

Committee on the Elimination of Discrimination against
Women

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Parallel report

of the

NHRI

and

UNIA

MYRIA

The English version is a translation of the original in French. The English version is provided for the convenience of the Committee. In case of discrepancy, the French version will prevail.

Institutions contributing to this report

Unia (Interfederal Center for Equal Opportunities and Opposition to racism) is an independent public institution. **Unia's independence and engagement in favour of human rights are recognized by the Global Alliance of National Human Rights Institutions¹ (B status)**. Unia has interfederal competence. It means that, in Belgium, Unia is active at the federal level as well as the level of the regions and communities. Unia is in charge of giving assistance to and litigating with victims of discriminations based on the protected criteria, stipulated in the antidiscrimination laws executing the European directives 2000/43 and 2000/78. Unia is also the independent promotional mechanism for the promotion, protection, and monitoring of the implementation of the Convention of the United Nations on the Rights of Persons with Disability.

Myria, the Belgian Federal Migration Centre, is an independent public body. It analyses migration, defends the rights of foreigners and promotes the fight against human smuggling and trafficking. Myria promotes public policies based on evidence and human rights and has also been appointed as Independent National Rapporteur regarding human trafficking.

Myria and Unia are both legal successors of the former Centre for equal opportunities and opposition to racism. They have agreed on a protocol for co-reporting on the UN human rights instruments. **This protocol was submitted in the accreditation process, that led to the recognition of Unia as a NHRI with a B status.**

Methodology

Our contribution is based on different sources of information: reports submitted to Unia and Myria by individuals or associations; the results of our monitoring and recommendation missions; our participation in various working groups, commissions and advisory boards; reports of the authorities and bodies concerned; reports and recommendations of civil society. Sources are identified in endnotes (see Annex 1).

Our contribution is articulated around the List of Points established by the Committee (CEDAW/C/BEL/QPR/8). The responses provided by the Belgian State in its report have been taken into account in order to avoid any repetition. This contribution therefore, aims to complement and, where appropriate, nuance this report. We also make a series of recommendations and, when appropriate, suggest questions that could be asked to Belgium by the Committee during the Session. We hope that this contribution will represent a useful source of information for the Committee and that the recommendations raised below can be addressed during the Session.

¹ <https://www.unia.be/en/articles/unia-recognised-internationally-as-a-national-human-rights-institution>.

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1. Point 1: general informations

1. As part of a project co-financed by the European Commission², UNIA and the Equal Opportunities Team of the Justice Federal Public Service collaborated on the development of a database on equality and discrimination³. The project's final report⁴ outlines the main findings, proposes concrete solutions and a series of recommendations. A second phase of this project will begin before the end of 2022.
2. Belgian authorities now publish more gendered data than ever before (cf. the statistical report of the Immigration Office – OE⁵). Belgium should, however, strengthen the collection and analysis of disaggregated statistical⁶ data, to design policies that consider intersectional aspects of the fight against inequalities and meet the needs of the most vulnerable groups.

Recommendation

Create a consultative platform on equality data.

2. Point 4: National human rights institution

3. As a B-status National Human Rights Institution (NHRI), UNIA works with the various institutions that have mandates for the promotion and protection of human rights. As such, a number of collaborations have already been conducted, within the limits of the Federal Institute for Human Rights' (FIRM/IFDH) federal and residual mandate: the sending of joint opinions to the federal parliament, consultations to report to the treaty bodies, joint campaigns, etc. A collaboration protocol is currently being finalised and both participate in the human rights platform chaired by UNIA and which will be chaired for six months by the IFDH. UNIA also participates in a cooperation protocol with the Institute for the Equality of Women and Men⁷: processing of reports, exchange of information, etc. UNIA, the IFDH, MYRIA and the Combat Poverty, Insecurity and Social Exclusion Service are all members of the European Network of National Human Rights Institutions (ENNHRI). A Flemish institution for the promotion and protection of human rights is due to be established in 2023.
4. As part of their legal duties, MYRIA and UNIA have the opportunity to take into account gender.

3. Point 6: Special temporary measures

5. The employment rate of women of European origin has increased. However, the labour market situation of **women of foreign backgrounds** remains worrying: the employment rate of women of all backgrounds is still lower

² UNIA (2020), [Improving equality data collection in Belgium](#).

³ This database is accessible on the [UNIA website \(French or Dutch\)](#).

⁴ UNIA and the Equal Opportunities Team of the Justice Federal Public Service (2021), [Rapport Final : Improving Equality Data Collection in Belgium \(French\)](#).

