

## BELGIUM

### CEDAW A/44/38 (1989)

266. The Committee considered the initial report of Belgium (CEDAW/C/5/Add.53) at its 143<sup>rd</sup> and 146<sup>th</sup> meetings, on 28 February and 1 March 1989 (CEDAW/C/SR.143 and 146).

267. In her introduction, the representative of Belgium said that her country had guaranteed women and men equal rights in all fields during an economically difficult period even before the ratification of the Convention. The most important measures taken to promote and achieve equality were, besides its enshrinement in the Constitution, the setting up of advisory commissions and the creation of the Secretariat of State for Social Emancipation, which was attached to the Prime Minister's office. The Secretariat had undertaken several studies, launched awareness campaigns and organized competitions in order to encourage girls to study non-traditional subjects and to practice non-traditional professions. The concept of positive action had existed since 1978, but it did not take legal shape until the creation of the Secretariat of State and a positive action support team under the Ministry of Employment and Labour. Whereas positive actions were voluntary in the private section, they were imposed by law in the public sector. In order to promote positive action, enterprises had been given a practical guide and many of them had concluded agreements with the Secretariat of State under which they committed themselves to giving women equal opportunities.

268. The representative stated that women were very poorly represented in public and political life at all levels and that a campaign had been organized recently to raise the awareness of the population to the important role that women should play in politics.

269. Although education was free for all persons, it did not preclude de facto, inequality, and women were not proportionally represented in all fields of employment. She said, however, that a gradual improvement had been observed. A change in the discriminatory position of the spouses of farm operators was imminent, and the earning of spouses were treated separately for tax purposes since the enactment of a law in December 1988.

270. No statutory discrimination existed between Belgian and foreign women, although the wives of immigrants were often disadvantaged.

271. One of the priorities of the Secretariat of State for Social Emancipation was to combat violence against women and children through scientific research, information campaigns and co-ordination efforts. The objective was to publicize the facts, abolish taboos, prevent further occurrences, receive and assist victims and create a link between all the bodies concerned. Furthermore, a draft law on the crime of rape was under consideration. In order to decriminalize abortion, five abortion bills were currently under discussion in Belgium.

272. The members of the Committee expressed their appreciation for the comprehensive report and the additional information given in the oral presentation and noted, in particular, the collective

agreements in the private sector, the many legal initiatives that had been taken by the Government to implement the Convention and the campaigns to promote awareness. They also noted, however, the lack of sufficient statistical data in the report and hoped that such data could be given in the replies or in the second periodic report. Some members said that it would have been preferable for the information in the report relating to the different articles of the Convention to have been separated.

273. With regard to the reservation made to article 7 of the Convention, one member asked about the attitude of the female members of the royal family and the extent of the powers of royalty in equality matters. It was asked whether royal ordinances had the force of laws and whether the King was able to influence royal ordinances. Other members asked whether the State intended to withdraw its reservations regarding article 15, paragraphs 2 and 3.

274. It was asked in what way the Government used the Nairobi Forward-looking Strategies for the Advancement of Women <sup>12/</sup> to put into practice the principles of equality between women and men. Further information was requested about the Secretariat of State for Social Emancipation, its staff, its budgetary allocations, its organization and the decisions it reached. Members inquired about the extent to which the many laws that had been promulgated recently promoted equality. An explanation of the hierarchy of legal command was sought. It was asked whether, in Belgium, it was international law, the Constitution or the Convention that prevailed.

275. As regards the many national mechanisms for the advancement of women, it was asked whether the number could be considered as positive and whether it would be reduced in future. It was also asked whether the many commissions were non-governmental organizations in an advisory capacity, whether their responsibilities overlapped, whether they had separate budgets, whether the courts asked for their assistance, whether they initiated amendments to Belgian legislation and what their relationship to the Secretariat of State for Social Emancipation was. Questions were raised as to whether the Commission on the Employment of Women was empowered to deal with matters relating to discriminatory treatment and unequal pay, and it was asked what impact the Ministerial Commission on the Status of Women had made, and how often the Prime Minister presided over its meetings. Information was requested on how easy it was to set up advisory commissions concerning matters of equality.

