



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Twenty-seventh session

Summary record of the 560th meeting

Held at Headquarters, New York, on Monday, 10 June 2002, at 3 p.m.

Chairperson: Ms. Acar (Vice-Chairperson)

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In the absence of Ms. Abaka, Ms. Acar, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined third and fourth periodic reports of Belgium (continued) (CEDAW/C/BEL/3-4, CEDAW/PSWG/2002/II/CRP.1/Add.1 and CEDAW/PSWG/2002/II/CRP.2)

1. *At the invitation of the Chairperson, Ms. Adriaenssens, Ms. Franken, Ms. Paternotte, Ms. Stevens and Ms. Verzele (Belgium) took places at the Committee table.*

2. **Ms. Verzele** (Belgium), continuing her replies to Committee members, said that in 2001 a pilot project on gender mainstreaming had been launched to monitor the implementation of the Beijing Platform for Action and the attainment of a number of objectives which had been outlined with a view to guaranteeing equal opportunities for women. The project was financed from the budget of the Federal Equal Opportunities Service and its advisers and administrators were drawn from various government ministries. An assessment of the pilot project one year later had highlighted the need for strong political will and greater sensitivity by government officials. Progress had been achieved, particularly in the civil service, where it had been decided that gender mainstreaming was the responsibility not only of the Minister for Equal Opportunities but of all other government ministries as well. The position of the Minister for Equal Opportunities near the top of the federal hierarchy gave added impetus to the process. Various initiatives by the regions and communities would be described later.

3. **Ms. Adriaenssens** (Belgium), speaking for the French-speaking community, said that in practice all professional titles and degree titles were feminized, and that feminized language was always used in drafting legislation. The Parliament elected in 1999 had established an inter-ministerial conference on literacy, which would deal with the literacy problems of migrant women. In response to Ms. Manalo's question, she said that the French-speaking community was coordinating the gender equality activities of its various ministries, and had formulated a plan on equal opportunities and submitted proposals to the

Government to that end. The Equal Opportunities Service of the French-speaking community operated on a budget of 756,000 euros, but specific projects were financed by the ministries concerned. The training of female executives would not happen overnight but was a long-term process.

4. She did not have figures available on the number of women in high-level posts in the press, or on female members of the Senior Audio-Visual Council. She would provide that information in writing, together with statistical information on the implementation of the code of ethics adopted in 1994 by various French-speaking television stations.

5. **Ms. Franken** (Belgium), speaking for the Flemish community, said that in Belgium equal opportunity structures had been designed with a view to carrying out in-depth activities in two separate and different cultural spheres for the benefit of the entire country and therefore did not constitute a derogation to the Convention. She believed there had been a misunderstanding with regard to gender mainstreaming in the Flemish community, which had been the first to launch mainstreaming efforts following the Fourth World Conference on Women, held in Beijing. The community had set up the Interdepartmental Commission on Equal Opportunities, and mainstreaming initiatives of the various departments were coordinated by the Equal Opportunities Unit in Flanders. It was not always an easy task; a delicate balance had to be struck between urging the various ministries to ensure mainstreaming within their own areas of competence and respecting their autonomy. In a reorganization within the Flemish community, the Prime Minister would also serve as Minister of Health, Welfare and Equal Opportunities, which would undoubtedly be a boon to the mainstreaming process. The budget had grown exponentially, from 120,000 euros in 1995 to 4.3 million euros in 2002. The Equal Opportunities Unit in Flanders did not work with women exclusively but rather targeted a number of other vulnerable groups as well, including migrants, disabled persons and children.

6. Various mainstreaming instruments had been developed, including legislation establishing quotas and mandating implementation of the Beijing Platform for Action and a questionnaire which set out fundamental considerations for policy-making from a gender perspective. A local gender impact assessment instrument had been developed two years later in 1999,

on the basis of lessons learned from the original questionnaire.

7. She agreed that perhaps the report emphasized implementation of the Beijing Platform for Action at the expense of the Convention itself. That was partly because of the legislation on implementing the Beijing Platform and partly because the Platform outlined clear and practical strategic goals for the Government, non-governmental organizations and other entities. Her Unit would make every effort to compensate for giving insufficient coverage to the implementation of the Convention.

