

Représentation permanente de la Belgique auprès des Nations Unies et auprès des institutions spécialisées à Genève

**Response to the call for inputs**

**by the Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**

1. **Has the State adopted, in public policy, legislation or jurisprudence, working definitions of gender and related concept (for eg gender theory, gender-based approaches, gender perspective, gender mainstreaming) aiming to address violence and discrimination based on sexual orientation and gender identity? If so, please give examples, with commentary as needed to explain context, scope and application.** 
   1. **If so, has the State carried out evaluations, assessments or evidence-gathering about the impact of the implementation of such actions, and, if so, what are the main trends identified?**
   2. **If not, please provide information as to the reasons.**

The Law on Gender mainstreaming of 12 January 2007 and its preparatory parliamentary work does not include a definition of the concepts gender or integration of the gender perspective. The law does refer to the implementation of objectives of the Women’s Conference of Beijing of 1995. The Beijing Declaration and Platform for Action indicates that “the word ‘gender’ was intended to be interpreted and understood as it was in ordinary, generally accepted usage”. In that way, the work regarding the Law on Gender mainstreaming focuses on the differences in situation between women and men, taking into account the idea of gender as a social construction that can change over time and space.

The preparatory parliamentary work for the Law of 10 May 2007 on combating discrimination between women and men includes definitions of gender identity and gender expression but not the Law as such.

In the Law of 10May 2007 on combating certain forms of discrimination the incitement to violence based on sexual orientation, is prohibited. In this law no definitions were included regarding gender theory, gender-based approaches, gender perspective and gender mainstreaming, nor this has been done in public policy or jurisprudence.

The Belgian National Action Plan on gender-based violence also pays attention to LGBTI + persons. It refers explicitly to the Istanbul Convention which also includes violence based on the grounds of SOGI. In a separate objective (pay particular attention to vulnerable groups of victims of gender-based violence, including LGBTI + persons) initiatives are included with regard to the prevention of violence against LGBTI + persons through broad awareness-raising campaigns, as well as care and support for victims of transphobic violence. Data collection regarding the size of the problem or specific needs of this target group (or intersectional target groups such as LGBTI refugees) are also included.

In the Flemish Region of Belgium, policy measures to address violence based on SOGI are taken under the scope of gender-based violence. As stated in research ( "The Context of Homophobic Violence in Public Spaces," 2014 study) it refers to violence that is directed against someone because of their gender, gender identity or gender expression. This includes sexual violence (such as rape, assault and sexual intimidation), partner violence, human trafficking and slavery, forced marriage, genital mutilation, partner violence and transphobic violence. Non-conforming gender expressions are also an important reason for homophobic violence. Homophobic violence is very often a response to "gender expressions" that do not live up to the white male working middle class image of the homosexual majority.

An evaluation commission is currently assessing the federal antidiscrimination legislation (including the Law of 10 May 2007 on combating discrimination between women and men, and the Law of 10 May 2007 on combating certain forms of discrimination). At this point it is unclear whether this evaluation would also include an assessment whether definitions on gender theory, gender-based approaches, gender perspective are needed.

1. **Has the State ratified, signed, or adherend regional or International human rights treaties, declarations, programs or policies or any other international instrument aiming to address violence and discrimination bas on SOGI that involve the implementation of a gender framework?** 
   1. **If so, has the State carried out evaluations, assessments or evidence-gathering about the impact of the implementation of such actions, and, if so, what are the main trends identified?**
   2. **If not, please provide information as to the reasons.**

The Belgian federal Parliament has adopted a resolution to support the Yogyakarta principles: <https://www.senate.be/www/?MIval=/index_senate&LANG=nl>

Belgium ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985 and its Optional Protocol in 2004. Belgium reports every four years to the CEDAW Committee on its implementation at national level. In November 2020, Belgium submitted its 8th periodic report on the implementation of the CEDAW Convention.

