BELGIUM

1. Discriminatory Family Code

Article 144 of the Civil Code states that the minimum legal age for marriage for both men and women in Belgium is 18. Under article 145, women and men under the age of 18 are allowed to be married provided that they have parental consent.\(^1\) Forced marriage is rare in Belgium, with five to ten cases per year in the past five years.\(^2\) However, in 2013, a campaign entitled “Don’t be a victim of a forced marriage or marriage of convenience” was organised to encourage victims to actively contribute to fight this phenomenon.\(^3\)

Article 373 of the Civil Code states that both the mother and the father jointly exercise parental authority over their children,\(^4\) and there is no information that the law discriminates against women as head of household. In the case of divorce, both the mother and the father can exercise jointly their authority over their children.\(^5\)

There is no legal discrimination between men and women in the area of inheritance.\(^6\) Article 746 of the Civil Code stipulates that in the case that the deceased person has no descendants left, both paternal and maternal ascendant families inherit equally.\(^7\)

More

The Civil Code does not discriminate against women in terms of divorce rights. Both women and men have the same right to initiate divorce.\(^8\)

2. Restricted Physical Integrity

Domestic violence is criminalized in the 1997 Penal Code.\(^9\) A series of subsequent additions have been added to reinforce the rights of domestic violence victims: these include the 2003 law granting the joint residence of the couple to the legal victim of domestic violence (also complimented by article 410 of the

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1. Civil Code
2. United Nations Statistics Division (2011), Statistics and indicators on women and men, Table 3a: Legal age of marriage
4. European Migration Network (2013), Campaign “Don’t be a victim of a forced marriage or marriage of convenience”
5. Article 373, Civil Code
6. Article 302, Civil Code
9. Belgian Civil Code
10. The UN Secretary-General’s database on violence against women, Law to combat violence between partners 1997
Penal Code), and the 2012 law which introduces temporary restraining orders against a potentially violent partner preventing them from approaching the family home in case of threats of violence.

Belgium adopted a National Action Plan against domestic violence (2004-2007) which included components such as awareness-raising, training, prevention, victim protection, and evaluation of actions. In 2006, two directives came to reinforce existing measures against violence within the family, and especially domestic violence. These directives aim to develop a uniform identification and recording system for the police and tribunals, determine the minimal measures that will be applied in all judiciary areas of the country and propose instruments to the actors of the police and justice system to support their work. A third National Action Plan for Domestic violence (PAN) was approved in 2008. It included immediate action for the perpetrators such as prevention to avoid repetition of the same offence, protection of victims, reinforcement of the coordination among the different actors involved and prevention of violence through awareness-raising. Also, a national website was launched in 2009 on the topic of domestic violence. On 23 November 2010, a fourth National Action Plan for domestic violence and other types of violence within the family was approved for 2010-2014. An update of this National Action Plan was approved on 10 June 2013: domestic violence remains a priority, and its scope was enlarged to include other types of violence such as forced marriage, violence related to honour issues and female genital mutilation. Belgium has signed but not yet ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Between 2007 and 2010, there was an increase in reported cases of domestic violence, which may be the result of public efforts to increase media and awareness. In 2012, there were 41,533 reported cases of domestic violence: 20,370 for physical violence, 19,616 for psychological violence, 1,430 for economic violence and 117 for sexual violence.

Rape is penalized in the 1989 Law and defined as “any act of sexual penetration, of whatever sort and by whatever means, committed on a non-consenting person”. Rape within marriage is also punishable by law. The law also amended the applicable penalties and the definition of aggravating circumstances, and introduced a number of procedural changes. Minimum penalty for rape is 10 years with a maximum of 30 years depending on such factors as the age of the victim, the difference in age between offender and victim, the relationship between the pair, and the use or absence of violence during the crime. The “Set Agression Sexuelle” was adopted on 15 September 2005 and aims to guarantee the quality of investigations related to cases of rape or sexual violence and to limit related psychological issues. The

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11 The UN Secretary-General’s database on violence against women, Law to combat violence between partners 1997
12 Loi du 15 mai 2012 relative à l’interdiction temporaire de résidence en cas de violence domestique.
13 Member state questionnaires for 15th anniversary of Beijing Platform for Action (2009)
14 Member state questionnaires for 15th anniversary of Beijing Platform for Action
15 Member state questionnaires for 15th anniversary of Beijing Platform for Action
16 Instituts pour l’Égalité des Femmes et Hommes (2009); Plan d’Action National de Lutte contre la Violence entre Partenaires et d’Autres Formes de Violences Intrafamiliales 2010-2014
17 The UN Secretary-General’s database on violence against women, Law of 4 July 1989 amending certain provisions concerning the crime of rape
Walloon region took many initiatives to accompany victims of domestic violence in terms of providing shelter and moral support.\textsuperscript{19}

**Sexual harassment** legislation was reinforced in 2014 by a series of laws enacted in 2014 aimed at preventing psychosocial risks in the workplace.\textsuperscript{20} These laws cover staff training, imposing obligations on employers to act in cases of a complaint, and the establishment of a prevention advisor. They also allow the victim to ask for a fixed-sum compensation for the injury suffered. Before that, the victim had to prove the extent of the damage and the causal relationship between the behaviour and the damage.