⁵ Immigration Office (2020), [Rapport Annuel \(French\)](#).

⁶ For example, Belgium does not have statistics on Roma women and girls because of the lack of data collection on ethnic origin. Belgium should also have more gendered data related to religious and philosophical beliefs, ancestry, sexual orientation, disability and migration.

⁷ See [Protocole d'accord relatif à la collaboration entre l'Institut pour l'égalité des femmes et des hommes et UNIA \(French and Dutch\)](#) (2019).

than that of men⁸. They are more often employed in part-time jobs, with lower wages or in specific employment sectors, such as domestic help.⁹

6. Measures taken by the authorities to support people with disabilities in the labour market do not take sufficient account of the specific vulnerabilities of women with disabilities. When employed, 55% of them work part-time (22% for men with disabilities; 42% of the total population for women).¹⁰ They are also under-represented in adapted work companies where they occupy only 30% of posts¹¹ and in the federal civil service (45.6% while they are 56.7% women civil servants)¹².

Recommendation

Apply gender mainstreaming into the development of measures and policies for people with disabilities in the labour market.

Suggested question

Which measures, including affirmative action, have been put in place by authorities to promote the employment of women with disabilities and to combat ethnic stratification?

4. Point 7: Stereotypes and harmful practices

7. Shortcomings remain when it comes to the recognition and valorisation of **'care' professions**¹³ where we find women with low qualifications and/or foreigners whose diplomas are not recognised. This devaluation of their qualifications assigns them to jobs that do not take into account their personal, educational and professional backgrounds¹⁴. This ethnicisation of the professions concerned emphasises the supposedly 'natural' predispositions of these workers for jobs that require empathy and caring.¹⁵
8. In UNIA's 2019-2020 consultation¹⁶ on the rights of **people with disabilities**, 62% of respondents with disabilities said that the way others view their disability prevents them from living as they wish¹⁷.
9. Organisations representing women with disabilities regularly report specific stereotypes. For instance, Persephone¹⁸ reports that women with disabilities are regularly discouraged from entering into a relationship or seeking employment.

⁸ UNIA (2020), [Le taux d'emploi des personnes d'origine étrangère s'améliore mais reste à la traîne \(French and Dutch\)](#).

⁹ UNIA (2020), [Socio-economic Monitoring 2019: labour market and origin](#).

¹⁰ STATBEL (2020), [People with a disability or long-standing health problem have less job autonomy](#).

¹¹ EWETA (2022), [Les Entreprises de Travail Adapté : Quelques chiffres \(French\)](#).

¹² CARPH (2021), [Rapport d'évaluation 2021](#), p.9

¹³ These are the domestic helper and care assistant jobs in the personal care sector (in nursing homes and for domestic help).

¹⁴ This is the case for newly arrived women whose diplomas are not recognised and who are directed towards this sector.

¹⁵ UNIA (2012), [Rapport annuel 2011 Discrimination/Diversité \(French\)](#), p. 118 and s. ; DREYFUS, S. (2020), [Care : l'injuste disqualification des savoir-faire discrets \(French\)](#).

¹⁶ UNIA (2020), [Consultation des personnes handicapées sur le respect de leurs droits \(French\)](#).

¹⁷ One respondent noted, for example: "A disabled woman cannot be pretty, well-dressed, made-up, it's disturbing, you have to feel sorry for her".

¹⁸ Read more about this on the [Persephone association's website](#).

Recommendation

Recognise the value of 'care' professions and ensure better social and financial recognition of them.

5. Point 8: Stereotypes and harmful practices (continued)

10. Accompanied foreign minors who are third-country nationals with a right of residence in Belgium do not entitle their parents to the right to family reunion¹⁹. Until 2019, parents of children with international protection due to (a risk of) genital mutilation were also granted protected status. Now, these parents have to demonstrate a well-founded personal fear of persecution or serious harm. If they fail to do so, they will not be granted protected status and will have to apply for humanitarian regularisation (if they are in the country) or a humanitarian visa (if they are abroad). The regularisation procedure provides little legal security²⁰, as there is no time limit for processing and no (provisional/temporary) residence document while the application is being reviewed. Proof of identity and parentage is also less flexible than in the asylum procedure, and the submission of an application for regularisation is not free²¹, unlike the asylum application. **A derivative international protection status for parents should be provided for in law.** This would protect the **family unit** and the best interests of the child, in particular of girls obtaining protection from female genital mutilation. The Federal Ombudsman also recommended to Parliament in February 2022 that it should provide for a **specific and appropriate** status for **parents accompanying minors** under international protection²².

