

Committee of the Parties



Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Belgium

IC-CP/Inf(2020)8

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Belgium on 14 March 2016;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Belgium adopted by GREVIO at its 21st meeting (25 - 26 June 2020), as well as the comments of the Government received on 11 September 2020.

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the Belgian authorities in implementing the Convention and noting in particular:

- the long-standing commitment of the Belgian public authorities, at both federal and federated entities level, to guarantee gender equality and to ensure women’s safety by combating violence against the physical, sexual and psychological integrity of individuals;
- the sharing of a joint action plan since 2006 by these different levels of government, the scope of which has been extended beyond intimate partner violence to include other forms of violence committed against women and girls in families, such as forced marriage, so-called honour crimes and female genital mutilation;
- the significant progress that has been made in the primary prevention of gender-based violence, especially by endeavouring to eliminate gender stereotypes in education and in the workplace; and
- the considerable efforts that have also been made to strengthen networking through a variety of approaches and the many initiatives taken to make female victims of violence, including migrant women, more aware of their rights.

- A. Recommends, in light of the considerations indicated in the preamble above, that the Government of Belgium take the following measures identified in GREVIO's Baseline Evaluation Report¹ for immediate action to:
1. ensure that policies and measures taken for the implementation of the Istanbul Convention include a gender perspective and recognise the systemic link between violence against women and a historical organisation of society based on the domination and discrimination of women by men, which still puts women at a disproportionate disadvantage today (paragraph 12).
 2. integrate intersectional discrimination in policies that address violence against women and reinforce its practical implementation, including through: the collection of data and the promotion of research on violence against women experienced by women belonging to specific vulnerable categories; the inclusion of their perspective and needs at each stage of the development, implementation and evaluation of policies, as well as in training standards and guidelines for professionals; and offering specific measures to prevent and take action to combat violence against women in general policies, measures and programmes aimed at these groups (paragraph 21).
 3. remedy the current fragmentation of co-ordination and consultation bodies and foster greater consistency in the policies and measures at the various levels of authority, notably by setting up a forum for dialogue at federal level for all key stakeholders, including from the political, administrative, civil society or academic spheres (paragraph 30).
 4. identify the overall amounts and budget lines allocated to preventing and combating violence against women so as to ensure that these amounts satisfy the requirements of Article 8 of the Istanbul Convention (paragraph 34).
 5. give greater recognition and support to the specialised expertise of women's NGOs and specialist support services, which should be drawn on at every stage of policy making and at all levels; and facilitate their work through access to needs-oriented financing and extended use of structural and multi-annual funding (paragraph 39).
 6. enhance the co-ordination, monitoring and evaluation of policies and measures with regard to violence against women including by increasing the authority and the resources which the Institute for Equality between Women and Men requires to carry out its tasks while providing effective monitoring and evaluation of policies and measures through an independent multidisciplinary body (paragraph 45).
 7. improve the data available on the forms of violence covered by the Istanbul Convention and its collection, including by: introducing the mandatory collection of data on victims, their sex, and their relationship with the perpetrator, especially with regard to murders by partners or former partners, with a view to allowing a thorough review of the circumstances of such cases; regularly publishing at the federal level the main statistics on such violence; and moving towards an integrated system of statistics across the criminal justice and health sectors that permits to assess conviction, attrition and recidivism rates as well as to identify gaps in the response of institutions (paragraph 54).
 8. ensure that victims of all forms of violence covered by the Istanbul Convention and their children, regardless of their condition or status, have access to specialist support services and specialist shelters in an adequate geographical distribution (paragraph 125).

¹ The number of the paragraph setting out the GREVIO's proposals and suggestions in the report is indicated in brackets.

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9. improve access to protection and support services for children witnesses of intimate partner violence by: improving the collaboration between the agencies specialising in the care of women victims of violence and those responsible for the care of children; drawing up clear guidelines and/or review existing practices for agencies which specialise in helping children to ensure that due consideration is given to the harmful consequences of violence on child witnesses, as well as their safety and the safety of their mothers; and provide more help for shelters in their task of supporting child witnesses, alongside their mothers (paragraph 136).
 10. take the necessary measures, whether of a legal nature or through additional training and the adoption of guidelines, to ensure that in the determination of custody and visitation rights, the competent authorities are required to consider all issues relating to violence against women and its harmful effect on children, inter alia by
 - (a) assessing the risk that custody and visitation rights may present to children witnessing intimate partner violence or experiencing violence themselves;
 - (b) making use of existing legal provisions offering a basis to limit custody and visitation rights of perpetrators where incidents of violence have been ascertained; and
 - (c) raising awareness of the lack of a scientific basis for the notion of “parental alienation syndrome” and sensitise the public to this issue (paragraph 150).
 11. integrate a gender perspective into the existing risk assessment and risk management procedures and ensure their use in relation to all forms of violence against women by all relevant statutory agencies at all relevant stages of the procedure, in particular at the end of any protective measures while giving due regard to the concerns expressed by victims and allowing victims to be represented by a specialist support service(paragraph 196).
- B. Requests the Government of Belgium to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 15 December 2023.
- C. Recommends that the Government of Belgium take measures to implement the further conclusions of GREVIO’s Baseline Evaluation Report.