Vrouwenraad (Dutch speaking Council of Women of Belgium) – February 2012

United Nations Human Rights Special Procedures

Mandate of the Independent Expert on the enjoyment of all human rights by older persons

Call for contributions: The Human Rights of Older Women

e-mail to: [olderpersons@ohchr.org](mailto:olderpersons@ohchr.org), indicating in the heading “Submission to the call for contributions on older women – 2021”. Please also kindly indicate whether you have any objection for the responses provided to be made available on the OHCHR webpage of the Independent Expert: we have no objection.

The rights of older women in international, regional and national law, policies and Programmes

1. **What legal instruments, policies and programmes exist to address the particular challenges faced by older women, and how are they implemented and monitored?**

No specific legal instruments for older women

General legislation:

* Non-discrimation legislation: There are 19 criteria 'protected' by anti-discrimination legislation (federal laws, decrees, orders). This means that any discrimination based on one of these criteria is forbidden and punishable. These criteria are: the five 'racial' criteria: presumed race, skin colour, nationality, ancestry (Jewish origin) and national or ethnic origin, disability, philosophical or religious beliefs, sexual orientation, **age**, wealth (in other words financial resources), civil status, political beliefs, trade union membership, state of health, physical of genetic characteristics, birth, social background, **gender (**sex, pregnancy/maternity, gender reassignment, gender expression/gender identity**)**, language.

The criteria are identical in all non-discrimination legislation (federal laws, decrees, orders), except in two cases:

* In Flanders, the text refers to ‘social position’ instead of ‘social background’, and discrimination by association is also protected (for instance: a parent is discriminated when looking for a job because they require adapted hours in order to provide care for their handicapped son).
* The French Community Commission doesn’t have an exhaustive list of criteria.
* Pension legislation: equal for men and women (but indirect discriminations as a result of the gender pay gap and the treatment of parttime work (for pension calculations); so the gender pension gap is bigger than the gender pay gap.

No specific policy action plans for older women.

The Flemish Government has announced the drafting of a new Flemish elderly policy plan to succeed the previous plan, which expired in 2020. The new plan will span the period 2020-2025 and must embed attention to the needs of the elderly in every policy area. Everyone, including those in vulnerable situations, must be able to age in a high-quality manner. Many policy areas, from housing and mobility to poverty and care, have an impact on this. In the Flemish policy plan for the elderly, the Flemish government lays down the measures it wants to take in each of these areas in the coming years to strengthen the position of the elderly in society. Gender and age???

1. **What type of statistical data are collected on older women, if any, and is it disaggregated by age, gender, and other relevant factors? How are older women defined for the purposes of law, policy and data collection?**

**Statistical data by the federal (national) government**

Administrative data:

StatBel, Belgium in Figures:

* Population: regions, gender, age groups; <https://statbel.fgov.be/en/themes/population/structure-population>
* COVID-19: socio-economic impact (labour market 20-64 years); mortuality, contextual data; <https://statbel.fgov.be/en/covid-19-statbel-data>
* Employment rates, activity rates, unemployment rates: interactive: region, gender, age groups, educational level

Federal Pension sevirce: statistical data: gender and age groups workers, officials and self-employed, also survival pensions

Federal Unemployment service: statistical data unemployment, temporary interruptions: gender and age groups; interactive data

Administrative surveys:

Labour Force Survey: social-economical survey households; regions, gender and age groups

Health interview survey: <https://hisia.wiv-isp.be/SitePages/Home.aspx> regions, gender, age groups, income, education evel, income level, urbanisation level, household composition

**Statisical data by the Flemish government**

Open data Statistics Flanders: <https://www.statistiekvlaanderen.be/>

Population, Living conditions, income and poverty, education and training, tourism, sports, housing, health and well-being, media use, social cohesion, security, care:

Variables: (not always) age, gender, education level, householdtype,…

1. **Please indicate how older women take part in participatory mechanisms?**

Political participation: No data age (groups) + gender

* National Parliament: 41% women
* Senate: 47% women
* Flemish Parliament: 47% women
* Belgian Government: 15 ministers of which 8 women and 5 secretaries of state of which 2 women: so 50% women
* Flemish Government: 33% women
* Provincial councils: 35% women
* Provincial deputations\*: 40% women
* Town/municipality councils: 38% women
* Municipal colleges\*: 38% women