Recommendation

Grant the right of residence to parents of a minor with international protection status, regardless of whether the parent(s) are accompanying the minor or are still abroad.

6. Point 9: Violence against women

11. There is no clear overview of the situation in Belgium regarding violence against women with **disabilities**²³. However, UNIA's consultation on the rights of people with disabilities reveals that women with disabilities report more violence than men with disabilities²⁴. According to a study carried out in Flanders²⁵, they are more likely

¹⁹ The only exception concerns parents of unaccompanied foreign minors (hereinafter UFM) benefiting from international protection status in accordance with Art. 10 § 1, 7° of the law of 15 December 1980 on access to the territory, residence, settlement and the removal of foreigners.

²⁰ Both in terms of admissibility (assessment of "exceptional circumstances") and in terms of substance. This is despite the measure in force since June 2020 whereby the Commissioner General for Refugees and Stateless Persons (CGRA) systematically communicates the contact details of minors benefiting from international protection to the regularisation department of the Immigration Office, so that it can regularly check whether the parents have applied for regularisation and whether they are being treated as a priority according to specific instructions (information from the Ombudsman's above-mentioned recommendation, February 2022, p. 5). This is an administrative practice without legal guarantees.

²¹ Administrative fee on introduction, currently €313.

²² The Federal Ombudsman (2022), [Recommendation 2022/01 to the Parliament](#).

²³ Conseil des Femmes Francophones de Belgique (2018), [Handicap, violences et sexualité au prisme du genre – étude exploratoire \(French\)](#), p.5.

²⁴ UNIA (2020), [Consultation des personnes handicapées sur le respect de leurs droits \(French and Dutch\)](#), 2020

²⁵ GOETHALS, T. (2018), [Seksueel Georiënteerd Geweld Bij Vrouwen Met Een Beperking in Vlaanderen \(Dutch\)](#).

than other women to be sexually abused. Women and girls with disabilities living in institutions face additional barriers to reporting abuse due to their isolation from society, which contributes to impunity²⁶.

12. The field findings show that women with disabilities under-utilise services for female victims of violence²⁷. This can be explained, in particular, by the lack of access to these services, resources and expertise in relation to their specific needs.
13. Specific violence suffered by **Muslim women**, based on stereotypes related to their religion, remains under-documented. An international project on this issue demonstrates the need to explore this phenomenon.²⁸ In recent years, UNIA has also received several reports of violence against young Muslim women/girls, including verbal and physical assaults and the removal of headscarves in the street.²⁹

Recommendation

Train professionals and frontline workers on the specificities experienced by people with disabilities in relation to sexual violence. Establish a structural policy within institutions and sectors where women with disabilities are present and ensure access to legal support.

7. Point 10: Violence against women (continued)

14. Migrant women who are victims of domestic violence and have a legal right to reside through family reunion are protected by law. They can apply for independent residence and are allowed to stay legally in Belgium after the separation from the abusive family member.
15. This protection is ineffective when their application for family reunion is still examined³⁰. In the event of a negative decision by the OE on the application of these protective provisions, judicial review is marginal: the Council for Alien Law Litigation (CCE) can annul an illegal decision, without being able to rule on the substance of the right of residence. The law should be amended to give the CCE full jurisdiction (in fact and in law) over family reunion.
16. These provisions do not apply to migrant women who are victims of domestic violence while illegally in the country. For foreigners residing illegally, the risk of being detained and then removed following the lodging of a complaint remains a significant obstacle, including for reporting serious violence. The OE has informally committed itself not to detain foreigners who have voluntarily presented themselves to the police to file a complaint³¹. However, the obligation not to discriminate against victims of crime based on their residence status, imposed by the EU Victims Directive, has not been transposed into Belgian law³². The administrative report completed by the police should state that the person voluntarily sought police assistance. The OE could then consider the status of the victim by, for example, foregoing their detention.
17. In a recent survey, 61% of the asylum seekers interviewed stated that they had been victims of sexual violence (with and without physical contact) over the past 12 months, which is significantly more than for the general population (44%). As the average length of residence of the asylum seekers surveyed was 11 months, a significant

²⁶ UNIA (2020), [Directives pour l'article 19 de la Convention des Nations unies : autonomie de vie et inclusion dans la société \(French\)](#).