276. Further information was requested on the indirect discrimination mentioned in the report and on action planned by the Secretariat of State for Social Emancipation to prevent it.

277. It was asked whether discriminatory advertising was banned, what was being done about the advertising of toys and to prevent advertising using sex stereotypes in the media.

278. One member of the Committee inquired about the impact of the rulings by the Supreme Court

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<sup>12/</sup> Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

of the Judiciary and the highest administrative Court that the provisions contained in the Constitution prohibited all discrimination based on sex. Another member asked how often cases of violation of the equality of both parents were brought before the Juvenile Court and what the Court's rulings were. It was asked whether rape between spouses was considered a crime under the new draft law and whether proceedings could be initiated by the Public Prosecutor. Considering that the new definition of rape was very far-reaching, a member asked whether there was public opposition to the draft.

279. Further information was sought on the influence and effects of the measures initiated by the Ministry of National Education, such as the distribution of audio-visual material and school manuals to make youth aware of stereotyping based on sex. Members of the Committee inquired whether the major religion in the country constituted a hindrance to the efforts of the Government to promote equality between women and men.

280. Regarding the affirmative action programmes, it was asked whether a quota system had been introduced and, if so, why the number of women in political life was still low. A member of the Committee inquired about affirmative action programmes regarding the equality of treatment between women and men in economic life. Concerning affirmative action in the public sector, it was asked how the plans were drawn up and what the sanctions in the case of non-compliance were. Clarification regarding the affirmative action measures was requested and it was asked what the effects of their introduction in the civil service had been. It was asked whether any efforts were being made to increase the number of women in areas such as the armed forces, the police and the railway service. Information on the role women played in the army was requested. One member asked who funded the experts sent by the Government to private companies to monitor their compliance with affirmative action programmes, and what the sources of training were. Clarification was sought as to why the non-existence of a law prevented the implementation of temporary special measures in Belgium.

281. Members requested that, in subsequent reports, abbreviations should be avoided and the names of political parties spelled out. Details were requested of the membership and interests of the 250 women's associations referred to in the report, and it was asked how they worked together and how the co-operation between them and the various commissions functioned.

282. The Committee expressed its appreciation for the information provided in connection with violence against women and the measures that had been undertaken. It was asked whether any research had been undertaken to find out the causes for that violence, whether anything had been done to assess the results of the measures, and whether female victims of violence received support from the Government.

283. Members of the Committee suggested that measures for the elimination of prostitution might be undertaken. It was asked whether the Secretariat of State for Social Emaciation was dealing with the problem of prostitution and, if so, what measures had been undertaken so far, especially in view of the fact that Belgium had ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the General Assembly in 1949. It was also asked whether the Belgian Government had taken a stance in the matter of prostitution,

considering the prevailing attitude that prostitution contributed to the spread of AIDS.

284. Further details were requested on the seemingly contradictory statement in the report that women achieved good results in the parliamentary elections but that they were not sufficiently strong in the various parties. Further elaboration was requested of the statement in the report that women's organizations must organize themselves so as to bring pressure to bear on their political parties.

285. Questions were asked about steps to remove sex stereotyping from school textbooks and curricula, the number of single-sex schools, and it was asked whether the curricula of those schools were similar for boys and for girls and whether there was a tendency to maintain single-sex schools in view of the discussions in other countries about the negative effects of co-education on some age groups. One member of the Committee asked whether illiteracy existed in Belgium. Another member inquired whether there was a connection between the number of girls and boys registered in primary-, secondary- and university-level education, disaggregated by gender and occupation, and the number of women in non-traditional jobs. The question was raised whether girls should be encouraged to choose feminine or masculine careers and whether the choice of a typically masculine profession put women in a higher wage bracket. It was asked whether seminars for teachers were held at all levels of education. Members wanted to know which educational institutions the members of the royal family attended, and whether the school curricula were the same in the French and Flemish sectors of the country.

