



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

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| <b>Country:</b>                  | Belgium  |
| <b>Title:</b>                    | "Girls only" housing illegal   |
| <b>Date:</b>                     | 14 April 2015  |
| <b>Expert:</b>                   | Jacqmain Jean  |
| <b>Context</b>                   |  |
| <b>Issue at stake:</b>           | Gender equality in access to good and services   |
| <b>Ground of discrimination:</b> | Sex  |
| <b>Source:</b>                   | Court of First Instance of West Flanders, division of Bruges, Civil Court, 10 November 2014, <i>Algemene Rol</i> no. 14/355/A, unreported. Judgment to be published in a French translation, in <i>Journal des tribunaux</i> , 2015. |
| <b>Field:</b>                    | Goods and services   |
| <b>Applicable law:</b>           | Gender Act of 10 May 2007  |

### Content

**Case law development:** The applicant, a male French national in Belgium on a one-year academic research grant, applied with a housing agency for a bedsit in a certain residence. His application was rejected on the grounds that the landlords of the residence intended to keep it reserved for female tenants, otherwise he would have been the only male among 32 girls.

The applicant filed a complaint, alleging he was discriminated against on the ground of his gender. The Institute for Equality of Women and Men (the "gender equality agency"), which had *locus standi* under Article 35 of the Gender Act of 10 May 2003, also filed a complaint.

**Decision of the Court:** In a judgment of 10 November 2014, the Civil Court in Bruges made a finding of direct discrimination under Article 8 of the Gender Act. As the claimant had only applied for compensation of the material damage, the Court decided that the amount of EUR 500 was equitable; the Institute was allowed one symbolic euro.

**Key points of analysis:** Commercial housing activities (as exercised by the defendant agency) indisputably fall within the scope of the federal Gender Act. In the absence of the adoption of an ancillary decree that fixes the list of goods and services intended for persons of one sex, no exceptions to gender equality in goods and services are allowed within the jurisdiction of the federal authority.

**Internet link source:** All legal texts available in French and Dutch via <http://www.juridat.be>, accessed on 25 February 2015.