²⁷ GARANCE (2021), [L'accessibilité pour les femmes en situation de handicap victimes de violence - webinaire gratuit \(French\)](#).

²⁸ ENAR (2016), [Forgotten women: the impact of Islamophobia on Muslim women](#).

²⁹ UNIA (2015), [Rapport annuel 2014 - Une année charnière qui ouvre plusieurs portes \(French\)](#).

³⁰ Which can last from 6 months to a year.

³¹ MYRIA (2016), [MyriaDoc: Être étranger en Belgique en 2016 \(French\)](#), pp. 28-31.

³² Article 1 § 1 and 2 of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.

proportion of this sexual violence will have taken place in Belgium. According to the interviewees, living in a group asylum centre is an additional risk factor (risk of being identified by outsiders as a vulnerable person and difficulty in protecting oneself from this type of violence inside the centre)³³. A prolonged period in a group asylum centre, in inadequate conditions, can violate the human dignity and privacy of the persons concerned³⁴.

Recommendations

- Add a section to the police administrative report to state that the person contacted the police voluntarily, as a victim.
- Amend immigration law to give the CCE full jurisdiction over family reunion.
- Ensure that undocumented victims are afforded the same rights as any other victim.
- Rebuild individual accommodation capacity to make it accessible to all applicants for international protection after six months of legal proceedings.

8. Point 11: Trafficking and the exploitation of prostitution

18. There is a lack of harmonisation between the figures from various actors on human trafficking³⁵. They are, therefore, insufficient as a basis for policy evaluation or to support strategic analyses. Furthermore, the figures presented only show incidents and victims identified by the authorities. No estimates currently exist for unidentified incidents and victims, including women trafficked for sexual exploitation.
19. Although trafficking is an official priority, frontline actors and prosecutors do not have sufficient financial and human resources to combat it and to identify and protect victims. Police officers are assigned other priorities and departures are not replaced. The labour inspection services are facing the same lack of resources.
20. Despite efforts by the authorities, particularly regarding training, it's clear that the national mechanism for referring victims of trafficking for assistance and protection is not always correctly implemented. Similarly, the identification and protection of underage victims of trafficking remain troubling³⁶.

Recommendations

- Provide sufficient resources for frontline anti-trafficking actors, magistrates and specialised shelters, in order to adequately identify and protect potential victims.
- Continue, intensify and diversify training efforts for front-line actors, magistrates, guardians, youth care services.

9. Point 12: Sex crime law

21. A reform of sex crime law came into force on 1 June 2022³⁷. This law decriminalises certain forms of prostitution. Another objective is to create a real social status for sex workers, by giving them access to the same rights as

³³ KEYGNAERT I. et al. (2021), [Understanding the Mechanisms, Nature, Magnitude and Impact of Sexual Violence in Belgium. Final Report](#), pp. 34-35.

³⁴ See MYRIA (2020), [La migration en chiffres et en droits 2020. Cahier protection internationale \(French and Dutch\)](#), pp. 19-21.

³⁵ MYRIA's annual reports on human trafficking include key figures provided by the six actors who might play a role in a trafficking case. See MYRIA's 2018 annual activity report - trafficking and smuggling of human beings, *Minors at major risk*.

³⁶ MYRIA (2018), [Annual activity Report 2018 - Trafficking and smuggling of human beings: Minors at major risk](#).

³⁷ Act of 21 March 2022 amending the Penal Code with regard to sex crime law, M.B., 30 March 2022.

other workers. While this law helps to destigmatise sex work, questions about its implementation remain. Among these questions are the interpretation of the notion of (abnormal) advantage, which is at the heart of the new definition of pimping and the need for frontline services to have sufficient resources to monitor prostitutes' true circumstances. MYRIA also questions the fate of undocumented sex workers, including potential victims of human trafficking, who would not fit into this model and would then risk going further underground³⁸.

10. Point 15: Work

22. Family members of third-country students do not have access to the labour market. They are entirely dependent on the student's income. Granting such access would give family members the opportunity to contribute³⁹, fully participate in Belgian society and increase their autonomy. Such a measure could add an extra dimension to gender-sensitive policies⁴⁰, as a majority of the adult family members of these students are women⁴¹.

Recommendation

Make it easier for the immediate family of third-country students to enter the labour market: to make Belgium more attractive as a host country for international students and talent and to promote the active integration of family members, who are predominantly women.