Among the cases of « unwanted behaviour in the workplace » filed in 2013 there were 290 complaints for harassment, 50 for violence, and 37 for unwanted sexual behaviour in the workplace. Among the complaints between 2007 and 2009, approximately 4\% of the complaints (formal and informal) were related to offences of sexual harassment in the workplace by the employer. From 2003 to 2010, 4.2\% of the cases invoked in the Labour Court were related to sexual harassment.

A 2010 study by the Federal Institute for Gender Equality (Institut pour l’Égalité des Femmes et des Hommes) reveals that verbal abuse is by far the most common form of abuse (41.5\%), followed by intimidation (22\%), and then striking someone (15\%). Sexual abuse mostly affects women (5.6\% against 0.8\% men), and they are also the ones who are locked up or kicked out most frequently (5.9\% against 2.7\% for men). Men are more often victims of verbal abuse and beatings than women and face a very similar degree of intimidation. Among female victims, there is, however, a higher incidence of partner abuse and violent situations, while male victims more commonly witness isolated acts of abuse committed by an unknown perpetrator. Victims of abuse only file a complaint in a minority of cases: 13.9\% of female victims and 9.8\% of male victims make a statement to the police. This percentage is even lower when the perpetrator is a relative (6.2\%), but is higher if the perpetrator is a partner (17.9\%) and is highest when the perpetrator is unknown (21.1\%).\textsuperscript{21} According to the results from the EU-wide survey on violence against women led by the European Union Agency for Fundamental Rights, 24\% of women have indicated that they were victims of physical and/or sexual violence inflicted by their partners or former partners since they were 15 years old. Also, 36\% of women were victims of physical and sexual violence, regardless of who the perpetrator was. In addition, 24\% of women said they had been victims of stalking and 60\% of sexual harassment since they were 15 years old. Finally, 14\% of women were victims of sexual violence before they were 15 years old.\textsuperscript{22}

Article 409 of the Penal Code criminalises **female genital mutilation**. Perpetrators face three to five years in prison. If the victim is less than 18 years old, punishment for perpetrators extends to imprisonment for five to seven years. If the practice incapacitated the victim, perpetrators face up to ten

\textsuperscript{19} Member state questionnaires for 15th anniversary of Beijing Platform for Action
\textsuperscript{20} La loi du 28 février 2014 complétant la loi du 4 août 1996 relative au bien-être des travailleurs lors de l’exécution de leur travail quant à la prévention des risques psychosociaux au travail dont, notamment, la violence et le harcèlement moral ou sexuel au travail (M.B. du 28 avril 2014)
\textsuperscript{21} Institut pour l’Égalité des Femmes et Hommes (2010), « Emotional, Physical and Sexual Abuse – The Experiences of Women and Men »
years of imprisonment. If the victim dies as a consequence of undergoing the practice, perpetrators face from ten to fifteen years in prison.\textsuperscript{23}

According to a recent study by the \textit{Fédéral Santé publique}, at the end of 2012 it was estimated that 13,112 girls and women probably have undergone FGM, while 4,084 were at risk of undergoing the practice. This represents a sharp increase in the numbers, as in 2008 it was estimated that 6,260 women and girls had undergone the practice, and 1,975 were at risk.\textsuperscript{24}

\textit{More}

Women have a right to \textbf{abortion} during the first twelve weeks of pregnancy.\textsuperscript{25} A commission was created on 13 August 1990 with the mission to evaluate the application of the 3 April 1990 Law on abortion. The “Commission nationale d’évaluation d’interruption volontaire de grossesse” makes sure that any medical developments are taken into account when the law is applied, and it drafts a report every two years for the Belgian Parliament, where it can put forth recommendations to modify the law as necessary (for example to decrease the number of abortions and/or improve guidance given to women wanting to abort).\textsuperscript{26}

\textbf{3. Son Bias}

The male-to-female \textbf{sex ratio} at birth in 2013 is 1.04 and for the working age population (15-64 years old) is 1.02.

There is no evidence to suggest that Belgium is a country of concern in relation to \textbf{missing women}.

\textbf{4. Restricted Resources and Assets}

The Law does not discriminate against women in respect to ownership of \textbf{secure access to land}. No data on women’s access to and ownership of land was found. The Law does not discriminate against women in respect to ownership of or \textbf{secure access to non-land assets}, including property. There is no evidence that there is any discrimination against women in respect to \textbf{access to financial services}. In Belgium in 2011, 95.3\% of men and 97.18\% of women aged 15 years or older hold bank accounts at a formal financial institution.\textsuperscript{27}

