

## Combined third and fourth periodic reports

### Belgium

(27th session)

119. The Committee considered the combined third and fourth periodic reports of Belgium (CEDAW/C/BEL/3-4) at its 559th and 560th meetings, on 10 June 2002 (see CEDAW/C/SR.559 and 560).

#### *Introduction by the State party*

120. In introducing the combined third and fourth periodic reports, the representative of Belgium noted that, for a federal State, responsibilities and competencies existed at both the federal and federated levels (consisting of the communities and regions). No hierarchy existed between federal and federated entities, but federated entities enjoyed maximum autonomy in policy-making based on the specific needs of their regions or communities. He pointed out that the report had resulted from collaboration between the various levels of power within the State party.

121. Since 1989 Belgium had made progress towards achieving equality between women and men, and each ministry had designed policies to ensure the advancement of women. Specific measures had been taken recently to ensure gender mainstreaming in policies at both the federal and federated levels.

122. In November 1998 Belgium had removed its reservation to article 7 of the Convention, and the procedure to remove the reservation to article 15 of the Convention had been initiated. Belgium had also begun its ratification process for the Optional Protocol to the Convention, which required ratification of the Protocol by the federal State and the communities and regions. Belgium had also taken steps to support the amendment to article 20, paragraph 1, of the Convention, pertaining to the Committee's meeting time.

123. Equality between women and men was implicitly recognized by the Constitution; however, in February 2002, an explicit guarantee of equality had been incorporated into the Constitution in order to provide for redress in cases of discrimination and to guarantee both women and men their rights and freedoms, particularly in respect of equal access to elected and public office.

124. Belgium had made the struggle against all forms of discrimination one of its priorities. Draft legislation currently under consideration in the Federal Parliament would forbid all discrimination based on sex, race, colour, ethnicity, sexual orientation, income, age, religion, state of health (either present or future), handicap or physical characteristic. The creation of a national women's rights institution, which would conduct research and coordinate federal policies on relevant issues, was also under consideration.

125. New measures to coordinate equal-opportunity measures had recently been introduced in Belgium's French-speaking community. To ensure consistency and coordination of action by federal and federated authorities, a conference on equal opportunities had been held among the country's various governing entities, addressing violence against women; equal access of women and men to new information technologies; participation of women in the decision-making process, particularly gender-balanced representation on advisory bodies; and the relationship between public and private life, specifically in relation to childcare.

126. Confronting domestic violence and trafficking in women and sexual exploitation had been deemed of the highest priority. On 10 November 2001, an extensive awareness-raising campaign had been launched with regard to domestic violence. New local policies on physical and sexual violence had been initiated, including measures to gather statistical data and provide

assistance to victims. The responsible ministries at all levels of government were reviewing a national plan to combat violence against women. Legislation on trafficking in persons, particularly women and children, for the purpose of sexual exploitation had been introduced on 13 April 1995; it accorded greater weight to statements of victims and provided increased protection. There had been more than 200 arrests and judgements in 1999 and 2000, and some 230 victims had been treated at specialized centres.

127. Belgium had developed a coordinated employment policy aimed at integrating equality between sexes. The 2002 National Plan for Employment identified and focused attention on challenges facing three groups in finding employment: seniors, women and the underskilled. Among the Government's actions to increase women's access to employment and give them better opportunities was the introduction of a bonus to long-term unemployed single parents who took jobs; compensatory time; promotion of training; and development of services.

128. In order to take advantage of new information and communication technologies, federal and federated authorities had concluded a cooperative agreement on women and new technologies in November 2001. The representative noted that it was also important to make what had been perceived as male spheres of employment open to women, particularly in the new technology sectors or in sectors that utilized modern means of production based on these technologies. In order to ensure full and complete participation by women in the marketplace, steps were also being taken to promote equal pay for work of equal value, with a particular focus on the development of gender-neutral and non-discriminatory systems of valuation and classification. Negotiations were under way to increase the participation of civil society in those efforts.

129. As the first European State to introduce the principle of gender-based quotas on electoral ballots (in 1994), Belgium had continued to develop proactive policies to encourage female participation in public life. By 1999 the quota system had increased women's participation as electoral candidates well above the minimum figure required by law, and the number of women actually elected to legislative, communal and regional bodies had risen to one quarter of the total. However, women did not yet enjoy equal representation with men within decision-making bodies, and Belgium was determined to achieve true parity between the sexes in positions of power. To this end, efforts were being made to fight stereotypes and change the political culture of the country. Encouraging women to be politically active was also a priority in the Flemish community, which had developed a strategic plan aimed at supporting women who had been elected and recruiting more women as candidates.