\*= executive authority

Social participation in Flanders:

* In 2018, 11% of men and 7% of women between the ages of 18 and 85 said they were boardmember of one or more associations. Only among 30-49 year olds do men and women participate equally. According to age, the difference between men and women is greatest from the age of 50. There, the share of board members among men is 2.5 times higher than among women.
* 60% of men said they were active members of at least one association in 2018. Among women, this was slightly less than half. The proportion of active members in 2018 was highest among men in the age group of 18 to 29 years. Among women, the 30-49 age group scored the highest. In all age groups, the proportion of participants is significantly higher among men than among women.

Source: <https://www.statistiekvlaanderen.be/sites/default/files/atoms/files/SV-rapport%202021-1-mannen-vrouwen.pdf>

**Economic, social and cultural realities lived by older women**

1. **What are the specific challenges and concerns faced by older women, including on the basis of their accumulated life experience as compared to older men, in enjoying their economic, social and cultural rights (for example in terms of social protection, health, education, work, adequate standard of living, land and property ownership)? Please provide related data and statistics, including disaggregated data, where available.**

Economic rights:

In Belgium the pension gap between women and men: 26% (Source: Eurostat SILC data GPG 2017) is even bigger than the wage gap: women earned on average 9.6% less than men in 2017. If no correction is made for the for the differences in average working hours - the fact that many more women work part-time than men work than men - then the pay gap rises to 23.7% (source: <https://igvm-iefh.belgium.be/fr/publications/lecart_salarial_entre_les_femmes_et_les_hommes_en_belgique_rapport_2019>). Part-time work is less advantageous for the pension calculation than full-time work (= indirect discrimination)

Social protection:

New Income guarantee benefits (IGO) for people at the retirement age in 2018 Belgium: 5.296 women and 3.250 men (<https://www.sfpd.fgov.be/nl/over-ons/jaarverslag-2018/fpd-in-cijfers>)

Health:

Belgium

* In 2019, the life expectancy at birth in Belgium was 81.8 years for the total population, 84.0 years for women and 79.6 years for men.
* Statbel, the Belgian statistical office, publishes today the causes of death for 2017: despite a slight decrease of their relative importance, the diseases of the circulatory system (27.1 % of all causes of death) remain the leading cause of death, followed by tumours (25.8 %) and diseases of the respiratory system (11.2 %). This ranking remains the same in Flanders and Wallonia, but in Brussels, tumours become the first cause of death with 24.9 % of all causes, compared to 24.6 % for diseases of the circulatory system. <https://statbel.fgov.be/en/themes/population/mortality-life-expectancy-and-causes-death/causes-death> . There is a need for a gender sensitive approach to diagnosis and treatment.

Flanders <https://www.statistiekvlaanderen.be/sites/default/files/atoms/files/SV-rapport%202021-1-mannen-vrouwen.pdf>

* From the age of 40, cancer is the main cause of death for women, mainly breast cancer up to the age of 50, then lung cancer. For men, cancer (particularly lung cancer) becomes the main cause of death from the age of 50. From the age of 80 cardiovascular diseases are the main cause of death for both men and women.

In 2017, cancers and other new forms of cancertogether accounted for 41 years of potential life lost per 1,000 person-years for men and 31 lost potential life years for

women. In total, the number of potential life years lost for men (112 years per 1,000 person-years) is 1.5 times higher than that of women (70 years per

1,000 person-years).

* Subjective health: in almost all age groups, men say they are in better health than women, although the difference is very small in some groups. Only among 25-44 year olds, women are more likely than men to report better health more often than men. Subjective health declines with age for both men and women.
* In 2018, 28% of the population aged 15 years and over stated that they suffered from a chronic condition or long-term illness. Women (29%) are slightly more likely than men (26%) to report a long-term condition. Low back problems ranked 1st among both men and women. Other long-term conditions with high prevalence are: high blood cholesterol (2nd place men, 5th place women), high blood pressure (3rd place men and 6th place women), allergy (4th place men, 3rd place women), osteoarthritis (5th place men and 2nd women) and neck problem (6th place men and 4th place women). In 2018, 23% of women felt restricted in doing activities that people normally do because of health problems. Among men, 19% reported health-related limitations. The prevalence of long-term conditions increases with age and decreases with the level of education for both sexes.
* Women report depression more regularly than men: in 2018, 8% of women compared to 5% of men. In all age groups, self-reported depression is higher for women than for men. The prevalence of depression in 2018 was highest among women in the 45-54 age group and among those aged 75 and over (10% each). Among men, the figures were also highest in the highest age group: 9% of men over 75 years of age reported having experienced depression during the past year. The prevalence of depression in men decreases with the level of education, with especially high proportions among the less educated compared to other education levels. Among women, the picture is different: a higher prevalence of depression for women with a lower lower secondary education (14%) than for women without a diploma or with a diploma of lower education or with a diploma of lower education (11%). In the higher levels of education the proportion among women was 7%.

