As part of a pilot project was conducted in 2023 at the centre in East Flanders, front-line attorneys trained to provide legal support to victims of sexual violence were on hand to provide front-line counsel over a telephone hotline.
9. Lastly, in 2023, as part of the Lawyer Victim Assistance project was launched in Brussels, attorneys trained in sexual and family violence issues offered free initial

legal aid to victims of family violence. The staff pay close attention to victims with specific vulnerabilities, such as their migration history.

Follow-up information relating to paragraph 24 (b) of the concluding observations

10. As stated in the eighth periodic report on the implementation of the Convention and during the constructive dialogue, under Belgian law, sterilization requires the patient's authorization to be provided on the basis of informed consent.¹

11. The Patients' Rights Act was amended and updated in early 2024. Self-determination and the right to be informed in a way that corresponds to the patient's capacity for understanding are now much more clearly enshrined in the law.

12. There is insufficient data on the prevalence of this problem. The Walloon Region, the Brussels-Capital Region and the French Community Commission have therefore commissioned expert bodies to conduct a study entitled "Gynaecological and obstetric violence experienced by women with intellectual disabilities living in residential institutions".

13. In the Walloon Region, the issue of forced sterilization and/or contraception is given particular attention during service evaluations. The admission of persons with disabilities into a residential institution is governed by in-take agreements. If an agreement includes a clause relating to contraception, this is noted during the institution's audit. In recent years, there has been a marked improvement in this area, thanks to the numerous reports by quality auditors; a brochure has also been published to raise awareness among professionals in the field.

14. Campaigns to raise awareness and training courses on relationships, emotions and sexuality aimed at nursing home professionals have been organized; the Resource Centre for Sexuality and Disability has also diversified its offerings.

15. In the Flemish Community, every facility must comply with the "quality decree", the decree on the general conditions for recognition and quality assurance of facilities for the care, treatment and support of persons with disabilities adopted by the Flemish Government in 2011. A formal complaint procedure has been established to ensure compliance with the decree; every facility must also undergo an inspection of its services and establish a client advisory council.

16. A number of prevention and training programmes on sexual and reproductive health and rights of women with disabilities have been developed at the national level.

17. Several stakeholders, namely the French Community, the Walloon Region, the Brussels-Capital Region and the German-speaking Community, have funded self-defence workshops organized by civil society organizations, such as the non-profit Garance, for women with disabilities, to improve their self-confidence and help them become more assertive.

18. The Walloon Region has continued to organize the biennial "Desire for love" (Envie d'amour) event during which participants can receive advice and learn about ways to achieve autonomy in their emotional, relational and sexual lives.

¹ See para. 162, eighth periodic report submitted by Belgium under article 18 of the Convention, due in 2020, [CEDAW/C/BEL/8 \(tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FBEL%2F8&Lang=en\)](http://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FBEL%2F8&Lang=en) and article 14, section 1, para. 1, of the Act of 22 August 2002 on patients' rights; article 492/1, section 1, paras. 3, 15 and 20 of the Civil Code; and Act of 21 December 2018 containing various provisions in the area of justice.

Participatory awareness-raising campaigns are also published on the event's website. Training courses are also available for professionals working in the disability sector.

19. Since the adoption on 7 July 2023 of the memorandum of understanding between the French Community, the Walloon Region and the French Community Commission aimed at ensuring that all pupils, both in mainstream education and in specialized education (adapted to pupils with disabilities), receive two hours of instruction on relationships and emotional and sexual life in the sixth year of primary school and fourth year of secondary school (or at ages 12 and 16 for students in specialized education).

20. The Flemish Community has a proactive policy in place regarding healthy sexual experiences. It has called on experts and partners organizations, such as Sensoa, to implement, evaluate and fine-tune the policy.

21. With regard to relationship, emotional and sex education for this target group, the Flemish Community has completed an exploratory study of the availability and quality of relationship and sex education programmes for students with disabilities in specialized secondary education. In 2024, it undertook a survey of support available for disabled victims of sexual violence.

22. Lastly, care providers have benefited from training, coaching and peer learning sessions as part of the project entitled "Towards professional and quality sexual health support for persons with disabilities through trained sexual health care providers" led by the non-profit Aditi and funded following the call for projects launched by "Living together inclusively" (Inclusief Samenleven).

Follow-up information relating to paragraph 26 (a) of the concluding observations

23. In Belgium, the federated entities are responsible for providing shelters for women and girls who are victims of gender-based violence.