130. The French community had been paying great attention to encouraging the participation of women in sports as a means of integration and development, particularly in underprivileged urban settings or rural areas. Women's health had also been of great concern, with the federal and federated authorities having recently launched a massive breast cancer detection campaign. All women between the ages of 50 and 69 were entitled to free testing every two years. Awareness-raising campaigns had been organized at the communities level, in which each woman was personally invited for a cancer screening test.

131. In concluding, the representative assured the Committee that progress on implementation of undertakings made by Belgium and enshrined in the Beijing Platform for Action was the subject of annual reports by the federal and Flemish governments to their respective Parliaments. Future challenges for Belgium included the need to combat indirect discrimination, the need for more coordinated gathering of gender-sensitive statistical data and indicators, and the systematic collection of a relevant body of jurisprudence. It was important to discourage the notion that all barriers to gender equality had

already been removed and to take positive actions to sensitize the population to gender-equality issues in order to address stereotypes.

#### *Concluding comments of the Committee*

##### *Introduction*

132. The Committee commends the State party for its combined third and fourth periodic reports, although it regrets that it is not in accordance with the Committee's guidelines for the preparation of periodic reports. The Committee welcomes the written replies to the questions of the Committee's pre-session working group. The Committee also welcomes the written responses to a number of additional questions posed during the constructive dialogue, which were provided in the final week of the session.

133. The Committee welcomes the large delegation but regrets that no high-level representatives with political responsibilities constituted part of the delegation, as this would have enhanced the dialogue that took place between the delegation and the members of the Committee.

134. The Committee welcomes the fact that Belgium removed its reservation to article 7 of the Convention, that it is considering lifting its reservation to article 15 of the Convention and that it has started the ratification process of the Optional Protocol to the Convention.

135. The Committee expresses satisfaction that the State party has made significant efforts to implement the Beijing Platform for Action.

##### *Positive aspects*

136. The Committee commends the State party on its employment policy, which integrates equality between women and men. It notes with satisfaction the affirmative action measures provided for by Belgian legislation since the late 1980s, in order to bring about de facto equality between women and men in the public and private sectors. In particular, it expresses satisfaction at the actions taken to create a better distribution of working and household tasks between women and men.

137. The Committee commends the State party for its measures to eliminate traditional and stereotypical attitudes regarding the role of men and women in the family, in employment and in society.

138. The Committee commends the State party for introducing the rape law of 4 July 1989, the royal ordinances for the protection of workers against sexual harassment of 19 September 1992 and 9 March 1995, the law on human trafficking of 13 April 1995 and the law to combat violence between partners of 24 November 1997. It also commends the State party for the development by the Ethics Commission, pursuant to the law of March 1995, of a code of ethics for telecommunications information services in an effort to protect minors, in particular the girl child, by monitoring the presence of violence and sex in media programmes.

##### *Principal areas of concern and recommendations*

139. The Committee, while recognizing the adoption of a wide range of gender-equality policies, is concerned that a certain number of those policies have yet to be implemented or evaluated.

**140. The Committee urges the State party to implement all policies that have been formulated and to make an assessment of the measures already implemented with a view to future improvements.**

141. While noting that the State party's gender policy appears to be formulated primarily in the framework of the Beijing Platform for Action and European Union provisions, the Committee is concerned that the Convention has not been given central importance as a binding human rights instrument

and basis for the elimination of all forms of discrimination against women and the advancement of women.

**142. The Committee urges the State party to place emphasis on the Convention as a binding human rights instrument, and to view the Platform for Action as a complementary policy document to the Convention in its efforts to achieve the goals of equality. It furthermore urges the State party to take proactive measures to raise awareness about the Convention.**

143. While recognizing that the existence of numerous federal and local structures on the advancement of women ensures that adequate attention is given to women's issues in the country and provides enhanced conditions for gender mainstreaming, the Committee notes that these various structures, based on different levels of autonomy and authority, might create difficulties as regards implementation of the Convention, as well as regarding coordination, accountability, responsibility and uniformity of results in the implementation of the Convention.

**144. The Committee recommends to the State party that it ensure, through effective coordination of all efforts at all levels in all areas, that uniformity of results in the implementation of the Convention is achieved.**

145. The Committee expresses concern that, in defining a broad concept of equality, the Constitution of Belgium does not specifically address discrimination on the basis of sex. While noting that the report addresses discrimination against men, the Committee emphasizes that the obligations in the Convention are directed at the elimination of discrimination against women.