8. Turning to Committee members' questions on migrant women, she said that the Flemish community was responsible for receiving migrants, finding shelter for them and helping them adapt to their new life. The Equal Opportunities Unit had established an organization to coordinate actions by all migrant women, from various ethnic groups. Many of them were housed in the Flemish House for Equal Opportunities, where they had access to a variety of government services. Studies showed that second- and third-generation migrant girls performed better in school than boys but that many did not pursue a higher education. In 1999, the Equal Opportunities Unit had launched a project, in conjunction with institutions of higher learning, to increase the number of migrant girls in higher education. A separate hotline had been set up for migrant women in need of assistance.

9. Replying to the question concerning the Unit's relationship with non-governmental organizations, she said that the Women's Council, which coordinated the work of the various women's organizations in the Flemish community, was allocated resources from her Unit's annual budget. The Unit had also conducted a workshop for the six existing Flemish women's organizations to obtain their input and offer them guidance where necessary.

10. There were 13 women on the 38-member Flemish Media Council, which complied with the legislation on quotas. Every effort was made to encourage the media to help transform mentalities without violating constitutional freedoms. An impact assessment of gender mainstreaming in the media would be completed by the end of the year. Zorra, an organization that acted as a watchdog for advertising and the media, had organized an e-mail forum for receiving complaints and attempted to discourage

advertisers from publicizing sexist material. She would give the Committee statistics on female journalists in a written response.

11. **Ms. Verzele** (Belgium) pointed out that *communauté flamande* should be translated as Flemish community, not Walloon community.

12. **Ms. Livingstone Raday** cautioned against using mediation to deal with violence against women, as it put pressure on the victims and perpetuated the problem by forcing all parties to compromise. She wondered whether the State party recognized that danger and had taken measures to offset it, for example, by restricting mediation to first-time offenders, or to offences where physical violence or psychological abuse had not been serious. She also wondered whether victims were provided with an independent advocate to represent them in proceedings.

13. **Ms. Gaspard** hailed the State party's introduction of legislation to increase the number of female candidates for elective office but noted that the number actually elected had not necessarily increased and that, in certain cases, even the minimum quota of candidates had not been met. She would appreciate a progress report on the revision of the progressive 1994 law promoting parity in electoral lists and stressed that, beyond participation in political life, women must also be integrated into the civil service and the advisory bodies, which played a strategic role in government. She wondered whether a 1990 law (revised in 1997) to increase the number of females on those advisory bodies was being properly implemented and what other measures the State party could take to that end.

14. Referring to article 8, she expressed concern at the decline in the number of women taking the foreign service entrance examination and wondered what action would be taken to remedy the situation.

15. **Ms. Achmad** said that she fully supported Ms. Gaspard's remarks and shared her concern. She wondered how the Belgian Government would ensure the sustainability of its affirmative action policies to increase women's participation in political life. Was it taking measures to ensure that leaders in Government, political parties and trade unions complied with the State party's obligations under the Convention? She echoed previous speakers' concern that the report did not focus on the Convention as the primary instrument to promote equality.

16. Turning to article 8, she welcomed the proposal to create a family officer in the foreign service to handle family-related problems of diplomats posted abroad, and the provision of day-care services in the Ministry of Foreign Affairs. Although such facilities constituted major support for female diplomats, she hoped that they would also be a means of encouraging men to shoulder a greater share of the responsibilities of family life. She praised the State party's approach to dealing with the media through dialogue and suggestion; perhaps that same approach would be effective with the Ministry of Foreign Affairs and even non-governmental organizations and labour unions.

17. **Ms. Kapalata** agreed wholeheartedly with Ms. Gaspard's questions and comments concerning articles 7 and 8. She welcomed the introduction of a quota system, which was a step in the right direction, and hoped that it would be extended to all levels of government. The report seemed to imply, under article 8, that it would take some time for female diplomats to attain the status necessary to become head of post. She called for special measures to expedite the process and hoped to see tangible results in the State party's next report.

18. **Ms. Tavares da Silva** asked whether there had been any provisions in the former electoral law to ensure that women candidates were not relegated to the lower places on electoral lists, and whether there had been any investigation as to why the number of women taking part in entrance examinations for the diplomatic service had declined sharply in recent years and what barriers women might be facing in that regard.