11. Point 16: Work

23. Family caregivers (mostly women) are frequently victims of discrimination by association because of disability⁴². They face difficulties in reconciling work and family life. As a result, they are excluded from the world of work or forced to work part-time, resulting in financial hardship.
24. The law recognising family caregivers⁴³ grants the right, under certain conditions, to 3 months thematic professional leave. But it only responds, in part, to the needs of family caregivers⁴⁴: the 3-month period is insufficient and only the carers of a highly dependent relative benefit from this status.
25. A 2020 consultation⁴⁵ showed that the family caregivers who responded (86% of whom were women) were exhausted during the COVID crisis. The interruption of care and activities for people with disabilities, combined with the interruption of most services (e.g. household help), meant that family caregivers had to provide

³⁸ See MYRIA (2021), *Annual activity report 2021 - Trafficking and smuggling of human beings: Visibly invisible*.

³⁹ Secretary of State for Asylum & Migration, *Note de politique générale 2021-2022 (French and Dutch)*, ligne de force 9 : Activation et acquisition de compétences (Guideline 9: Activation and acquisition of skills).

⁴⁰ Secretary of State for Asylum & Migration, *Note de politique générale 2021-2022 (French and Dutch)*, ligne de force 4.6 : Offrir une protection à ceux qui en ont besoin — Politique axée sur la dimension de genre (Guideline 4: Offering protection to those in need, § 6: Gender policy).

⁴¹ The OECD estimates that two out of three adult family members of migrants are women: OECD (2017), *Making integration work: Family Migrants*, p. 10. In Belgium, data from the administrative database of the Federal Public Service Foreign Affairs on family reunion pursuant to Article 10bis §1 involving students from a third country, showed that more than 60% (2017 - 62%, 2018 - 33%, 2019 - 68%, 2020 - 67%, 2021 - 64%) were women.

⁴² Results of the "Etre aidant-es proche et monoparental-e" (Being a family caregiver and single parent) survey, conducted by La Ligue des Familles (pluralist non-profit) between 16 February and 6 March 2015.

⁴³ Law of 12 May 2014 relating to the recognition of family caregivers, which came into force on 1 September 2020

⁴⁴ Aidants Proches and Aidant Proches Bruxelles non-profit (2019), *10 actions pour la reconnaissance et le soutien des aidants proches*.

⁴⁵ UNIA (2020), *COVID et droits humains : impact sur les personnes handicapées et leurs proches (French)*.

continuous care for the disabled person in addition to their work, domestic chores and, in some cases, care for other children.

Recommendations

Adapt anti-discrimination law⁴⁶ at a federal level, in the Brussels-Capital Region and in the French and German-speaking communities to provide protection against discrimination by association.

Set up support platforms for caregivers in crisis situations: a number to call to deal with daily problems, regular discussion forums, psychological support and respite services.

12. Point 19: Healthcare

26. Despite the principle of free consent in the legislation on patients' rights and the legal exception⁴⁷ to the representation or assistance of an administrator in such matters, organisations representing women with disabilities still receive testimonies from women with intellectual disabilities who are pressured to undergo sterilisation.

Recommendation

Combat the practice of forced sterilisation as a preventive measure. Raise awareness among people with disabilities (and their environment) about their right to choose, freely and without coercion, whether to have children and to make all decisions related to their sexuality and reproductive health themselves.

Suggested question

How many hospital admissions are there for sterilisation involving a person with a physical disability?

13. Point 22: Disadvantaged women's groups

27. Of the reports that UNIA receives each year, a large number concern religious symbols and women in particular. An analysis of these reports from 2017-20 shows that 50% of the cases concern victims of non-Belgian origin; 90% of the victims are Muslim; 76% of the victims are women and 13% of the victims are in vulnerable situations. Rules on wearing religious symbols primarily affect Muslim women in the labour market and in education.⁴⁸

⁴⁶ This recommendation was also made by the Federal Law Evaluation Commission: Commission for the Evaluation of Federal Anti-discrimination Laws (2022), [Rapport final - Combattre la discrimination, les discours de haine et les crimes de haine : une responsabilité partagée \(French\)](#), p. 85.

⁴⁷ Article 497/2, 15° Civil Code.

⁴⁸ In 2020, there were several court decisions on the wearing of headscarves in different contexts (employment, education, leisure). The jurisprudence from these cases is inconsistent and does not yet clarify matters, even if some decisions of principle have been taken. UNIA (2021), [Annual activity report 2020: vulnerable human rights in times of crisis](#), pp. 40 - 44.