286. Several members of the Committee requested statistical data on unemployment, disaggregated by gender and age group, and on the number of women working part time. One member asked whether any action programmes ensured that a minimum number of women were employed. Others asked whether law provided for the establishment of gender-neutral criteria for equal pay. Data on the wage discrepancies between women and men were requested, as well as on studies in related fields. It was asked further whether any remedies had been recommended to remove the discrepancies.

287. Members asked whether legislation existed, or was envisaged, to combat sexual harassment in employment. It was also asked whether the question of a uniform age of retirement for women and men had been settled. It was asked whether men took paternity leave and whether there were sufficient child-care facilities. It was asked whether and for what reasons Belgium still maintained the prohibition of night work for women. Members inquired about the amount of remuneration women received during maternity leave.

288. Concerning the Civil Code, article 216, paragraph 1, under which it was possible for a spouse to prohibit the other from practicing a profession in certain circumstances, information on specific cases was requested. It was asked whether that provision did not constitute an obstacle to ensuring equality in the labour market and what the reasons for it were.

289. Data were requested on the number of illegal abortions in the country and abroad. Information was sought on the attitudes of the women's movement towards abortion. It was asked what the sanctions for women who had abortions were and under which conditions abortion was permitted. Members wondered how it was possible to prohibit abortion and yet not provide easy access to

contraceptives, and what was being done to prevent clandestine abortion. It was asked whether any laws existed in connection with the new medical techniques in human reproduction, and whether measures had been taken to protect the rights of women who had contracted infections through those techniques.

290. Details were requested about any action that might have been taken to improve the situation of farm operators' wives, who had no professional status.

291. Members of the Committee inquired about the minimum age of marriage for women and men, the possibilities of obtaining a divorce by mutual consent and, in view of the reference to concubines in the report, whether polygamy was practised in Belgium. A member asked whether adultery was a criminal offence and whether it would be abolished as a ground for divorce.

292. It was asked whether there were any plans to remove the discriminatory provisions concerning the family name of married mothers and of children born out of wedlock. Information was sought on the rights of children born out of wedlock. A further question referred to any possible problems that were encountered by the minority group of migrant women when submitting applications for marriage.

293. In reply to the questions and comments made by the members of the Committee, the representative of Belgium noted that as Belgium was a democracy, its laws were voted on by the parliament and reflected the wishes of the majority of its population. The Government initiated changes by persuasion rather than force and for that reason, it emphasized affirmative actions. The representative said that her country's reservation to article 7 was still valid, but its reservation to article 15 was purely theoretical, as it had been based on transitional measures that had ceased to have any effect. Despite the existence of a law, passed 1976, giving spouses the legal capacity to manage their properties equally, couples who wanted to adhere to the former had to state so before a notary within one year. No one, however, had made use of that right. Since 1977, the equality of matrimonial property rights had been established for both spouses.

294. As regards the hierarchy of legal authority, the representative explained that, in Belgium, international legal norms were enforced by the State, the communities or the regions by laws or decrees. International conventions directly affected the State concerned and the internal legal system.

295. The representative explained that the Advisory Commission on the Status of Women had been dissolved in December 1985. All the other commissions had distinct roles, as spelled out in the instruments that had established them. They could give advice only to the Minister to whom they were responsible. In order to avoid overlapping, the Secretariat of State for Social Emancipation summoned regular meetings of the presidents of the commissions, and all activities of the commissions were monitored by representatives of the Secretariat. The annual reports of the activities of the commissions showed that many laws were initiated on the basis of advice given by the consultative commissions. The competence of the Ministerial Commission on the Status of Women included the measures that had to be taken to ensure the equal treatment of women and men. As the Secretariat of State for Social Emancipation currently functioned as the secretariat of that Commission, it prepared its agenda, the groundwork for its decisions and supervised their

implementation. The Prime Minister presided over almost all of the meetings of the Commission.

296. Since its inception, the Secretariat of State for Social Emancipation had had its own budget and a separate administration. Its budget had grown from 12.8 million Belgian francs in 1986 to 65 million francs in 1989. It had had a temporary administrative staff of 10 persons since 1987.

