



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding observations of the Committee on the Elimination of Discrimination against Women: Belgium

1. The Committee considered the fifth and sixth periodic reports of Belgium (CEDAW/C/BEL/6) at its 852nd and 853rd meetings, on 21 October 2008. The Committee's list of issues is contained in document CEDAW/C/BEL/Q/6 and the responses of Belgium in CEDAW/C/BEL/Q/6/Add.1.

Introduction

2. The Committee commends the State party for its combined fifth and sixth periodic reports and welcomes the written replies to the questions of the Committee's pre-session working group and the responses to a number of additional questions posed during the constructive dialogue.

3. The Committee commends the State party on its large delegation but regrets that no high-level political representatives were included in the delegation, as this would have further enhanced the dialogue that took place between the delegation and the members of the Committee.

4. The Committee expresses appreciation for the inclusion of representatives from the Flemish Region and Community, the French-speaking Community and the Walloon Region in the delegation but regrets the absence of representatives of the German-speaking Community.

5. The Committee commends the State party for its comprehensive report, including information on the implementation of the Convention in different federated entities, and notes with appreciation several good practices implemented in different Communities, such as the quota regulation to achieve equal representation of men and women in advisory and managing bodies in the Flemish Administration.

6. The Committee notes with appreciation that the State party acceded to the Optional Protocol to the Convention in June 2004.



Positive aspects

7. The Committee commends the State party for its efforts to strengthen gender equality and women's rights in Belgium through a wide range of laws, policies and programmes. In particular, the Committee welcomes the National Action Plan against Conjugal Violence, the adoption of a law on 12 January 2007 supervising the implementation of the resolutions adopted at the Fourth World Conference on Women in Beijing in September 1995 and integrating the gender dimension in all federal policies, as well as the establishment of parity in electoral lists as a result of the amendment of the Constitution.

8. The Committee welcomes the establishment by the State party of several institutions specializing in human rights, including the human rights of women and girls, such as the Institute for the Equality of Women and Men, the Centre for Equal Opportunity and the Struggle against Racism and the National Commission for the Rights of the Child.

Principal areas of concern and recommendations

9. The Committee recalls the State party's obligation systematically and continuously to implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to the Federal Parliament, to all relevant federal ministries, to the governments and parliaments of the Flemish-, French- and German-speaking Communities and of the Flemish, Walloon and Brussels-Capital Regions and to the judiciary, so as to ensure their full implementation.

Previous concluding observations

10. The Committee regrets that some of the concerns it expressed and the recommendations it made (see A/57/38, part two) after its consideration of the State party's combined third and fourth reports (CEDAW/C/BEL/3-4) have been insufficiently addressed, for instance those regarding the visibility of the Convention, the effective coordination of the efforts of numerous federal and local structures to implement the Convention, the participation of men and women on an equal footing in the political sphere and the wage discrimination faced by women in the public and private employment sectors.

11. The Committee urges the State party to make every effort to address the previous recommendations that have not yet been implemented, in particular those regarding the visibility of the Convention, the effective coordination of the efforts of numerous federal and local structures to implement the Convention, the participation of men and women on an equal footing in the political sphere and the wage discrimination faced by women in the public and private employment sectors, as well as the concerns contained in the present concluding observations.

Parliaments

12. **While reaffirming that the Federal Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and all federated entities and invites the State party to encourage its national Parliament and the parliaments of the regional and community entities, in line with their procedures, where appropriate, to take the steps necessary to implement the present concluding observations and in connection with the Government's next report under the Convention.**

National machinery for the advancement of women

13. The Committee, while recognizing the adoption of a wide range of gender equality policies, is concerned that a certain number of those policies and projects, such as the federal law of 10 May 2007 aimed at combating discrimination and amending the law of 15 February 1993 creating a Centre for the Equality of Opportunity and the Struggle against Racism; the Flemish Parliament Act of 8 May 2002 on proportional participation in the labour market; the "active fathers" project (sensitization and promotion of a paternity leave); the DIANE project, co-financed by the European programme, regarding female entrepreneurship; and the policy of combating violence initiated within the Ministry of Defence, have yet to be implemented or evaluated.