19. She added that the Beijing Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women were complementary; the former was a legal text, and the latter a policy document.

20. **Ms. Manalo** asked what was the policy in relation to situations where spouses were employed in the career diplomatic service, whether both partners were encouraged to continue their careers, and what was the situation when one of them was required to take up a foreign posting.

21. **Ms. Verzele** (Belgium) said that her delegation agreed with Ms. Tavares da Silva as to the respective roles of the Beijing Platform for Action and the Convention.

22. Her Government was well aware that gender equality should be a concern for men as well as women, and awareness and involvement by men must be improved, particularly in respect of family activities. A major campaign would be organized in 2003 in order to encourage that awareness and involvement, and her Government had recently adopted a new measure providing for paternity leave of 10 working days on the birth of a child.

23. The 1994 law on gender quotas on electoral lists applied to the composition of the lists themselves; it did not require that a particular result should be achieved. Given the functioning of the system of electoral lists under the Belgian system of proportional representation, candidates whose names appeared at the top of the list were more likely to be elected. Faced with reluctance by certain political parties, the Government had revised its draft legislation on the subject and introduced transitional provisions; the latter provided for women candidates to make up a quarter, rather than a third, of candidates on each list and suspended the requirement that one of the top three candidates on the list should be a woman. It was also true that, owing to regional peculiarities, it was more difficult for women candidates to be successful in the Walloon region.

24. On 30 May 2002, a new electoral law had been adopted. It would require that 50 per cent of candidates should be women and that men and women candidates should alternate in the first and second places at the top of each list; furthermore, that legislation did not include any transitional provisions. She drew the Committee's attention to the information on page 39 of the English-language text of her delegation's responses to the list of issues, concerning the composition of advisory bodies: about 28 per cent of the positions involved were now occupied by women. As for the decline in the numbers of women seeking to enter the diplomatic service, plans were being prepared for information campaigns to improve awareness among young women of the opportunities available to them; the Government also planned to increase the proportion of women on the juries for the corresponding entrance examinations.

25. **Ms. Stevens** (Belgium) said that the measures taken by the Ministry of Foreign Affairs to improve the representation of women in the diplomatic service included a day-care centre and the availability of a Family Officer. These services were available for use

by both women and men. Research was being undertaken to determine whether the fall in the numbers of women seeking to enter the diplomatic service might have been influenced by developments in the labour market as a whole. As for the position of spouses in the diplomatic service, she was not aware that there had ever been an attempt to discourage the spouse of a diplomatic officer from remaining in employment. A working group was looking into ways of helping the spouses of diplomatic officials posted abroad to continue to work; bilateral agreements with receiving States were one means of achieving that.

26. **Ms. Paternotte** (Belgium) said that steps had been taken to contact young women who had attended briefings on diplomatic careers but had decided not to take the entrance examinations, in order to determine the reasons for their decision. One reason was that young women desiring a diplomatic career seldom had a spouse who did not work. It would, however, be very difficult to explain why there were fewer women candidates in a specific year.

27. Responding to an earlier question relating to family mediation, she said that it was an experiment being conducted in the Brussels region. When the police were called to deal with a problem of domestic violence, they asked the two partners whether they wished to avail themselves of a mediation service. The mediation was offered not as an alternative to the usual investigation and prosecution but as a parallel, complementary service.

28. **Ms. Franken** (Belgium), turning to the issue of measures to improve the representation of women in decision-making positions in the Flemish region, said that a three-phase plan had been implemented for the local elections held in 2000. The first phase had involved invoking the federal legislation to increase the numbers of women candidates on electoral lists; the second phase had involved encouraging the public to vote for women candidates; and the third phase, implemented after the elections, had focused on political leaders, seeking to persuade them to give decision-making positions to women who had been elected. The number of women candidates elected had increased to 27 per cent, an improvement of seven percentage points over the previous elections, and there had been an increase in the numbers of women given executive mandates.