297. With reference to the various campaigns that had been carried out in Belgium, the representative said that campaigns were not sufficient to change attitudes; the achievement of equality was a slow process and required repeated actions. The campaign on the harassment of women at the work place had elicited 1,750 letters and telephone calls and had led trade unions and employers' organizations to start dealing with the problem. As a result of the campaign on unnecessary violence, the gendarmerie and the police had received new instructions on how to deal with the victims. She said that it was still too soon to evaluate the results of the campaign to encourage young women to choose their studies according to the demand on the labour market. A campaign on the occasion of local elections in 1988 had resulted in a market increase in the number of women elected.

298. As regards the effectiveness of affirmative action programmes, to which Belgium attached great importance, the representative said that it was necessary to provide an adequate legal framework. The Secretariat of State for Social Emancipation concluded agreements with companies and put at their disposal experts who were funded from the budget of the Secretariat. Although the degree signed recently provided for obligatory affirmative actions in the public sector, no penalties were stipulated. The effectiveness of such actions was, however, closely monitored.

299. In order to enhance the image of women in the media, the Secretariat of State for Social Emancipation had recently signed an agreement for affirmative actions with the television channels.

300. The representative said that the women's organizations to which most women belonged were either Catholic, socialist or liberal organizations. In addition, women's groups defended women's interests inside each political party and other groups concentrated on special target groups. Most of the women's organizations suffered from financial constraints; they played the role of pressure groups, and most of them were represented on the Commission for Emancipation, which advised the Secretariat of State for Social Emancipation.

301. Prostitution was regarded as a private activity and was not prohibited, but the exploitation of prostitution and prostitution involving minors were offences under the law. Among the measures to be undertaken by the Secretariat of State for Social Emancipation, priority would be given to tax and social security measures for prostitutes.

302. In order to increase the presence of women in political life, the rule that the maximum representation of one gender in political bodies should not exceed two thirds had to be respected.

303. Private and public schools were co-educational, but in Belgium, as in many other countries, some persons were opposed to the co-educational system. The representative said that the Minister of Education had issued instructions to avoid sex stereotyping in school textbooks.

304. Owing to traditional prejudices, some employers were still not easily inclined to hire young women. The Secretariat of State for Social Emancipation, however, was trying to eliminate those prejudices through affirmative action programmes. The percentage of women in the labour force had risen from 33 per cent in 1970 to 40.7 per cent in 1987. Statistics by age group showed that the percentage of women who had remained in their jobs for periods of between 25 and 29 years and 30 and 34 years had risen markedly since 1970. Women constituted 57.6 per cent of the workers in the tertiary sector. The percentage of women in managerial positions in both the private and public sectors ranged from 10 to 12 per cent; 87 per cent of the part-time workers were women. The unemployment rate for women was 15 per cent and for men 7 per cent. Average wages for women were 25.6 per cent lower than those of men.

305. Women were entitled to a maternity leave of 14 weeks, during which they had the same net earnings as during periods of employment. Career breaks of six months to one year were possible; the maximum period for such breaks was five years. Currently, 84.7 per cent of the persons benefitting from career breaks were women aged between 25 and 39 years.

306. The prohibition of night work, to which Belgium was bound by the Convention Concerning Night Work of Women Employed in Industry (No. 89), adopted by the International Labour Organization in 1948, was currently under discussion. The tests for entrance to the army, the gendarmerie and the police had recently been adapted so that they did not discriminate against women. According to the most recent statistics, 3,500 women were in the army where they did mostly office work.

307. Belgium had an extensive child-care system with crèches, kindergartens and private families, who received subsidies. Up to 80 per cent of the related costs could be deducted from tax. There were still some problems with after-school day care and the care of sick children.

308. Regarding the subject of in-vitro fertilization, the representative said that the Government had set up a scientific council to study the fundamental ethical questions. Abortion was considered an offence, but the Government had initiated information programmes, taken measures to assist pregnant women in need and envisaged providing social security allowances to single mothers. The parliament was considering a possible amendment to the law on abortion. The new draft law envisaged conditions under which abortion was not considered an offence.