14. **The Committee urges the State party to fully implement all policies that have been adopted, such as those mentioned above, and to make an assessment of the impact of the measures already implemented with a view to making improvements in its next periodic report.**

15. While recognizing that the existence of a large number of federal, Community and regional structures on the advancement of women is directed towards ensuring focused attention on the implementation of women's rights in the country, the Committee notes that those structures, with different levels of autonomy and authority, lack coordination and thus may affect accountability and the State party's responsibility regarding the uniformity of results in the implementation of the Convention.

16. **The Committee urges the State party to ensure, through the effective coordination of the structures at all levels and in all areas, that uniformity of results in the implementation of the Convention is achieved throughout the State party's territory. The Committee recommends that the State party provide in its next report a comprehensive picture offering a synthesis of all policies and measures applied at the federal, regional and Community levels.**

Legal status of the Convention

17. The Committee is concerned that the Convention has not been given central importance as a binding human rights instrument and as a basis for the elimination of all forms of discrimination against women and the advancement of women in the State party. In this connection, the Committee is concerned about the absence of direct reliance on the Convention by litigants, lawyers and judges, although its provisions are in principle directly applicable.

18. **The Committee encourages the State party to recognize the Convention as the most pertinent, broad and binding international legal instrument in the sphere of the elimination of discrimination against women. It furthermore urges the State party to take measures to further increase awareness about the Convention and the Optional Protocol thereto. It requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol, its general recommendations and its views adopted under the Optional Protocol. The Committee further recommends that the State party take effective measures aimed at the training of judges, lawyers and other members of the legal profession and provide a detailed compilation of jurisprudence based on the Convention in its next report.**

Participation in political and public life

19. While recognizing impressive progress in the participation of women in political and public life resulting from the implementation of a 1994 law to promote the balanced representation of men and women in lists of electoral candidates, the Committee is concerned that in some cases, the quotas provided for under that law have not led to the expected results. In addition, the Committee is concerned that the goals set in the Royal Decree of 1990 regarding mandatory quotas in the public service have not been achieved and that the legal provisions of the Decree are neither commonly used nor replaced by a new law in some Communities and regions. The Committee recognizes the initiatives aimed at promoting women at the decision-making level, such as the action plan on diversity adopted by the federal public service and aiming to fill one third of all senior federal public service positions with women, but notes with concern that those standards are still far from being achieved.

20. **The Committee calls upon the State party to ensure that women and men are able to participate on an equal footing in the political sphere and in the public affairs of the State. It urges the State party to introduce a range of legal, political and administrative measures, in accordance with the provisions of article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in order to improve the access of women to decision-making and their equal representation in all political, elective and administrative functions. The Committee further recommends that the State party take the steps necessary to increase the percentage of women occupying leadership positions in all sectors of the society and to make regular assessments of the effectiveness of those steps.**

Diplomatic representation

21. The Committee is concerned about the lack of women's representation in the diplomatic service since women comprise only 13.5 per cent of diplomats.

22. **The Committee urges the State party to accelerate its efforts to increase the presence of women in the diplomatic service using temporary special measures in line with the provisions of article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 and through other measures, such as information campaigns in universities targeting female students, and to report on the progress achieved in its next periodic report.**

Stereotypes

23. The Committee expresses concern about the persistence of stereotypes in the society and manifested, for example, in advertising and the media regarding the role of women and that numerous studies, campaigns and programmes aimed at the elimination of such stereotypes have not produced a significant change in attitude. In this respect, the Committee expresses concern about the persistence of stereotypes among young people and the lack of targeted educational programmes and of a revision of curricula and textbooks, as well as the lack of teacher training to eliminate such stereotypes.

24. The Committee calls upon the State party to strengthen its efforts to eliminate stereotypical images and attitudes regarding the roles and responsibilities of women and men that perpetuate direct and indirect discrimination against women. These should include, in a coordinated fashion, educational measures at all levels, such as the revision of school textbooks and curricula for teacher training and awareness-raising campaigns directed at girls and boys, parents, women and men, designed with the involvement of the media and civil society. The Committee also calls upon the State party to undertake an assessment of the impact of those measures in order to identify shortcomings, to improve the measures accordingly and to provide detailed information on the results of the measures in its next report.

