



# Belgium



Two homophobic murders shocked the country. In response, the Prime Minister made it clear that violence against LGBTI people needed to be addressed at national level, and a process towards a national action plan to combat LGBT-phobic violence was initiated. Other positive developments included a resolution adopted by the Belgian Senate recognising the *Yogyakarta Principles*, and regional action enhancing equality in education. Regrettably, Belgium has not addressed gaps in legal protection for trans people, by (i) adopting an expected amendment of the *Transsexual Law* and (ii) introducing explicit inclusion of gender identity and gender expression in anti-discrimination legislation.

## Bias motivated speech

- In April, a concert of reggae artist Sizzla scheduled to take place in Ghent was cancelled after Belgian organisations called on the organisers to do so. The singer is known for including homophobic language in some of his songs.
- The reggae community, reggae organisers and LGBT movement signed a charter in which both parties denounce hate speech and homophobia. The LGBT movement will not boycott concerts anymore as long as the charter is followed, and both parties agreed on campaigning for tolerance.

## Bias motivated violence

- In 2011, a 20-year-old woman in Virton lodged a complaint against her father for assaults and 'corrective rapes'. The situation began in 2008 when her father found out that she was a lesbian. He was convicted in 2012 and sentenced to 4 years in prison (2 years to be served).
- In May, a 32-year-old gay man was found dead close to the city of Liège after his disappearance in April. According to witnesses, the victim was at a gay bar in Liège on the night he disappeared. He then left the club and entered a car with four other men. The victim is then said to have made sexual advances towards the other men, who decided to "teach him a lesson" by beating him up and leaving him naked in a field in the middle of the night. Later his dead body was found in a field off a road leading out of the city. The death is possibly the first to be classified as a bias motivated murder under Belgian law, although not the first homophobic murder as such. The four attackers have been charged with robbery, forcible confinement and assault causing death with homophobic intent as an aggravating circumstance.
- In July, two gay men were subjected to a violent attack while sitting in a bar in the East Flemish town of Aalst. They were attacked by two men, who punched the victims and hit them with snooker cues and bar stools. The victims were taken to hospital, where one of them remained in a critical condition. The victim recovered well under the circumstances. The perpetrators were arrested for deliberate assault motivated by homophobic motives and resulting in an incapacity to work.

- In July, a 65-year-old gay man was beaten to death with a hammer in the city of Liège, in a park known for encounters among gay men. Police detained a 35-year-old man for the attack. The suspect defended his actions stating that he was sexually abused in the same park a month prior to the murder.
- In July, in response to the above mentioned incidents and increased incidence of LGBT-phobic violence in general, Prime Minister Elio Di Rupo announced his intention to draft a new law with more severe punishments, as well as to launch an action plan to combat LGBT-phobic violence. The draft law provides an increase of the maximum punishment for murder to a life sentence.
- At the same time the government announced that it would publish a circular addressing police officers and judicial authorities, with practical instructions concerning complaints about LGBT related discrimination and violence.
- According to news reports in November a student who went to his initiation evening dressed as a woman was set upon by a group of youths, who took him to a car park before robbing him of his mobile and gang raping him. According to news reports, two youths aged 15 and 17 were detained in connection with the incident.
- Three people were convicted and sentenced to between 3½ to 4½ years in prison for raping a young man in 2008.

## Data collection

- In November, the Institute for Equality of Women and Men published the first results of research about violence experienced by transgender people in Belgium. The finding indicated that 80% of transgender people have experienced violence due to their gender identity; 33% have experienced sexual violence at least once; 25% of the respondents experienced physical violence, whilst 80% of respondents experienced verbal or psychological violence; and 20% experienced damage to property. The researchers concluded that the perpetrators are often known by the victim, are mostly male and 75% of the perpetrators are older than 20.

## Diversity

- The trade union organisation ACV/CSC Public Services organised a *Respect for Diversity* campaign that included posters featuring cross dressers.

## Education

- In July, the Parliament of the Fédération Wallonie-Bruxelles adopted a decree establishing mandatory activities covering the issues of affective, relational and sexual life in all secondary schools.
- In October, Pascal de Smet, Minister for Education and Equal Opportunities in Flanders, and other stakeholders in the field of education, signed a charter that aims at ensuring respect for all sexual orientations in schools and at enabling open discussions on homosexuality, gender identity and expression, both in the classroom and in the teachers' room.
- In December, following media attention regarding a transgender teacher, the Flemish Catholic school network sent out a press release asking media, parents and others to respect this teacher and called for calm, thereby supporting the teacher.
- The Dutch-medium Brussels Institute of Higher Education University (HUB) banned students from wearing drag as part of student fraternity rituals. HUB advised its students that "Certain groups perceive wearing drag as being provocative." The advice was given following a rape incident targeting cross dressers. Later, the Brussels regional Secretary of State responsible for equal opportunities, Bruno De Lille, responded by saying that he believes that the HUB was sending out a wrong signal, and questioning whether cross-dressing or trans identities justify attacks and rape.

## Equality and non-discrimination

- In May, in the period around the *International Day against Homophobia and Transphobia* (IDAHO) and Pride, the rainbow flag was raised in 48 cities and towns in Flanders, 7 in Wallonia and Brussels.
- In December, the Belgian Senate adopted a resolution recognising the *Yogyakarta Principles* and demanding that the Government support them. While not legally binding this can be taken as a political commitment.