Belgium ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on 14 March 2016. It entered into force in Belgium on 1 July 2016. The Group of experts on action against violence against women and domestic violence (GREVIO) is responsible for monitoring the implementation of the Convention by the States Parties. Belgium participated in its first evaluation of the implementation of the Convention on its territory, under the aegis of GREVIO. A State report based on the GREVIO questionnaire was officially submitted in February 2019, alongside alternative reports from civil society. In addition, a GREVIO evaluation visit took place in October 2019. GREVIO thus published its final report on 21 September 2020 on the legislative and other measures giving effect to the provisions of the Istanbul Convention taken by Belgium. Furthermore, the Committee of the Parties (COPA), composed of representatives of the Parties to the Convention, also addressed recommendations to Belgium on the implementation of the Istanbul Convention in December 2020. These recommendations are based on those formulated by GREVIO and are considered a priority for Belgium.

1. **What kinds of information and data are collected by States to identify forms of violence and discrimination faced by people based on SOGI? Is the data designed to capture causes and patterns of violence and discrimination against LGBT and gender diverse persons?** 
   1. **Does this data collection take an intersectional approach?**
   2. **Does the data include information on the relationship between victims and perpetrators?**

Statistical data on discrimination and violence regarding sexual orientation and sex is collected and provided by the Prosecutor’s office and the Federal police. The registration systems of the Federal Police and the Prosecutor’s office are currently being reviewed. In the proposals that are currently being discussed, registration of hate crimes inspired on the basis of the (presumed) gender identity and gender expression could be possible in the future, also the registration of intersectional data is currently being discussed.

Furthermore, the Institute for the equality of women and men as Equality body collects data on the complaints it receives regarding discrimination based on gender identity and gender expression. The Equality body Unia also publishes data on the complaints they receive regarding discrimination and violence based on sexual orientation. The Institute for the equality of women and men also publishes yearly an overview of the number of people who had their official gender registration changed. The Institute carried out a large scale survey in 2009 and 2019 among transgender people about their experiences in life, a.o. specific types of violence or discrimination. The surveys included an intersectional approach, a detailed questioning of the context of experiences and the perpetrators.

The Institute integrated questions about gender identity, intersex, and sexual orientation in its large survey on sexism in 2020, as part of an intersectional approach. Specific forms of violence were also included. Moreover, the questionnaire included a lot of open questions, in order to invite people to share their story. The questionnaire the Institute will launch in 2021 about fatherhood, includes lesbian co-mothers, and non-binary or gender-non-specific co-parents; anyone with the right to birth leave as partner of a mother who gave birth to a child.

Upon Unia's request, iVOX conducted a survey among 1,000 people on the social perception of homosexuality/bisexuality and attitudes towards LGB (lesbians, gays and bisexuals) people. Despite an advanced legislative framework and positively evolving social acceptance, the survey revealed continuing blockages among certain groups or in sectors such as teaching and employment. During Belgian Pride and the international day against homophobia and transphobia, Unia launched a campaign to combat stereotypes that still persist regarding homosexuals/bisexuals.

Furthermore, Unia and the federal Equal Opportunities Unit (Ministry of Justice) are carrying out a new project to improve the collection and processing of equality data in Belgium, which will also include data on sexual orientation.

In 2013-14, the equal opportunities policy administration of the Flemish Government commissioned research into the context and impact of LGBT-phobic violence in the Flemish Region as well as in the Brussels-Capital Region. The research aimed to clarify how often LGBT people come into contact with all kinds of violence, who the perpetrators are and what the consequences are for the victims and the wider LGBT + community. The conclusions were shocking. Nine in ten LGB people have faced verbal or psychological violence, three in ten physical violence and one in five material violence. In total, almost eight out of ten transgender people were confronted with verbal and / or psychological violence, three in ten with sexual violence and just over a quarter of respondents experienced physical violence.

Following this research, an extensive guide with tips on how to deal with violent situations and useful information about protection and support systems was prepared using Flemish Government project resources by çavaria, the umbrella organization of LGBTI organizations in the Flemish and Brussels-Capital Regions. Over the years, çavaria has participated in various studies and projects that aimed to address and tackle violence towards LGBTQI+ people.