Long-time learning:

Share of the population aged 25-64; training course in the reference period

of 4 weeks: 9,1% women and 8,0% men.

Standard of living:

At the European level, a poverty indicator is used that focuses not so much on the income itself, but on whether this income helps people to enjoy a minimum standard of living. In

2019, 14% of Flemish women and 13% of Flemish men lived in poverty or social exclusion.

Another indicator: almost 1 in 10 inhabitants of the Flemish Region lived in a household with a household income below the Belgian poverty threshold in 2019. The poverty threshold is equal to 60% of the national median disposable household income after social transfers (social security and welfare payments). This poverty threshold is adjusted according to the composition and size of the household. By gender and age, differences in poverty risk remain fairly limited. The risk of poverty in 2019 was slightly higher among the elderly and children than among the other age groups.

Property ownership

In 2018 in Flanders, 72% of households owned the house they live in. The share of private renters is 19% and the share of social renters 7%. A small share (2%) lives for free. No gender statistics.

1. **What forms of gender-based discrimination and inequality experienced by women throughout the life cycle have a particular impact on the enjoyment of their human rights in older age?**

Indirect discriminations on the labour market have an impact on their pensions.

People over 75 years of age are often no longer surveyed in many studies and are therefore not included in research results. An exception is the Belgian Health survey.

Informal carers in Flanders: 60% women (most of them between 45-64 years). Intensive informal care is difficult to combine with full-time paid work. 37% of the informal carers have financial problems. 17% will go to work part-time instead of full-time.

Digital gap: In Belgium 25,1% of women aged 55-74 years has never used internet (16,6% men). 49% of these women has a smartphone (56% men). 33,3% of the women 55-74 years shop online (44,2% men). (Baromètre de la société de l'information 2019)

1. **Has the COVID-19 pandemic affected older women differently than older men and how?**

In the age groups up to 74 years more men die than women. In the age group 75-85 the difference is small. From 85 onwards, considerably more women than men die in Belgium. (COVID-19 - EPIDEMIOLOGICAL BULLETIN Belgium).

There are also indirect consequences on health issues: f.i. a less strict use of medication is more common for people with diabetes type 2, especially women and as the age increases. The percentage of women with diabetes who are less frequently followed up medically since the onset of the coronary crisis (11%) is significantly higher than this percentage for men (6%).

There is an increase of domestic and sexual violence against women.

Age Platform Europe: COVID-19 and human rights concerns for older persons <https://www.age-platform.eu/policy-work/news/covid-19-older-persons%E2%80%99-rights-must-be-equally-protected-during-pandemic> : Older women are more likely to be exposed to COVID-19 because they form the majority among older people needing care, social care staff and informal carers.

1. **Please share examples of how older women participate in and contribute to economic, social and cultural life, including inter-generational solidarity and support. Forms of discrimination against older women and gender-specific abuses**

There is no reporting or registration requirement for elder abuse in Flanders. In 2018, there were 444 reports of elder abuse in Flanders to the Flemish Support Centre for Elder Abuse: over half of the victims were older than 75 and 70% of them were women. In most cases, the abuse is committed by someone who lives with the elderly person. The most common form is psychological, verbal aggression. But physical violence or the wrong or excessive use of medication also occur. Also neglect, financial exploitation, violation of rights (privacy, isolating the person...) and sexual violence occur.