- The Region of Wallonia and the Fédération Wallonie Bruxelles adopted *Equality Plans* with a list of measures addressing the grounds of age, gender, disability and sexual orientation.
- A national plan against homophobia was discussed throughout the year and is expected to be adopted at the beginning of 2013.
- Slight changes in the non-discrimination package (Federal laws and regional decrees) were considered and are expected to be adopted during 2013 so as to fully include gender identity among the list of protected grounds.

## Family

- In July, the Belgian Constitutional Court ruled on two cases concerning adoption rights of same-sex couples. The first judgment concerned a married lesbian couple with a child born by means of artificial insemination. After the birth of the child, a second parent adoption procedure began with the consent of the biological mother. However, shortly after filing the petition for adoption the couple decided to divorce. The biological mother withdrew her consent to the adoption. In the view of the co-mother this was irresponsible. The Constitutional Court ruled that a judge can set aside the refusal of the biological mother to give her consent for adoption and stated that the best interests of the child was more important than the right of the biological mother to withdraw her consent. The second judgment concerned a lesbian couple with two children, who lived together in a *de facto* relationship for ten years. The children were born by means of artificial insemination. The couple broke up before the second parent adoption by the co-mother was completed. However, the co-mother wanted to go through the adoption process with the consent of the biological mother. The court of first instance denied the adoption because the couple no longer lived together when they filed the petition. The Constitutional Court overruled the earlier decision and stated that the adoption could contribute to the creation of a stable environment for the children. The Constitutional Court ruled that the *Adoption Law* is unconstitutional in the sense that it does not allow the co-mother to adopt, with

the consent of the biological mother, after the cohabitation has ended.

- In October, a new proposal for a law to modify the *Civil Code* relating to filiation and aimed at allowing the second, non-biological, parent to access the recognition procedure instead of adoption of a child inside same-sex couples was tabled in the Belgian Parliament. The proposal is still pending but expected to be adopted in 2013.

## Foreign policy

- During the 9th Council of Europe Conference of Ministers for Youth, Flemish Youth Minister Pascal de Smet and French-speaking Youth Minister Evelyne Huytebroeck demanded that the conference declaration include mention of discrimination on the grounds of sexual orientation and gender identity. This proposal was rejected by host country Russia, ultimately leading to no declaration being adopted.

## Health

- In 2012, the Minister for Public Health created a group of experts in order to work on a *National Plan against HIV* which is expected to be adopted in June 2013.
- Several pilot projects were authorised and financed by the public health authority to launch rapid HIV tests in a non-medical environment.

## Legal gender recognition

- The legal review of the law on legal gender recognition was initiated during the year. No formal proposals had been made by the end of the year.

## Participation in public/political life

- In May, openly gay Prime Minister Elio Di Rupo, received representatives of all LGBT organisations of the country to explore how best to address homophobia in society.
- In December, in an interview, the Prime Minister said that he feels that his country has become a less tolerant place over recent years. Meanwhile he expressed pride at the fact that Belgium has some of the most protective rules regarding LGBT people. Di Rupo continued that as tolerance had receded, "We should raise awareness concerning our laws".

## Police and law enforcement

- The Rainbow Cops, an association of police officers, was set up following an initiative of the Diversity Department of the National Police.
- *The National Plan against Homophobia* includes the training of police officers and magistrates with regard to diversity.

## Public opinion

- According to Eurobarometer 2012, 50% of Belgians believe sexual orientation discrimination is widespread. This is slightly higher than the EU27 average (46%). 45% believe gender identity discrimination is widespread. This is the same as the EU27 average (45%). Belgians scored 7.7 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly above the EU27 average (6.6). Belgians scored 6.2 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly above the EU27 average (5.7).

## Member organisations of ILGA-Europe

Arc-en-Ciel Wallonie  
[www.arcenciel-wallonie.be](http://www.arcenciel-wallonie.be)

Belgian Business Association  
[www.belgianba.be](http://www.belgianba.be)

Belgian Pride  
[www.thepride.be](http://www.thepride.be)

Brussels Gay Sports  
[www.bgs.org](http://www.bgs.org)

Casa Rosa  
[www.casarosa.be](http://www.casarosa.be)

çavaria  
[www.cavaria.be](http://www.cavaria.be)

EGALITE – Equality for Gays and Lesbians in the European Institutions  
[www.egalite-online.eu](http://www.egalite-online.eu)

English-speaking Gay Group  
[www.eggbrussels.be](http://www.eggbrussels.be)

EX AEQUO  
[www.exaequo.be](http://www.exaequo.be)

Fédération Arc-en-ciel  
[www.arc-en-ciel-bxl.be](http://www.arc-en-ciel-bxl.be)

Genres Pluriels  
[www.genrespluriels.be](http://www.genrespluriels.be)

Goudou

HAGAR

Het Roze Huis-çavaria Antwerpen  
[www.hetrozehuis.be](http://www.hetrozehuis.be)

Het Vlaams-Brabantse Holebihuis  
[www.holebihuis.be](http://www.holebihuis.be)

Mikpunt  
[www.mikpunt175.be](http://www.mikpunt175.be)

Polaris  
[www.polaris-wvl.be](http://www.polaris-wvl.be)

Rainbow House  
[www.rainbowhouse.be](http://www.rainbowhouse.be)

RoSa Documentation Centre  
[www.rosadoc.be](http://www.rosadoc.be)

Tels Quels  
[www.telsquels.be](http://www.telsquels.be)

Wel Jong niet Hetero  
[www.weljongniethetero.be](http://www.weljongniethetero.be)

Why Me  
[www.why-me.be](http://www.why-me.be)

WISH – Werkgroep Internationale Solidariteit met Holebi's