Employment, economic empowerment

25. The Committee is concerned about the persistence of a wage gap between men and women workers in both the public and private sectors, the continuing sex-based occupational segregation and the high number of women in both voluntary and involuntary part-time and temporary jobs, all of which are a reflection of role stereotypes. The Committee is further concerned about the discrimination women face concerning issues of social security, in particular regarding unemployment benefits.

26. The Committee calls upon the State party to intensify its measures to make sure that women have access to full-time and permanent jobs and to achieve equal pay for work of equal value. The Committee recommends that the State party continue to implement measures aimed at changing social stereotypes that encourage discrimination against women and impede their egalitarian performance in society, in particular through education, training and awareness-raising campaigns. The Committee urges the State party to analyse gender discrimination related to social security issues, to remedy such discrimination and to provide detailed information on measures taken and a thorough analysis of their impact on women in its next report.

Discriminatory laws

27. The Committee is concerned that the State party's law on family names discriminates directly against women in that it does not allow a married woman or a woman living in de facto union with a man to give her family name to her children.

28. The Committee calls upon the State party to modify its legislation on family names in line with article 16 of the Convention so as to guarantee equal rights of women and men to transmit their family names to their children.

Violence against women

29. The Committee reiterates its concern, expressed in its previous concluding observations, about the fact that Belgium's Criminal Code qualifies sexual abuse as a crime of morality rather than as a violent crime.

30. The Committee calls upon the State party to intensify its efforts to modify the Criminal Code with a view to qualifying sexual abuse as a violent crime rather than as a crime against morality.

31. While welcoming the various measures undertaken by the State party to combat and eliminate violence against women, such as the adoption of the National Action Plan against Conjugal Violence, the Committee remains concerned about the lack of information regarding convictions and penalties on violence against women. The Committee notes with concern the absence of a comprehensive and coordinated national strategy and programme to combat all forms of violence against women and girls.

32. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women in accordance with the Committee's general recommendation 19 on violence against women. The Committee calls upon the State party to ensure the full implementation of legislation on violence against women, as well as the prosecution and conviction of perpetrators. In line with its previous concluding observations of 2002, the Committee also calls upon the State party to adopt and implement a unified and multifaceted national strategy to eliminate violence against women and girls, which would include legal, educational, financial and social components. The Committee recommends the expansion of training activities and programmes for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, teachers and health-service providers, so as to sensitize them to all forms of violence against women and girls and to provide adequate support to victims. It recommends the expansion of public awareness-raising campaigns on all forms of violence against women and girls. The Committee also requests the State party to enhance its cooperation with non-governmental organizations working in the area of violence against women. The Committee also requests that the State party include in its next periodic report detailed information on the number and nature of reported cases of violence against women, on convictions and the types of sanctions imposed on perpetrators, and on assistance and compensation provided to victims.

National human rights institution

33. The Committee regrets that, despite the recommendation in its previous concluding observations and as also highlighted by other treaty bodies, an independent national human rights institution with a wide mandate in the field of the protection and promotion of women's human rights, in accordance with the Principles relating to the status of national institutions (see General Assembly resolution 48/134, annex), has not yet been pursued.

34. The Committee recommends that the State party establish within a clear time frame an independent national human rights institution in accordance

with the Principles, whose competencies will include issues related to the equality of women and men.

Vulnerable groups of women

35. The Committee expresses its concern that the ban of headscarves in schools may increase the discrimination faced by girls from ethnic and religious minorities and may impede equality of access to education.

36. The Committee recommends that the State party pay special attention to the needs of girls belonging to ethnic and religious minorities and ensure that they have equal access to education as well as promote a genuine dialogue with and within ethnic and religious communities aimed at the formulation of a common approach to the ban of headscarves in schools.