29. To follow up those achievements, a strategic plan had been established, consisting of two tracks: the first to empower women who had been elected, so that they were not left out of decision-making processes, and the second to prepare more women to become candidates in future elections. A project had been set up for the mentoring of women candidates who had been elected to the Community Councils, and a gender training course for politicians was being made available by a non-governmental organization. The influence of the media was also being used: press conferences with political leaders in Flanders were being organized, at which they were asked to explain what they were doing to empower women and increase the numbers of women candidates. A database had been set up to help advisory bodies to find suitably qualified women candidates, and a campaign was being conducted to place on the public agenda the problem of reconciling employment with family obligations. An instrument known as the “family and business audit” was being developed to enable employers to determine how “family-friendly” their organizations were; it would be ready by the end of 2002, and it was hoped that it would help to improve awareness.

Articles 10 to 14

30. **Ms. Corti** congratulated the reporting State on its health policies, particularly regarding HIV/AIDS. Recalling that the Committee had been informed that the problems of elderly women were the object of much debate in Belgium, she asked which specific aspects were being considered; in particular, she wished to know what measures and institutions existed to deal with the problem of solitude among older women; with the increase in life expectancy, the scale of that problem was growing.

31. **Ms. Abaka** expressed concern at the apparent lack of uniformity in compliance with obligations under the Convention, particularly in the area of health, in the country’s different regions. She also wondered who spoke for the inhabitants of the German-speaking area and of the Brussels region, and whether there was an independent body in Belgium which could coordinate all aspects of human rights throughout the country.

32. She expressed concern at the steady increase in teenage pregnancies. Although the abortion statistics were not very high, she noted that some of the females undergoing abortions were between the ages of 14 and

16, and wondered whether some of those early pregnancies might be due to rape or incest. In the case of 18-year-old women having abortions, she asked what proportion of them were single and married, how many were still studying and how many were employed. She also asked what had been the impact of the campaign launched in the French community in 2000 to promote awareness of contraceptive methods among adolescents.

33. **Ms. Kwaku** asked what was the percentage of women with disabilities in Belgium, and what measures and provisions existed to assist and protect them.

34. **Ms. Livingstone Raday** said that the report showed considerable sensitivity to analysing the problem of gender discrimination in a sex-neutral manner, and included data on discrimination against men in certain areas such as employment. She wondered whether that sensitivity was not somewhat premature, since the overall picture showed that women were disadvantaged in what was still a patriarchally structured labour market, as well as in politics and in their subjection to violence. There was a danger in presenting men's problems in such a symmetrical way when the goal of eliminating systemic discrimination against women was far from having been achieved.

35. Turning to the need to reform professional classifications and ensure equal pay for work of equal value, she asked the reporting State to specify whether it had pursued an aggressive legal policy on such matters, and whether any cases had been brought before the courts.

36. **Ms. Goonesekere** noted that, according to the State party's report, Belgium did not have a systematic compilation of jurisprudence on gender discrimination. It appeared that some legal concepts implicit in Belgian law were not fully in conformity with the Convention. For example, sexual abuse was treated as a problem of morals, whereas it should properly be treated as the infringement of the right to security of person; the crime of procuring was defined by the legal criterion of abnormal profit, suggesting that it was permissible to make a "normal profit" by exploiting the prostitution of others. In many countries a body of feminist jurisprudence and an understanding of law in relation to gender discrimination had been the product of the efforts of women lawyers and academics. She

was therefore particularly interested in knowing what was being done to further women's access to legal education.

37. According to the report, in practice girls did not have the same educational opportunities as boys. Since the Federal Government was party to the Convention but the Communities had responsibility for education, she wondered whether the Federal Government had a definite say in educational policy and a monitoring role to ensure that article 10 of the Convention and indeed article 24 of the national Constitution were respected.

38. She noted Belgium's valuable contribution to enhancing the status of women in developing countries through its Commission on Women and Development in the Ministry for Cooperation and Development. She wondered what influence Belgium could bring to bear on the international financial institutions to make their policies more gender-sensitive.

39. **Ms. Gaspard** said, in regard to education, that in the next report the Committee would like to have aggregated statistics for the nation as a whole and comparable data across communities. The Committee would also like to be told not just about the policies adopted but also about the results achieved. Although women were doing well in terms of university attendance, there were still few women in higher posts and decision-making positions in education.