**146. The Committee calls on the State party to make the necessary legislative changes to deal with discrimination on the basis of sex. It urges the State party to frame its gender policy in both the elimination of discrimination and the promotion of equality, which are two different but equally important goals in the quest for women's empowerment. The Committee recommends that, when addressing discrimination against men, the State party should retain its focus on the Convention, and the need to achieve gender equality by eliminating discrimination against women.**

147. While recognizing the impressive gains achieved in the participation of women in public life resulting from the implementation of the 1994 law to promote balanced representation of men and women in electoral candidate lists, the Committee is concerned that, in some cases, the quotas have not necessarily led to the expected results.

**148. The Committee urges the State party to analyse the challenges that it has encountered in achieving the goals set in the 1994 law and to evaluate achievements on the basis of final results. It calls on the State party to ensure that women and men are able to participate on an equal footing in the political sphere.**

149. The Committee is concerned about the significant decline, in recent years, in women's participation in the entrance examinations for the diplomatic service.

**150. The Committee urges the State party to accelerate its efforts to increase the female presence in the diplomatic service.**

151. The Committee is concerned about the high incidence of violence, including domestic violence, against women and children in the State party. In particular, the Committee is concerned that the mediation procedure established to facilitate reconciliation between the offender and the victim might condone violence by facilitating disadvantageous compromise. The Committee also expresses concern about the fact that Belgium's law does not

define sexual crime as a human rights violation and classifies sexual abuse as a crime of morality rather than as a violent crime.

**152. The Committee calls on the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of human rights. In particular, the Committee urges the State Party to formulate appropriate measures and laws in conformity with its general recommendation 19 to prevent violence, punish and rehabilitate offenders and provide services for victims.**

153. The Committee is concerned that sanctions under the 1995 law on human trafficking may not be adequate to deter trafficking. The Committee is also concerned that deletion of the crime of procuring to avoid sanctions for cohabitation may facilitate the exploitation of prostitutes.

**154. The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, including within the territory of the State party, which should include the prosecution and punishment of offenders, and increased international, regional and bilateral cooperation with countries of origin, transit and destination of trafficked women and girls. It encourages the State party to increase its efforts to combat the root causes of trafficking and assist its victims through efforts of counselling and reintegration. It calls on the State party to ensure that trafficked women and girls have the support that they need so that they can provide testimony against their traffickers. It also calls on the State party to review the change in the Law on procurement to ensure that the exploitation of prostitutes is not facilitated.**

155. The Committee is concerned that the report provides insufficient information about the situation of migrant and refugee women.

**156. The Committee calls on the State party to provide comprehensive information on these groups of women in its next periodic report.**

157. While recognizing the achievements in ensuring women's health, in particular the State party's comprehensive policy to combat HIV/AIDS, the Committee is concerned about the disparities with regard to the health of women throughout the country. It is furthermore concerned about the phenomenon of teenage pregnancy and voluntary termination of pregnancy among women as young as 14.

**158. The Committee urges the State party to effect better coordination of its health policy in conformity with the Convention and general recommendation 24 on women and health in all regions of the country. It further calls on the State party to formulate policies, strategies and programmes to prevent early pregnancies, including education campaigns addressed to young men as well as young women.**

159. While noting that the State party provided comprehensive annexes to the report, the Committee expresses concern about the insufficient sex-disaggregated statistical data in the report.

**160. The Committee recommends a comprehensive compilation and analysis of sex-disaggregated data as relevant under federal and regional authorities. It urges the State party to include such statistics and data in the text of its next report rather than as annexes to the report.**

161. The Committee is concerned about the continuing high level of unemployment among women, the high number of women in part-time and temporary jobs and the wage discrimination faced by women.

**162. The Committee calls upon the State party to intensify its measures to increase women's employment, to make sure that women have access to full-time and permanent jobs if they wish, and to promote equal pay for work of equal value.**

163. The Committee is concerned about the discrimination women face concerning issues of social security and taxation.

**164. The Committee urges the State party to analyse the various forms of discrimination on issues of social security and taxation faced by women, to remedy such discrimination and to provide information in its next report on these areas.**

165. The Committee is concerned about the discriminatory nature of Belgian law on family names, which does not allow a child to be given the name of his/her mother at his/her birth when his/her parents are married or cohabiting.

**166. The Committee calls on the State party to modify the legislation on family names to permit choices in transmitting family names to children.**

**167. The Committee urges the State party to ratify the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, on the Committee's meeting time.**

**168. The Committee requests the State party to respond to the concerns expressed in these concluding comments in its next periodic report under article 18 of the Convention.**

169. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next report.

**170. The Committee requests the wide dissemination in Belgium of the present concluding comments in order to make the people of Belgium, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**