28. The **Foreigners Act** doesn't solve the issue of the detention or deportation of pregnant women. However, there are several texts that refer to this issue⁴⁹. However, the number of weeks up to which detention and repatriation (either voluntary or forced) are possible, differs. There is, therefore, no clear regulation protecting pregnant women or young mothers and their newborn children from detention and/or removal.
29. The labour courts have also developed case law allowing for the granting of social assistance during the period before (two months) and after (three months) expected due dates, as it is argued that women cannot be removed during this period⁵⁰.
30. As it stands, as long as removal is still being considered, pregnant women can be detained without the law further specifying their conditions of detention⁵¹.
31. Before the reform of the Belgian Nationality Code in 2012, changes in nationality were more common among women (52.9%). In 2019, almost as many women as men obtained Belgian nationality (49.6% were women). The tightening of the conditions for acquiring nationality by declaration⁵² and the abolition of the acquisition of nationality by the foreign spouse of a Belgian⁵³ have had a negative impact on the acquisition of Belgian nationality by women⁵⁴.
32. Moreover, children born before 1967 to a Belgian mother and a foreign father were not Belgian at birth, as only the father could transmit nationality. This discrimination has been corrected in the Code. But some children of Belgian mothers born before 1967 are still penalised by this outdated legislation. The conditions for access to nationality are stricter for them. And, unlike children born in Belgium, if they subsequently acquire Belgian nationality, they can still be stripped of it⁵⁵.
33. **Women and girls with disabilities** are still insufficiently considered in gender equality studies, policies and plans. There is a lack of gendered statistics related to disability and of associations representing women with disabilities.

⁴⁹ A 2009 circular (Circular of 29 May 2009 on the identification of foreigners residing illegally, M.B., 15 July 2009) which states that for pregnant women, forced removal can no longer be carried out after 28 weeks of pregnancy; the 2007 "loi accueil" (Article 7 §2, 2°) which provides for an extension of material assistance to women who are already at least 7 months pregnant, until the end of the second month following childbirth at most; and the 2002 Royal Decree on the operation of closed detention centres, which includes a chapter entitled "Birth" (see Articles 122 and 123 of the Royal Decree of 2 August 2002 establishing the procedures and operating rules applicable to locations within Belgium and managed by the Immigration Office, where foreign nationals are detained, placed at the disposal of the Government or held). The Vermeersch Commission's report on repatriation policy (Commission for the evaluation of removal instructions, final report presented to the Minister of the Interior, 31 January 2005, p.79), which is not binding, concluded that removal is possible up to the 24th week of pregnancy, even if the person objects. Beyond that, the removal can only take place if there is no opposition from the woman concerned. The report argues that removal cannot take place under any circumstances if the woman is 36 or more weeks pregnant. An internal memo from the Immigration Office estimates that forced removal is possible up to 24 weeks and voluntary removal up to 34 weeks (OE, internal memo of 21 March 2008).

⁵⁰ Based on the notion of the impossibility of repatriation on medical grounds established by the judgment in the Constitutional Court, no. 80/99 of 30 June 1999.

⁵¹ For more information, see MYRIA, *MyriaDoc #8 Retour, détention et éloignement des étrangers en Belgique 2018*, pp. 45-48, [https://www.myria.be/files/181205_Myriadoc_de%CC%81tention_2018.pdf%20\(French\)](https://www.myria.be/files/181205_Myriadoc_de%CC%81tention_2018.pdf%20(French)).

⁵² Article 12bis of the Belgian Nationality Code.

⁵³ Article 16 of the Belgian Nationality Code.

⁵⁴ Among all new Belgians, people from North Africa, and in particular from Morocco, have been particularly affected by these changes in the law. See: MYRIA, *La migration en chiffres et en droits*, Cahier nationalité, 2021, pp.4-5 (French).

⁵⁵ Articles 23, 23/1 and 23/2 of the Belgian Nationality Code of 28 June 1984.

Recommendations

Provide greater legal protection for pregnant women and restrict the circumstances and conditions under which they may be detained in closed detention centres and/or removed.

Take measures to ensure that Belgian nationality legislation does not lead to gender-based discrimination.

Apply gender mainstreaming in the development of disability-related measures and policies and 'handicap mainstreaming' in the development of those related to gender equality.

Support the creation and/or development of representative associations for women and girls with disabilities to encourage their participation.

Change legislation to take into account multiple and intersectional discrimination.

Suggested question

What measures does Belgium intend to take to better control the detention and removal of pregnant women (possibilities and conditions of detention and removal)?

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