\textbf{5. Restricted Civil Liberties}

No evidence was found of discriminatory practices in \textbf{access to public space} for women compared to men. Women can decide where they live and they do not need male permission to leave the house or travel outside the country. Under article 214 of the Civil Code, both husband and wife decide their place of permanent residence jointly.\textsuperscript{28}

\begin{itemize}
  \item \textsuperscript{23} Penal Code (n.d.), article 409
  \item \textsuperscript{24} Service Public Fédéral (2014), Etude de prévalence des femmes excisées et des filles à risque d’excision en Belgique (résumé)
  \item \textsuperscript{25} Royaume de Belgique, Moniteur belge (1990), Loi relative à l’interruption volontaire de grossesse
  \item \textsuperscript{26} Service Public Fédéral (n.d.), Interruption Volontaire de Grossesse (IVG)
  \item \textsuperscript{27} World Bank (2011)
  \item \textsuperscript{28} Belgian Civil Code, Service Public Fédéral – Justice, Chapitre 6 « De La Rectification Des Actes De L’État Civil », Titre 3, « Du domicile »
\end{itemize}
There are quotas to ensure gender equality in political life at the national and sub-national levels.⁹
There are no voluntary party quotas. Following the last elections (25 May 2014), women represented
39.33% of the lower house of parliament. The Constitution guarantees freedoms of assembly and
association for all citizens. ³⁰

Following a modification of the Belgian Constitution in 2002, several laws were adopted at the Federal
level to reinforce the presence of women in federal, regional and European legislative assemblies. These
include the 2002 Law for a gender-equal representation on candidate lists for the European Parliament
elections, the 18 July 2002 Law for the Federal legislative Chambers and the German-speaking
Community Council elections; the special 18 July 2002 Law for the Walloon Regional Council, the Flemish
Council and the region of Brussels Council elections. These laws prohibit political parties to propose
electoral lists with an unequal number of female and male candidates. It is also required that the two
first candidates of each list are of a different gender. If political parties do not respect these
requirements, their lists are invalidated.³¹

Overall, there has been a clear improvement of women’s representation in legislative assemblies
following these parity laws. Since 2002, Belgium also adopted measures that guarantee women’s
representation in the different government bodies of the country (through the 2003 law which
guarantees gender parity in representation in the Flemish Government, the French Community
Government, the Brussels Government, as well as among the State Secretaries of the Brussels region;
and in the German-speaking Community Government).³²

More

In terms of women’s representation in the media, a 2010 study reveals that women represent only 28%
of the total of people seen or read about in the media of the French community in Belgium, and 34% in
television. Women are especially less represented in certain domains: they represent 26% when dealing
with political affairs, and 20% for economic-related matters. Women have greater visibility in social
topics (42%), criminal matters (38%) or health issues (38%). As for women journalists in Belgium, they
represented 29%, when the world average was 37% in 2010.³³

The Federal Institute for Gender Equality prepared a study in 2009 entitled “L’image des femmes et des
hommes dans la publicité en Belgique”, to further inform the impact of women’s representation in
advertising on gender equality.³⁴

On 8 March 2012, the Chamber approved, with large majority, a proposal for a law to reduce the wage
gap between men and women, which was adopted on 22 April 2012.³⁵ The law introduces measures to
monitor and address pay gaps at national, sectorial and enterprise level.

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³⁰ Assemblée Nationale (n.d), Constitution Nationale de 1958
³¹ Member state questionnaires for 15th anniversary of Beijing Platform for Action
³² Member state questionnaires for 15th anniversary of Beijing Platform for Action
³³ Global Media Monitoring Project (GMMP) (2010)
³⁴ Institut pour l’Égalité des Femmes et Hommes (2009), L’Image des Femmes et des Hommes dans la Publicité en Belgique
Since 2007, the Institute for equality between men and women publish every year a report on gender pay gap in Belgium. In 2010, on the occasion of the Belgian Presidency of the Council of EU, the Institute published a European report\(^{36}\) and Belgium proposed this theme for the adoption of agreed conclusions. Finally, since 2012, the report on gender pay gap analyses the inequalities between men and women in terms of extra-legal advantages.

**Maternity leave** in Belgium is 15 weeks long. Since 1 April 2009, young mothers have the possibility to spread their last two weeks of maternity leave over a period of eight weeks, so that they can start working again progressively if they wish so. Since 2012, female and male employees can take four months of paid parental leave (three months previously), work part-time for eight months, or reduce their work responsibilities to one-fifth for during a period of 20 months\(^{37}\). The parental leave may be taken until the child is 12 years old.

As for **paternity leave**, fathers are entitled to 10 days of leave, which they can choose freely during the four months following the birth of the child.\(^{38}\) During the first three days of paternity leave, the father is paid by its employer as usual, provided he has informed his employer about the birth of the child in advance. During the next seven days of paternity leave, the father is not paid his salary, but receives an allowance by the social security services of 82% of the gross salary.\(^{39}\) Since 2011, the employer is no longer allowed to dismiss an employee who has asserted his right to paternity leave unless the employer can prove that the dismissal took place for other reasons. The indemnity in case of dismissal during the paternity leave equals three months remuneration, in addition to the indemnity due for the termination of the agreement.

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\(^{35}\) Service Public Fédéral Emploi, Travail et Concertation Sociale (2012) Loi du 22 Avril 2012 visant à lutter contre l’écarter salarial entre hommes et femmes


\(^{38}\) Member state questionnaires for 15th anniversary of Beijing Platform for Action

\(^{39}\) Service Public Fédéral Emploi, Travail et Concertation Sociale, Congé de paternité
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