309. The representative said that, in the Criminal Code, provisions were included that made rape an offence. The definition of rape was, however, unduly restrictive, and a draft law was under discussion that would redefine rape and facilitate the prosecution of it. The new draft law would also make rape between spouses an offence.

310. The representative explained that the law on parenthood had recently undergone changes, which had ended the former discrimination against children born out of wedlock. Children born within and outside marriage had been given equal rights; with regard to the name of the child, a child born within marriage would bear its father's name. A child born outside of marriage would bear its mother's name if it was natural and acknowledged by its mother and if it was adulterine and acknowledged by its father. In the latter two cases, however, the child could bear the name of its natural or adulterine

father after acknowledgment by him and if the father and the mother declared to the registrar within one year that that was their wish.

311. One member noted the considerable difference in the unemployment rate for women and for men and asked whether the reasons for it were the practices of private companies, customs and traditions, the lack of technical and vocational training or because women could not compete with men in the labour market.

312. Members of the Committee welcomed all the measures undertaken by the Government and thanked the representative for the extensive replies provided.



## **CEDAW A/51/38 (1996)**

164. The Committee considered the second periodic report of Belgium (CEDAW/C/BEL/2) at its 300<sup>th</sup> and 301<sup>st</sup> meetings, on 26 January 1996 (see CEDAW/C/SR.300 and 301).

165. The report was introduced by the Permanent Representative of Belgium to the United Nations and by a representative from the Federal Government and one each from the Flemish and French communities. They underlined that the report under review, submitted in 1992, was outdated to some extent since the constitutional reform of 1994 had introduced a federal system, giving communities and regions the same standing as the federal authority.

166. The Committee was informed that reservations to article 7 and article 15 of the Convention would be withdrawn, since a new law had been adopted to enable women to exercise royal powers and changes in the Constitution had rendered void the reservation relating to marriage law. The withdrawal of these reservations would be undertaken, while reservations to all human rights instruments were being revised in keeping with the Vienna Declaration and Programme of Action.

167. Equality was a priority for the federal authority, the communities and the regions. Commitments on the promotion of the human rights of women made at an international and European level were taken seriously. To that end, several high-level posts had been established, including that of a Federal Minister for Equality, who was also Minister for Employment and Work and a Minister for Equality in the Flemish Government. In the French community, this matter falls directly under the competence of the Minister President, as the head of Government. Priority concerns were the eradication of violence against women, discrimination in employment, low levels of women in government decision-making, women's health, attitudes that perpetuated sex discrimination and stereotypes in the media.

168. To enhance participation of women in the economy and in decision-making, numerous measures of affirmative action had been taken. To increase the number of women in public life, a law had been adopted in 1994 that stipulated that the number of candidates of the same sex should not exceed two thirds on any electoral list. As a result, the percentage of women had risen from 10 to 12 per cent in the communal elections and from 6 to 8 women (32 per cent) in the elections for the European Parliament. The media is also an area where women's participation is particularly encouraged.

169. In order to combat violence against women, the Government had adopted a new law on rape, the definition of which included rape within marriage and homosexual relationships. A number of measures to avoid secondary victimization had been taken which included a sexual assault pack to be used in police stations and a campaign in the medical community to establish confidential medical certificates for victims. A landmark law had been adopted in 1995 on trafficking in human beings, which included provision for acts committed extraterritorially.

170. It was reported that voluntary interruption of pregnancy had been made legally possible under certain conditions for women in a state of distress and upon the confirmed written request of the woman. Counseling and information are also provided as part of preventive measures.

171. Representatives stated that women had access to credit and loans and could participate in all aspects of cultural life.

### Concluding comments of the Committee

#### Introduction

172. The Committee welcomed with satisfaction Belgium's detailed and exhaustive presentation, which reflected the significance the country attached to the Convention. The Committee likewise noted the updated information provided by the oral report, which complemented the written report, addressed the questions raised by experts and helped the Committee to appreciate fully the importance of more recent efforts to implement the Convention.