37. While welcoming several measures intended to ensure the protection of women asylum-seekers, such as the publication of a booklet entitled “Women in the Asylum Procedure: Information for Women Asylum Applicants”, the Committee is concerned about the situation of women asylum-seekers, especially the fact that often they do not receive assistance from female public officials and that frequently the interpreters provided for the interviews are men. These facts create serious impediments to women asylum-seekers when talking about sexual abuse.

38. The Committee urges the State party to guarantee that female public officials and interpreters are present during request and appeal proceedings of female asylum-seekers.

39. The Committee is concerned about the continuing discrimination against immigrant, refugee and minority women, who suffer from multiple forms of discrimination on the basis of sex and ethnic or religious background, both in society at large and within their communities. The Committee regrets the very limited information provided in the reports with regard to violence against immigrant, refugee and minority women and girls.

40. The Committee urges the State party to take effective measures to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. It urges the State party to respect and fulfil the human rights of women and to take effective measures, including awareness-raising programmes, to combat patriarchal attitudes and the stereotyping of roles. The Committee also recommends that the State party undertake research on all forms of violence against immigrant, refugee and minority women and girls and implement policies and programmes to address those human rights violations adequately.

Trafficking

41. While commending the State party for the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to the United Nations Convention against Transnational Organized Crime, the Committee is concerned that the root causes of trafficking are not addressed sufficiently by the State party, that resources allocated to this problem are still insufficient and that a comprehensive and coordinated plan at the national level is missing. The Committee is furthermore concerned about insufficient international cooperation in bringing perpetrators to justice. The Committee expresses its concern

about the fact that Belgium grants specific residence permits only to those victims of trafficking in human beings who collaborate with the judicial authorities.

42. The Committee urges the State party to ratify the Council of Europe Convention on Action against Trafficking in Human Beings, signed in 2005, and to continue to take all appropriate measures to combat all forms of trafficking in women and children in line with article 6 of the Convention. In this respect, the Committee urges the State party to focus not only on criminal justice measures and the prosecution of traffickers, but also on the protection and rehabilitation of victims of trafficking. It encourages the State party to increase its efforts to combat the root causes of trafficking, to enhance international cooperation, especially with the countries of origin to ensure effective prosecution, to assist the victims through counselling and reintegration efforts and to ensure that adequate resources (human and financial) are allocated to policies and programmes in this area. The Committee urges the State party to ensure the provision of adequate support services to victims, including those who do not cooperate with the authorities, and invites the State party to give consideration to granting victims of trafficking temporary permits to remain in the country.

Family life

43. While noting that the State party has placed the issue of forced marriage on its political agenda for the past few years and that it approved a law, on 10 March 2006, that established sanctions of imprisonment for those who coerce or attempt to coerce someone to contract marriage and provides for the annulment of such forced marriage, the Committee is concerned at the extent of those practices and the scope of the phenomenon of forced marriage in Belgium.

44. The Committee requests the State party to continue its efforts to eradicate those practices and to include specific data and information about forced marriage and assess the impact of those measures in its next report.

Non-governmental organizations

45. While commending the State party for drafting its report after meeting with different actors of civil society, particularly associations of women and syndicates, the Committee is concerned that insufficient consultations were held with non-governmental organizations working in the field of human rights.

46. The Committee calls upon the State party to ensure regular consultations with non-governmental organizations in the elaboration, implementation and evaluation of policies aimed at achieving gender equality and to generate regular dialogue with non-governmental organizations in connection with the drafting of its next periodic report.

Data collection and analysis

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

48. **The Committee recommends a comprehensive compilation and analysis of sex-disaggregated data as relevant under federal, Community and regional authorities.**

Beijing Declaration and Platform for Action

49. **The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

Millennium Development Goals

50. **The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

Ratification of other treaties

51. **The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Belgium to consider ratifying the instruments to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.**

Dissemination

52. **The Committee requests the wide dissemination in Belgium of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee requests the State party to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third**

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”.

Follow-up to concluding observations

53. The Committee requests the State party to provide, within two years, detailed written information on the implementation of the recommendations contained in paragraphs 28 and 30 above.

Date of next report

54. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, as scheduled, in October 2012.