40. With regard to employment, she was disturbed by the high unemployment rate among women and hoped in the next report to see information about the results of remedial action taken. She was greatly concerned about the high percentage of women in part-time work, which would have a serious impact on their retirement income. In that regard, she would like to know whether any progress had been made with individualization of social security entitlements. It was also disturbing that, despite considerable government efforts, the pay disparities between men and women still ranged from 25 to 30 per cent.

41. In the next report the Committee would appreciate information on the health situation of migrant women. In view of the sweeping reform of the tax system in Belgium, studies should be done on the impact of the changes on women, especially on single women heads of household.

42. **Ms. Paternotte** (Belgium), in response to the questions about the health of older women, said that

health care was the shared responsibility of the Federal Government and the communities. One of the strategic goals of the Ministry of Health was to enable the handicapped and older persons to remain in their homes as long as possible and avoid institutionalization. The aim of the Ministry's project was to coordinate and develop the structures that were already in place. Although there were no government programmes specifically addressing the needs of older persons living alone, there were many non-governmental organizations with such programmes, including hot-lines for emergencies. With regard to the handicapped, at the federal level assistance primarily took the form of disability payments under the social security system, but the regions had other assistance programmes to enable the handicapped to lead normal lives and if possible to rejoin the work force.

43. With regard to equal pay, Belgium had the proper laws, but de facto disparities existed, as the report had frankly stated. Studies had been undertaken to find out why. Pay disparity indicators had been developed, and it had been concluded that much of the problem lay in the classifications of job functions. The Government was working with its social partners to correct the situation, and it was anticipated that by 2006 a new system of occupational classifications by industry would be in place; failing agreement in a given industry, new classifications could be imposed. There were some court decisions on equal pay, but they tended to date back in time, since they had all been filed only after the person concerned had left the job.

44. The Government was concerned by the high unemployment rate among women. To some extent the figures were skewed by the fact that the long-term unemployed were not dropped from the count. There had been a reduction in some types of female unemployment over the past two years. Like the other European countries, Belgium had a national employment plan that aimed at employment for all but placed special emphasis on quality jobs. Many of the measures under that plan were particularly relevant to women, because they specifically targeted the long-term, the older and the low-skilled unemployed. There were also special programmes for first-time entrants in the job market and help for recipients of the minimum subsistence allowance, many of them single women with children, in re-entering the work force.

45. **Ms. Verzele** (Belgium) said that the project of removing inequalities from the tax system was still

ongoing; the Ministry of Finance was studying the matter carefully and there would undoubtedly be more information to give in the next report. With regard to development aid, Belgium was a staunch advocate of equality of opportunity. The communities and regions had sole responsibility for education, but it should be understood that they, as well as the Federal Government, had to approve international treaties before they could be ratified by Belgium, so that they were also committed to implementing the treaty provisions. Although no representative of the German-speaking community was present, it had contributed to the report. The delegation did not have a profile of the teenage girls who had opted for abortions, but the numbers were relatively small. For the next report the matter could be researched more thoroughly, and in general the delegation would try to provide the kind of statistics the Committee wanted.

46. **Ms. Franken** (Belgium), speaking for the Flemish community, said that the community's programmes for older women were chiefly targeted at the feminization of poverty. The community had policies for the handicapped in general, although not specifically for women, and the emphasis was on integration into society. With regard to legal studies, in 1998 women had accounted for 52.9 per cent of law students and 52.4 per cent of recipients of the first law degree, 49.3 per cent of students in postgraduate law specialization programmes, but only 11.7 per cent of recipients of the doctoral degree in law. With regard to fuller statistics, the Equal Opportunities Unit in Flanders was already working intensively to improve statistics and indicators and would be able to provide more in the next report. She had some new statistical fact sheets with her which were available to any interested Committee members.

47. **Ms. Adriaenssens** (Belgium), speaking for the French-speaking community, said that the delegation would respond shortly in writing to the Committee's request for an evaluation of the results of the information campaign on contraception targeted at adolescents in 2000. In the area of education, under the Belgian federal system the Federal Government did not have enforcement powers, since the communities had sole responsibility for education. That said, the inter-ministerial body established in 2002 for gender mainstreaming was certainly concerned, among other things, with encouraging the elimination of stereotypes in the educational system. She had brought with her

some recent sex-disaggregated statistics on numbers of graduates and teaching staff. In the French community some studies were nearing completion on access of women to decision-making posts in universities, and the information would be sent to the Committee.