173. The Committee noted the efforts by the federal Government and the French and Flemish communities to share fully the richness and diversity of their experiences in promoting women's equality in their respective communities by sending representatives from all three to present the report.

#### Positive aspects

174. The Committee welcomed with appreciation Belgium's intention to withdraw its reservations to article 7, section (b), with respect to royal functions, and on article 15, with respect to matrimonial property of rural women.

175. The Committee viewed positively the broad representation of the Council of Equal Opportunities coming from various sectors such as non-governmental organizations, youth and other social partners.

176. The Committee lauded the Government for its multicultural orientation in its programmes on women, which respected cultural identities under the umbrella of a federal system.

177. The Committee expressed its satisfaction at the Government's clarification of the definition of rape to include marital rape and its campaign to combat violence against women by mobilizing the media for that purpose. It also appreciated government subsidies to shelters for victims of violence and the training programmes to sensitize law enforcement agencies in dealing with violence against women.

178. The Committee also noted the adoption of a landmark law against trafficking in persons, prostitution and pornography with extraterritorial applications, which was a decisive step by the Government of Belgium to address the issue of sexual exploitation of women.

179. The Committee welcomed the Government's efforts to adopt affirmative action measures, including legislative measures, to promote women's employment in senior positions in the public sector, as well as to nominate women as candidates for governmental advisory bodies.

180. The Committee noted with interest and satisfaction the increasing number of women in politics at the local level.

181. The Committee noted with interest the decriminalization of voluntary interruption of pregnancy and the observance of confidentiality in counseling women who may or may not opt for it, and welcomed the information that there had not been an increase in the number of requests for voluntary interruptions of pregnancy.

#### Principal subjects of concern

182. While lauding the efforts of the Government to promote women's equality, the Committee recognized the relatively low presence of women in public and political life, in high-level government positions, the diplomatic service, the military, political parties and trade unions.

183. The Committee also noted the continuing wage gap and workplace segregation between men and women, as well as the higher unemployment rates among women, leading to the phenomenon of the feminization of poverty.

184. The Committee noted that the interrelationships of the numerous national machineries for women at the federal and local levels might create problems of overlapping and coordination.

185. The written report lacked statistics and analysis of the articles and did not reflect the richness of the oral presentation.

186. Interest and concern were expressed by the Committee as regards efforts to address the needs of minority groups such as migrant women.

187. The issue of discrimination of women in social security and taxation is likewise of concern to the members of the Committee. The Committee was also concerned about the high number of women working part-time as compared to men and the hidden discrimination this represents.

#### Suggestions and recommendations

188. The Committee recommended that national machineries for women and other mechanisms of equality look into the possibility of a monitoring system to ensure effective coordination and to avoid discrepancies between regions.

189. The Committee suggested that more statistical data and analysis of the articles of the Convention be presented rather than a de jure presentation. Adequate data should be provided on rural women, time-use analysis of women in households, female-headed households and attitudes towards minority women of the Maghreb and African communities.

190. Measures should be taken to address the hidden discrimination in social security and taxation between different groups of women and to balance the number of women and men working part-time.

191. To address the wage gap, job re-evaluation and reclassification, with a view to upgrading women's job categories, should be explored.

192. The Committee suggested that the Government promote interest in women's participation in sports and in media coverage of such events.

193. Programmes and projects to address the needs of migrant women and other vulnerable women should be made available in the next report.

194. The Committee recommended that in the next report more factual information be given on the impact of the affirmative action policies of the Government and on the obstacles encountered during implementation.

195. The Committee also recommended close monitoring of the impact of the enforcement of the law against trafficking in persons, and that information on this be provided in the next report to be submitted to the Committee.

196. The Committee recommended to the Government of Belgium that it take measures to include the value of unremunerated work into the national accounting system in accordance with the Beijing Platform for Action.

## **CEDAW A/57/38 part II (2002)**

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".