1. **What forms of structural and systematic discrimination do older women face (for example through laws, policies, traditional and customary practices, etc.) and what measures have been taken to address them?**

In Flanders there is an Flemish Elderly Council: the advisory and consultative body of older people to the Flemish government. The non-profit organisation is a consultation platform of various organisations of and for older people. They lobby for a strong policy for the elderly in Flanders, across all policy areas. Based on the signals and experiences of older people, they give policy advice, set up awareness-raising actions, inform older people about what concerns them and support research on older people. At the same time, they strengthen the participation of older people in their municipality by offering support to local councils for the elderly. Their documents have a gender-neutral approach.

On the national level the High Council of Finance has a Study Group on Ageing

<https://www.highcounciloffinance.be/en/high-council-finance/study-group-ageing>

The members of the High Council of Finance:

* analyse and study fundamental budgetary, financial and fiscal issues;
* suggest adaptations or reforms.

[Comité d’Etude sur le Vieillissement - Rapport annuel (2020).](https://www.conseilsuperieurdesfinances.be/fr/publication/comite-detude-sur-le-vieillissement-rapport-annuel-2020)

The study group examines the social expenditure outlook up to 2070, and the poverty risk of retired people: the increased labour market participation of current and future generations of women means that more women have their own retirement pensions, have longer careers and therefore receive higher pensions.

1. **How do intersectional factors exacerbate the combined effect of ageism and sexism, including the perspective of older LGBTI women, older women with disabilities, older migrant women, older women belonging to indigenous and minority groups, etc.?**

In many reports, the focus is on the current situation of men and women on the basis of the most recent available data and the evolution of this situation. Then reports look also at differences between groups of men and women by age, education level and household type, and sometimes, the situation of of the Belgian/Flemish men and women compared to the situation of men and women in the countries of the European Union. The specific position of persons whose gender identity (how they feel) does not correspond to their birth gender is not addressed in these studies. This is a consequence of of the fact that data on this very diverse group are not collected in a systematic manner.

The European Parliament and Commission publish documents on the situation of women with disabilities, LGBTI people, migrant women…

<https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/situation-women-disabilities-exploratory-opinion-requested-european-parliament>

<https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/integration-women-mothers-and-families-migrant-background-eu-member-states-and-target-language-levels-integration/related-links-soc-641>

Unia (is an independent public institution; Unia fights discrimination and promotes equal opportunities) and the Federal Public Service ‘Employment, Labour and Social

Consultation’ publish each two year a Socio-economic Monitoring. <https://emploi.belgique.be/fr/publications/monitoring-socioeconomique-2019-marche-du-travail-et-origine>

This maps out the Belgian labour market according to origin and migration background, gender and age but not gender+age groups.

1. **What forms does gender-based violence and abuse against older women take and how is such violence prevalent? Please share available data and statistics, including in relation to femicides.**

See question 7

Femicides: no official data. The Blog: <http://stopfeminicide.blogspot.com/> : of women organisations in Belgium collects data on the basis of information from the press (no age groups).

1. **Please provide examples of how the life cycle perspective is integrated into policies and programmes to prevent and address gender-based violence against women and girls.**

The national action plan on combating all forms of gender-based violence 2015-2019 includes some measures for the elderly (awareness raising campaigns): but gender neutral.

1. **Please share information about reporting, accountability, remedy and protective mechanisms available and targeted to older women victims of gender-based violence and discrimination**

No specific mechanisms for older women. Older people have the same rights and possibilities as other age groups 18+, concerning access to justice.

Law of 13 February 1998: prohibition on setting a maximum age limit for recruitment and selection. The basic principle of Belgian legislation is no admission to set age limits. Sometimes there are legitimate reasons for making a distinction based on age. Employers or governments can try to justify an age limit. It is then up to the court to make an assessment. There are two types of age limits: that of access to the profession, and that where you have to stop at a certain age.

Since 1 September 2014 there is a new status for protected persons (for example people with dementia). It provides the greatest possible autonomy with tailor-made guidance. There are various gradations in protection.

In the Annual reports of Unia is mentioned that the elderly are regularly discriminated against in the labour market, in access to goods and services (insurance, banking, housing ...) or when participating in social, cultural, economic or cultural activities. Despite the potential scope of age-based discrimination, the Anti-Discrimination Act did not give rise to many lawsuits in Belgium.

People with complaints about gender based violence can contact The Institute for the equality of women and men.