48. **Ms. Verzele** (Belgium) said that the Belgian Government was indeed very concerned about the increase in part-time work but was making efforts to ensure that such workers were also covered by social insurance. With regard to the question concerning exploitation of prostitution, the concept of “abnormal profit” applied solely to room rental; a hotelkeeper could be said to be guilty of exploitation, or “hotel pimping” if he charged a prostitute more than the going rate for a room. Her delegation could provide a fuller explanation in writing.

Articles 15 and 16

49. **Ms. Goonesekere** asked whether it was a matter of law or of custom for a child to bear the father's name if paternal filiation was established. She was interested to know whether non-marital cohabitation was recognized for any legal purposes. She would appreciate further clarification about the restrictions on recognition of repudiation under Muslim law and wondered if other provisions of traditional law, such as minimum age of marriage, were also recognized.

50. **Ms. Gaspard** said that she was concerned about the recognition of repudiation in Belgium. Recognition of traditional law was a problem that faced many European countries. Some resolved it by applying the law of the country of residence and others by applying the law of the country of origin. The latter put women at a considerable disadvantage.

51. **Ms. Corti** said that she seconded the question raised by Ms. Goonesekere and Ms. Gaspard.

52. **Ms. Abaka** said that she, too, wished to associate herself with the questions already raised. In addition, she would like to know the reasons for the increase in divorce rates apparent in the statistics presented by the delegation.

53. **The Chairperson**, speaking in her personal capacity, said that she, too, would like to understand the thinking behind recognition of repudiation. For migrant women, conservative community pressures added an additional layer of discrimination to that

which all women faced, especially if they were supported by the authorities.

54. **Ms. Schöpp-Schilling** asked the delegation to clarify how the Belgian Constitution regulated the obligations of the Federal Government with regard to the implementation of international law and how that responsibility was to be reflected in its relations with the regions and communities.

55. **Ms. Verzele** (Belgium) said that the family name given to a child was prescribed by the Civil Code. However, a proposal was under discussion in Parliament to allow a choice of father's or mother's name or both, hyphenated, although for practical reasons it was felt that all the children of a couple should have the same last name.

56. Repudiation was regarded as a judicial decision taken by a foreign authority which would not be recognized in Belgium if the repudiated spouse had not been present when the repudiation was declared or had been present but had not consented beyond a doubt and without duress; if one of the spouses was residing in Belgium at the time repudiation was declared; or if the repudiated spouse was a Belgian citizen. The Government sought to avoid “tourist” repudiation, whereby the husband would leave Belgium and on his return inform his wife that she had been repudiated. Repudiation was essentially alien to Belgian law. However, there were situations, for example when a woman who had been repudiated wished to remarry in Belgium, in which it was to a woman's advantage to have the Government recognize her divorced status.

57. The reasons for the increase in divorce had not, to her knowledge, been studied, but the introduction of consensual divorce might explain some of the increase. An international treaty or convention was signed by the Federal Government, but ratification required the approval of all the Councils of the communities and regions, which were then bound to implement it in their areas of competence.

58. **Ms. Adriaenssens** (Belgium) said that, in the case of the Optional Protocol to the Convention, for example, which related to mixed areas of responsibility, the ratification procedure required the Federal Government to submit to the communities and regions the text of the Protocol together with an explanation of the reasons for signing it. After hearing the opinion of the Council of State, the communities

and regions might approve the text and only then could it be ratified.

59. **Ms. Paternotte** (Belgium) said that cohabitation was recognized for all legal purposes, including social security and other taxation matters, if the two parties living together signed and filed a declaration of cohabitation with the municipality where they lived.

60. **The Chairperson** thanked the delegation and said that the Committee hoped that the next report would include more statistics and additional information on the issues highlighted. The Committee looked forward to Belgian ratification of the Optional Protocol and the amended article 20, paragraph 1, of the Convention.

The meeting rose at 5.20 p.m.