In 2020, a new study was commissioned (Ghent University) to investigate, 5 years after the previous studies, whether the situation with regard to LGBT violence has evolved (prevalence, impact, willingness to report, care and reception, role of local authorities and police,…). Explicit attention is paid to a new target group (intersex people), but also to the intersectional approach (intersection with origin, age and disability, among others). The results of the new research are expected in 2023.

1. **Is comprehensive sexuality education taught in schools?** 
   1. **If yes, please provide information as to the respective programs. (e.g. copies of curricula, citations to policies)**
   2. **If not, are the efforts deployed by the State to establish and promote CSE, with incorporates diverse SOGI? What have been the obstacles to adopt such policies or programs? Also, is the State adopting any alternative measures?**

In Belgium, education is exclusively the competence of the Flemish, French and German speaking Communities.

In the Flemish Region, from primary education on, attention is indicated for, among other things, the stratification of identity (cf. inter alia gender, gender identity, gender expression, sexual diversity ...), the importance of different family forms and relationships. The Flemish Government explicitly points out that the approach at school must be age-appropriate, with attention to (self) respect, voluntariness, equality, etc., and of course in accordance with international, federal and Flemish anti-discrimination legislation.

The Flemish government has set learning objectives (https://onderwijsdoelen.be/). These are minimum objectives in terms of knowledge, skills and attitudes on which the educational providers must base themselves for their curricula. The attainment targets are established on the basis of scientific expertise and through an extensive democratic process in the Flemish Parliament. They apply to all schools that are subsidized by the Flemish Government.

Currently, a modernization of our compulsory education is underway, based, among other things, on new attainment targets for secondary and primary education.

These learning outcomes include, for example, goals such as "Competences in physical, mental and emotional awareness, and in physical, mental and emotional health." It includes physical, mental and relational competencies. Building blocks consider - for example - developing a healthy lifestyle, including “dealing with sexuality (…) as a central aspect of being human throughout the course of life”. In doing so, attention is paid to “sexual activity, sexual (gender) identity and (gender) role, sexual orientation, eroticism, pleasure, intimacy and reproduction (…)” (all in accordance with the WHO).

The learning outcomes for primary education that are currently being developed and will not lag behind. The intention is to get a continuous focus on (among others) these themes. In the new system, they will be incorporated much more explicitly in the new curriculum.

In order to support schools with the latest insights and methodologies in this field, the successive education ministers have been subsidizing the vzw çavaria for over 20 years (now through its training service KLIQ vzw). Almost all Flemish educational actors make use of the expertise that has been built up in gender-sensitive and LGBT + -friendly education.

Finally, the Flemish Government, together with Sensoa, the Flemish expertise centre for sexual health, as a policy partner, attaches importance to sexuality education that respects the sexual and reproductive rights of children and young people and that is scientifically substantiated. Therefore Sensoa is referred to as an expertise hub. Their website offers schools vision, tools and other documentation on how sexuality education can take shape in school throughout the school career: <https://www.sensoa.be/opleidingen>. It also provides an overview of organizations that provide high-quality sexuality education.

Finally, a training and coaching offer for managers and teachers and training courses for teachers on this topic have been developed by the Flemish Community of Belgium. The website [www.schooluitdekast.be](http://www.schooluitdekast.be) brings together teaching materials for nursery, primary and secondary education, which teachers, pupils and those dealing with young people can use. Support guides for the inclusion of LGBT people in education, free school materials and training for schools and pedagogical training on LGBTI-friendly education have been developed (Flemish Community).

A "*Guide d’accompagnement pour l’inclusion des personnes trans dans l’enseignement supérieur*" has been written (French Community of Belgium) and an awareness-raising campaign on LGBTI issues has been organized within the German-speaking Community.

1. **Are there examples where the concept of gender has been used in religious narratives of narratives of tradition, traditional values of protection of the family to hinder the adoption of legislative of policy measures aimed at addressing or eradicating violence and discrimination based on sex, gender, SOGI.**

We have no knowledge of any examples of this happening in Belgium. If it happens/happened, the influence on policy is minimal.