24. In the Flemish Community, the Flemish Government accredits and subsidizes shelters for victims of family violence and human trafficking. Such shelters are part of the system of general welfare centres. There are currently six secure shelters for victims of family violence with a total capacity of 111 beds. In addition, victims of family violence can turn to some of the other general welfare centres that are not specifically intended for this target group. Such centres also provide comprehensive psychosocial counselling.

25. The general welfare centre in Antwerp also operates a 29-bed shelter for victims of trafficking in persons.

26. Residential support services for victims of family violence modules have been provided to 690 persons (309 women, 67 men and 303 children + 11 others) in 2022 and 725 persons (327 women, 58 men and 331 children + 9 others) in 2023. Although they are not specifically intended for this purpose, victims of family violence can also stay at emergency shelters.

27. A daily rate or user fee is charged to cover the cost of the stay at residential shelters in general welfare centres. The basic principle is that the clients pay the daily rate; those who lack the resources request assistance from the public social welfare centre. In an effort to eliminate financial barriers as far as possible, a pilot project has been launched that covers the cost the daily rate during a stay in a secure shelter.

28. The general welfare centres are committed to providing their staff with the necessary training to ensure that they have the skills they need to carry out their duties and meet client needs.

29. The care of adolescent victims of procuring is subject to special monitoring as part of assistance provided to young people. Clear guidelines and entry points are needed to ensure partnership and coordination in complex situations. These have been set out in a road map that has been updated in recent years.

30. Finally, in the Flemish Community, when allocating social housing (Wonen Vlaanderen), priority is given to applicants in precarious housing situations. A new allocation system was approved at the end of 2021 to begin operation on 1 January 2024. Under the system, 20 per cent of expedited allocations must go to tenant applicants with special needs or in precarious situations, including women who are victims of violence.

31. In the Walloon Region, a number of measures have been taken in recent years to increase the number of spots available for women who are victims of violence and to expand post-housing support for victims.

32. Three requests for proposals were issued with a view to increasing the number of shelter beds available in the Walloon Region:

- In 2021, a request for proposals was issued for €460,000 for supervisor posts in seven shelters (67 new beds). In 2022, a renewed request for €630,000 was launched seeking proposals for adding 25 new shelter beds. A further grant was awarded in 2023 (July to December 2023);
- In addition, as part of the national recovery and resilience plan funded by the European Union, a €30,000,000 infrastructure request for proposals was issued, with some €11,000,000 earmarked specifically for housing for women who are victims of violence, including a new emergency shelter;
- The third request for proposals for €1,500,000 seeking to increase the number of housing spots was issued in 2021. The request was aimed at social economy enterprises that were licensed cooperatives in the real estate sector (a total of €1,455,000 was set aside for the creation of 35 housing spots).

33. In addition to these requests for proposals, three programmes for the establishment of public housing, including transitional housing, were launched in 2022 and 2023. In total, in the period from 2020 to 2023, approximately €14,905,000 was spent on new transitional housing.

34. Lastly, the Walloon Region carried out a reform, which came into force in April 2024, to make it easier for victims of family violence to qualify for social housing, particularly with regard to wait times and the entities that can attest to the violence.

35. Of the 58 licensed shelters, 21 are intended for women who are victims of domestic violence and are open around the clock.

36. Some of these shelters are secure emergency shelters in confidential locations, with secret addresses. Others are open to both victims and persons who need housing for other reasons. Personalized psychosocial support is available for those facing multiple and complex challenges. Some specialized shelters also offer services to former residents.

37. Under the Walloon Recovery Plan, additional funding was made available between 2022 and 2024 to hire additional staff, proportional in number to the size of the shelter, in order to enable all shelters to offer post-housing services.

38. A new decree on welcoming and providing accommodations and support to persons facing social hardship was adopted in April 2024.

39. A survey of shelters carried out in 2022 highlighted the need for a tailored training programme on domestic violence for all shelter staff. The programme was established in 2023 (30 days of training in 2023 and 2024).

40. In 2021, the French Community increased funding for a specialized, high-security housing service for minors who are victims of human trafficking for purposes of sexual exploitation and forced begging and those at risk of forced marriage and associated honour-related violence.

41. The funding, made permanent in 2022, covers services for five additional young people, bringing the total to 20. A total of €200,000 per year has been earmarked for this purpose.

42. From 2019 to 2023, 43 minors received support through this programme, nearly all of them girls.

43. In the Brussels-Capital Region, five programmes, funded and licensed by the Common Community Commission, provide accommodation and/or support for victims of gender-based violence.

44. The Talita and Porte Ouverte shelters, intended for women who are victims of family violence, have existed for many years. The two shelters have 22 beds (+4 baby beds) and 30 beds (+3 baby beds), respectively. The capacity of the Porte Ouverte shelter was increased from 22 to 30 beds in 2023.

45. As part of the Emergency Housing Plan adopted in 2020, the Brussels-Capital Region has acquired two buildings and has financed their refurbishment and renovation. Two new shelters opened in 2022: the Yemaya shelter (14 beds and 4 baby beds) and the Turing shelter, operated by the Refuge Bruxelles association (14 beds for young people from the LGBTQIA+ community). A third shelter is planned for 2026. The Circé day centre operated by the L'Ilot association provides shelter for homeless women and women in need of guidance (established in September 2023).

46. Under the new municipal law on the rental of housing managed by the Housing Association for the Brussels-Capital Region or by public service real estate companies, all such entities must conclude one or more cooperation agreements with licensed shelters providing housing to persons who are victims of partner violence and/or family violence concerning the priority allocation of a minimum of six per cent of the total housing allocations made in the previous year. In addition, the decree on the organization of social housing agencies provides for an additional subsidy to be granted to social housing agencies for housing reserved for victims of family violence.

47. A new re-housing support allowance will come into force in 2025. This allowance will be intended for persons who were previously homeless, who were victims of domestic violence and whose dwelling cannot be rented or has been declared uninhabitable by the mayor's office.

48. In the German-speaking Community, Prisma runs a shelter for women who are victims of domestic violence. Residents also receive psychosocial support and help in overcoming legal, financial, administrative and practical challenges.

Follow-up information relating to paragraph 44 (e) of the concluding observations

49. The Belgian legislature established the service voucher system in 2004 to combat undeclared work in the domestic economy.

50. It had been generally recognized that the service voucher system has made it possible to formalize a large part of the domestic work economy. This development has enabled better monitoring of working conditions and the granting of social rights to a certain category of domestic workers.

51. In addition, over the last three years, considerable efforts have been made to increase oversight in this area and targeted inspections have been carried out in 2022 and 2023. The inspections have made it possible to observe how well compliance with the obligations set out in the welfare regulations was monitored, with a view to adopting the necessary measures. Notices of violations have been issued and the inspection findings are discussed with the social partners. Detailed findings and follow-up have been published on the website of the Federal Public Service for Employment, Labour and Social Dialogue, together with the final report of the national campaign with regard to the service voucher system.

52. In addition to workers employed under the service voucher system, there are domestic workers who are not covered by the scheme, such as diplomatic household staff and full-time domestic employees, who may reside in the home of their employer.

53. Under Belgian law, domestic employment contracts are governed by title V of the Act of 3 July 1978 on employment contracts. It is a particular type of employment contract, subject to labour laws, with specific rules governing certain aspects of manual labour. Generally speaking, the conclusion of an employment contract implies that the parties have agreed, prior to entering into the agreement, on the key terms of the contract.

54. In addition, Belgium has adopted the Act of 7 October 2022, transposing EU Directive 2019/1152 and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union. Consequently, as at 10 November 2022, all employers are required to provide their employees with information on the key aspects of their employment relationship.

55. As regards oversight, domestic workers, like any other workers, can file a complaint with the labour inspection service, contact the Labour Inspectorate or bring a case before the Labour Court in the event of a labour law violation.

56. In line with the Domestic Workers Convention (No. 189) of the International Labour Organization, Belgium took specific measures in 2023 to protect the health and well-being of domestic workers and household staff. A special digital tool was developed in May 2023 to enable employers to carry out a risk analysis adapted to the particular working conditions of such workers.

57. Belgium has established a special system aimed at preventing the exploitation of domestic workers by diplomats who enjoy jurisdictional immunity. Accordingly, diplomats must apply to the Protocol Directorate of the Federal Public Service for Foreign Affairs, through their diplomatic mission, consular office or recognized international organization, for authorization to hire domestic workers. As part of this procedure, employers must ensure that employees receive a copy of the contract in a language they understand.

58. In the event of a dispute over the performance of such employment contract, both the employer and the employee can turn to the Good Offices Commission. The Commission's main objective is to help resolve any problems that may arise between domestic workers and their employers.