1. **Are there examples where a concept of gender has been used in religious, traditional or indigenous narratives or values in a manner which promotes the acceptance of persons with diverse SOGI, or protects LGBT individuals from violence and discrimination as well as covering a wider range of persons?**

We have no knowledge of any examples of this happening in Belgium.

1. **Are there examples in which narratives or “gender ideology”, “genderism” or other gender-related concepts have been used to introduce regressive measures, in particular but not limited to LGBT persons or communities?**

We have no knowledge of any examples of this happening in Belgium.

1. **Are there initiatives taken by States in connection with the right to freedom of religion, belief or conscience (including the figure of conscientious objection) that have had the practical impact of limiting the enjoyment of human rights (incl. sexual and reproductive rights) of LGBT persons?**

No.

1. **Have there been public expressions or statements by political and/or religious leaders that have led to indefinite extension, modification of suppression of actions, activities, projects, public policies or application of gender frameworks?**

No.

1. **Who are the main actors who argue that the defenders of human rights of LGBT individuals are furthering a so-called “gender ideology”? What are their main argument? Have they been effective in regressing the human rights or LGBT individuals? Have their strategies directly of indirectly also impacted on the human rights of women and girls?**

The main actors in Belgium would be political parties that are socially conservative on what is conventionally called the far right of the political spectrum. These parties would advance the claim that gender theory was introduced by ‘the liberal elites’ to further identity politics.

Concrete examples of this include are a parliamentarian from such a political party questioning gender studies, the right for transgenders to change their sex markers etc. or a parliamentarian tweeting a condescending reaction on men who dress up in women’s clothes or wear make-up.

To date, however, this has had no impact, direct or indirect, on policy or human rights.

1. **Can you provide examples of coalitions working together on resisting attacks on gender ideology? Please share examples of feminist and LGBT and other groups working together and with what kinds of frameworks, arguments and results?**

We have no knowledge of any examples of this in Belgium. Traditionally, the feminist organizations and the LGBTQI+ organizations have always worked well together, though there is no formal coalition that we are aware of.

The equal opportunities policy of the Flemish Government finances a project during 2021-22 to develop narratives to **counter the global anti-gender movement**. Through the establishment of a consortium of Flemish LGBTQI and gender and feminist organizations all relevant organisations are gathered with a view to develop joint narratives. In preparation knowledge building and the exchange of expertise are on the agenda, followed by the development of a common policy and communication strategy with regard to offline and online communication and finally culminating in awareness-raising and mobilization of civil society and policy makers.

1. **What policies, programs and/or practices has the State adopted to meet SDG 5 (gender equality) and 10 (reduced inequalities)? Do these rely on gender frameworks inclusive to diverse SOGI and/or aiming to address violence and discrimination based on SOGI? Please identity relevant examples.**

A Sustainable Development Action Plan based on the SDG’s is currently being developed by the federal government. This plan would be adopted in 2021, and will include several actions regarding SDG 5 and SDG 10:

* The links between the coordinators for sustainable development and the coordinators for gender mainstreaming will be strengthened in order to achieve greater coherence and a gender-sensitive and sustainable gender policy.
* There are various (inter)federal action plans, which focus on different themes such as gender-based violence, racism, LGBTIQ+-discrimination and violence, HIV, Roma, gender mainstreaming, human trafficking, etc. It is important to take into account the internal diversity within target groups in these action plans in order to implement intersectional policies that take into account the multidimensional identity of each person.
* The Gender Mainstreaming Act provides a specific obligation to integrate the gender dimension into all federal public procurement. The Institute for the equality of women and men developed a manual and checklist for this purpose.
* Mainstreaming of a gender perspective in federal public policies to take into account the differences between women and men. By 2021, all government departments, with the support of the Institute for equality between women and men, will carry out specific actions within the framework of the Federal Plan for Gender Mainstreaming.
* The registration of hate crimes (including on sexual orientation, gender identity and gender expression) will be more effective and include an intersectional approach.
* Include an anti-discrimination clause (including on sex, gender identity, gender expression and sexual orientation) in public procurement.
* Optimizing the federal anti-discrimination legislation.